

Chapter #1 GENERAL PROVISIONS

100.01 CITY CODE.

Subd. 1. **How cited.** This code of ordinances shall be known as the Pierz City Code and may be so cited.

Subd. 2. **Additions.** New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this code, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the clerk, in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words “the effective date of this ordinance”, and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 3. **Numbering.** Each section number of this code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.

Subd. 4. **Title headings; cross references.** Chapter, part, section, subdivision, and other titles shall not be considered part of the subject matter of this code but are intended for the convenience only and not necessarily as comprehensive titles.

Subd. 5. **Copies.** Copies of this code shall be kept in the office of the clerk for public inspection or sale for a reasonable charge.

100.02 RULES OF INTERPRETATION

Subd. 1. **Generally.** Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

Subd. 2. **Specific rules of interpretation.** The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

Subd. 3. **AND or OR.** Either conjunction shall include the other as if written “and/or,” whenever the context requires.

Subd. 4. **Acts by assistants.** When a statute, code provisions, or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

Subd. 5. **Gender; singular and plural; tenses.** Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

Subd. 6. **General term.** A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

100.03 DEFINITIONS.

Subd. 1. **General.** Unless the context clearly indicated otherwise, the following words and phrases have the meaning given them in this section.

Subd. 2. **City.** "City" means city of Pierz

Subd. 3. **State.** "State" means the State of Minnesota.

Subd. 4. **Council.** "Council" means the city council.

Subd. 5. **Clerk.** "Clerk" means the city clerk.

Subd. 6. **Person.** "Person" means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

100.03 ERRORS AND OMISSIONS

Subd. 1. **Errors and Omissions.** If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

100.04 OFFICIAL TIME

Subd. 1. **Definition.** The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

100.05 REASONABLE TIME

Subd. 1. **Definition.** In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice. The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

100.06 ORDINANCES REPEALED

Subd. 1. **Definition.** This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

100.07 ORDINANCES UNAFFECTED

Subd. 1. **Definition.** All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

100.08 REPEAL OR MODIFYING ORDINANCES

Subd. 1. **Definition.** Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

Subd. 2. **Suit.** No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force, unless it is otherwise expressly provided.

Subd. 3. **General.** When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

100.09 ORDINANCES WHICH AMEND

Subd. 1. **Amend.** If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

Subd. 2. **Addition.** Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

100.10 ENFORCEMENT

Subd. 1. **Peace Officer.** Any licensed peace officer of the city's Police Department, the County Sheriff or any Deputy Sheriff, shall have the authority to enforce any provision of this code.

Subd. 2. **Clerk.** As permitted by M.S. § 626.862, as it may be amended from time to time, the City Clerk-Treasurer shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk-Treasurer or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

Subd. 3. **Inspection.** The City Clerk-Treasurer and any city official or employee designated by this code who has the responsibility to perform a duty under this code, may, with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

Subd. 4. **Probable Cause.** If the licensee, owner, resident or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk-Treasurer, peace officer or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there is probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

Subd. 5. **Permit.** Every licensee, owner, resident or other person in control of property within the city shall permit, at reasonable times, inspections of or entrance to the property by the City Clerk-Treasurer or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident or other person in control of the property shall be given an opportunity to appear before the City Clerk-Treasurer to object to the termination before it occurs, subject to appeal of the Clerk-Treasurer's decision to the City Council at a regularly scheduled or special meeting.

Subd. 6. **Emergencies.** Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

100.11 STATUTORY RULES ADOPTED. The definitions and rules of constructions, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645, are adopted by reference and made a part of this code. As so adopted, referenced in that chapter to laws

and statutes mean provisions of this code and references to the legislature mean the council.

100.12 EXISTING RIGHTS AND LIABILITIES. The repeal of prior ordinances and adoption of this code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this code. Insofar as provisions in this code are substantially the same as pre-existing ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done; offense committed; or right accruing; or liability, penalty, forfeiture, or punishment incurred or assessed prior to the effective date of this code is not affected by the enactment of the code.

100.13 HEARINGS.

Subd. 1. **General.** Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subd. 2. **Notice.** Every hearing shall be preceded by 10 days mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subd. 3. **Conduct of hearing.** At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceedings. The council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

Subd. 4. **Record.** Upon the disposition of any matter after hearing, the council shall have prepared a written summary of its findings and decisions and enter the summary in the official council minutes.

100.14 PENALTIES.

Subd. 1. **Petty misdemeanor.** Whenever an act or omission is declared by this code to be a petty misdemeanor any person violating the provision shall, upon conviction, be subject to a fine of not more than \$300.00.

Subd. 2. **Misdemeanors.** Unless another penalty is expressly provided in this code, any person violating any provision of this code, or any rule or regulations adopted in the pursuance thereof, or any other provision of any code adopted in this code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than \$1000.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the cost of prosecution.

Subd. 3. **Separate violations.** Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subd. 4. **Application to city personnel.** The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

100.15 SEVERABILITY. If any portion of this code or part thereof hereafter enacted is held invalid or

suspended, such invalidity or suspension shall not apply to any other part of the code unless it is specifically provided otherwise.

