

## **CHAPTER 1 – GENERAL PROVISIONS**

### **1.01 CODIFICATION.**

The Ordinances of Mahtomedi are hereby codified as the Mahtomedi City Code, consisting of Chapters 1 through 15 inclusive, and shall be operative without further publication in the official newspaper in accordance with Minnesota Statutes Section 415.021. The Mahtomedi City Code is intended as a codification of the laws and ordinances of the City of Mahtomedi, and shall be construed in accordance with such intent. This Code contains all ordinances enacted and in force through April 20, 2010. Ordinances passed after that date shall be passed as amendments or additions to this Code unless they are of limited or special application or are otherwise deemed to be not a part of this Code. Such ordinances shall be incorporated into this Code as directed by the City Council.

### **1.02 CODE AMENDMENTS.**

Any additions or amendments to the City Code when adopted in a form that indicates the intention of the City Council to make such ordinance a part of this Code shall be deemed to be incorporated herein, so that any reference to the City Code shall include such amendments.

### **1.03 ORDINANCES PRIOR TO CODIFICATION.**

All ordinances passed prior to the adoption of this Code are continued in full force and effect, except as otherwise modified herein, and are modified or amended hereby where necessary to conform to the provisions and form of this Code.

### **1.04 PUBLICATION AND AVAILABILITY OF CODE.**

The City Code, Appendixes, and Indexes shall be printed and published, and shall become operative without further publication in the official newspaper. The City Administrator is hereby directed to maintain a suitable number of copies of the City Code available to the public for reference at the office of the City Administrator. The City Administrator shall furnish to the county law library or its designated depository a copy of any ordinances adopted by the City Council on a yearly basis. The City Administrator may request reimbursement from the county law library for the reasonable charge for the copy of any ordinances passed by the City Council and provided to the county law library pursuant to Minnesota Statutes Section 415.021.

### **1.05 SEVERABILITY.**

Every section, subdivision, subpart, or provision of each chapter of this Code is declared separable from every other section, subdivision, subpart, or provision. If any section, subdivision, subpart, or provision of any chapter herein shall be declared invalid, it shall

not affect any other section, subdivision, subpart, or provision of any other chapter contained herein.

#### **1.06 PRESERVATION OF EXISTING RIGHTS.**

The repeal of any chapter or any portion thereof by the adoption of this Code shall not affect or impair any completed act or vested right or any proceeding, suit or prosecution commenced in any cause before such repeal shall take effect, and all such matters shall remain in full force and effect as if such chapter or part thereof had remained in force. No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time when any such chapter or part thereof shall be repealed or altered by this Code shall be discharged or affected by such repeal or alteration, but all such matters shall be instituted and proceeded with, in all respects, as if the prior chapter or portion thereof had not been repealed or altered.

#### **1.07 CONSTRUCTION.**

All words and phrases are used in their plain and ordinary sense unless otherwise clearly indicated. It is the intent of the Mahtomedi City Council that in interpreting and construing the various provisions of this Code, an effort be made to fairly construe those provisions to achieve the beneficial ends for which they were adopted, and therefore this Code must be construed liberally to carry out its purposes. The rules of statutory construction contained in Minnesota Statutes Sections 645.08 through 645.44 shall apply to the interpretation of this Code. Unless clearly in conflict with the provisions of this Code or for some other reason clearly inapplicable, definitions established by state statute or case law shall apply to this Code. All headings used in the Chapters of this Code are for convenience only. Grammatical errors do not negate any part of this Code. Words and phrases that may be necessary for the proper interpretation of any part of this Code may be added if they do not conflict with the obvious intent and do not affect the scope and operation of the relevant chapter, section, subdivision, subpart, or provision of this Code.

#### **1.08 MINNESOTA LAW.**

Unless clearly in conflict with the provisions of this Code or for some other reason clearly inapplicable, definitions established by state statute or case law and statutory rules of construction shall apply to the Mahtomedi City Code. Where a reference is made to a Minnesota State Statute, Rule, or any other similar reference, that reference shall be to the Statute, Rule, or other reference as shall be amended from time to time, and shall refer to the specific Statute, Rule, or other reference in effect at the time.

#### **1.09 INCORPORATION.**

The City of Mahtomedi is a municipal corporation having all the powers and rights of municipal corporations at common law.

### **1.10 NUMBER AND GENDER.**

The term “person” wherever used in this Code shall be applicable to one or more persons, as the case may be. The singular reference shall include the plural, and references to masculine or feminine genders shall include the other gender if applicable.

### **1.11 CODE LIBRARY.**

The City Clerk shall maintain a copy of the City Code following each calendar year beginning in 2010 to create a historic library of the City Code as it is amended from year to year.

### **1.12 INCONSISTENT PROVISIONS.**

If the provisions of one section of this Code differ from those in another section, the provisions that are more restrictive shall prevail.

### **1.13 ORDINANCE INTEGRATION.**

1. Omissions. When an ordinance is integrated into this Code, the following may be omitted:
  - A. Title;
  - B. Enacting clause;
  - C. Section numbers;
  - D. Validation and repealing clauses;
  - E. Validating signatures and dates;
  - F. Penalty provisions; and
  - G. Punctuation and other matters not an integral part of the ordinance text.
2. Post-Adoption Changes. When integrating ordinances into the code, the City Clerk may:
  - A. Correct obvious grammatical, punctuation, and spelling errors;
  - B. Change reference numbers to conform with applicable sections of the code;
  - C. Substitute figures for written words and vice versa;

- D. Substitute the actual date for the words "the effective date of this ordinance"; and
  - E. Take other similar actions to ensure a uniform code of ordinances if they do not alter the meaning of the ordinances enacted.
3. Source Notes. When an ordinance is integrated into the code, a source note should be added at the end of the section affected indicating the date the ordinance was enacted.

#### **1.14 DEFINITIONS.**

Unless the context clearly indicates otherwise, or the term is specifically defined for the purposes of a particular section of this Code, the words and phrases below shall have the following definitions for the purposes of this Code:

- 1. "City" or "Municipality" means the City of Mahtomedi, located in Washington County, Minnesota, including all territory lying within its boundaries.
- 2. "Clerk" means the Mahtomedi City Clerk.
- 3. "Code" or "City Code" means the Mahtomedi City Code.
- 4. "Council" or "City Council" means the City Council of the City of Mahtomedi.
- 5. "County" means Washington County, Minnesota.
- 6. "Administrator" or "City Administrator" means the Mahtomedi City Administrator.
- 7. "This ordinance" means the chapter or section in which it appears and related sections, subdivisions, subparts, and paragraphs under the same section or chapter.
- 8. "Person" means a natural person of either gender, a firm, partnership, corporation, or any other association of people or entity, and includes the manager or agent of that person or organization.
- 9. "State" means the state of Minnesota.
- 10. "Police Department" means the City of Mahtomedi Police Department, or, if the City chooses to contract for law enforcement services, the law enforcement agency charged with serving as the police department for the City of Mahtomedi.

## **1.15 VIOLATION OF CODE PROVISIONS.**

1. Misdemeanor. Any person who violates any provision of this Code, including Minnesota Statutes specifically adopted by reference, for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this Code, including Minnesota Statutes specifically adopted by reference, shall be the sentence for a misdemeanor under Minnesota Statutes Chapter 609.
2. Petty Misdemeanor. Any person who violates any provision of this Code, including Minnesota Statutes specifically adopted by reference, which is designated as a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any crime which is a petty misdemeanor under this Code, including Minnesota Statutes specifically adopted by reference, shall be the sentence for a petty misdemeanor under Minnesota Statutes Chapter 609.
3. Official Duties. 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 a violation of any provision of this Code.