

## CHAPTER 1. CODE INTRODUCTION

### SECTIONS:

- 100 Adoption and Scope of Code**
- 110 Rules of Constructions**
- 120 Definitions**
- 130 Adopting State Law By Reference**

### Section 100 – Adoption and Scope of Code

**Sec. 100.01 Adoption of Code.** The substantive general ordinances of the City of Landfall Village, Minnesota shall be hereby codified in book form, entitled “Municipal Code of Landfall Village, Minnesota.”

**Sec. 100.02 Short Title.** For brevity in this section, the Municipal Code of Landfall Village, Minnesota, shall sometimes be referred to as “the Code’ or “this Code”, and any use of “the Code” or “this Code” shall be construed to mean the Municipal Code of Landfall Village, Minnesota, unless the context clearly requires some other meaning.

**Sec. 100.03 Repeal of Ordinances.** All ordinances passed by the City of Landfall Village prior to the adoption of this code shall be hereby repealed, except those ordinances specifically retained in this Code.

**Sec. 100.04 Subsequent Ordinances.** Ordinances passed after the effective date of this Code shall be passed as amendments or additions to this Code (unless they shall be of limited or special application, or shall be otherwise deemed to be not a part of this Code). The ordinances shall be incorporated into this Code at its annual revisions as provided in this Section, and as directed by the City Council.

**Sec. 100.05 Consecutive Numbering to Continue.** Regardless of inclusion of some but not all subsequent ordinances in this Code, the consecutive chronological numbering of all ordinances as passed shall continue.

**Sec. 100.06 Preservation of Existing Rights.** The repeal of any ordinance or portion thereof by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any cause before the repeal takes effect; but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if the repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by the repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if the prior ordinance or part thereof had not been repealed.

**Sec. 100.07 Separability.** If any chapter, section, sentence, clause or other part of the Municipal Code of Landfall Village should be adjudged void or of no effect, for any reason whatsoever, the decision shall not affect the validity of any of the other portions of the Code.

**Sec. 100.08 Penalty.**

**Subd. 1 – General.** Except as otherwise specifically provided in this Code, every person convicted of a violation of any provision of this Code shall be punished by a fine not to exceed Seven Hundred Dollars (\$700.00) and/or by imprisonment not to exceed ninety (90) days.

**Subd. 2 – Administrative Offenses.**

**A. Purpose:**

Administrative offense procedures established pursuant to this Section are intended to provide the public and the City with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for in this Subdivision, the individual

may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with the law. Likewise, the City, in its discretion, may choose not to initiate and administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the cost of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

**B. Administrative Offense Defined:**

An administrative offense shall be a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties adopted from time to time by the Council.

**C. Notice:**

Any officer of the Police Department or any other person employed by the City, authorized in writing by the City Council and having authority to enforce this Code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle, a notice of the violation. The notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, the amount of the scheduled penalty, and the right to request a hearing pursuant to Subpart E below.

**D. Payment:**

Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

**E. Hearing:**

Any person contesting an administrative offense pursuant to the Section may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

**F. Hearing Officer:**

A person designated in writing by the City Council shall be the hearing officer. The hearing officer shall be authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.

**G. Failure to Pay:**

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation.

**H. Disposition of Penalties:**

All penalties collected pursuant to this Section shall be paid to the City Clerk and may be deposited in the City's General Fund.

**I. Offenses and Penalties:**

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.

**J. Subsequent Offenses:**

In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty five percent (25%) above the previous administrative penalty, unless a different amount is specifically provided for in the schedule of offenses and penalties adopted by the Council.

**Sec. 100.09 Effective Date.** This Code shall be effective upon its adoption and publication.

**Sec. 100.10 Code Permanently on File.** A copy of this Code shall be permanently on file and open to public inspection in the office of the City Clerk after its adoption.

### Section 110 – Rules of Construction

- Sec. 110.01 General.** Words and phrases shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- Sec. 110.02 Masculine, Feminine or Neuter.** Unless the context clearly requires otherwise, the use of the masculine, feminine or neuter gender shall include the other genders.
- Sec. 110.03 Singular or Plural.** Unless the context clearly requires otherwise, the use of either singular or plural number shall include the other number.
- Sec. 110.04 Past, Present or Future.** Unless the context clearly requires otherwise the use of past, present or future tense shall include the other tenses.
- Sec. 110.05 Joint Authority.** Words importing joint authority to 3 or more persons shall be construed as authority to a majority of such persons.
- Sec. 110.06 Computation of Time.** The time within which an act shall be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, such day shall be excluded.
- Sec. 110.07 Designees.** Whenever this Code requires an act to be done, which act may legally be done by an agent, employee or other designee as well as by the principal, the requirement shall be satisfied by the performance of the act by an authorized agent, employee, or other designee.
- Sec. 110.08 Filing etc. at City Offices.** Whenever this Code requires filing with, payment to, or notification of any certain City official or department, the requirement shall be satisfied by filing, payment or notification at the regular office of the City official or department during business hour on any business day.
- Sec. 110.09 Catch Lines.** The bold print catch lines, title, headings etc. of the various section of the Municipal Code of Landfall Village shall be intended to indicate the contents of the section for the convenience of the reader, but shall not be construed as a part of the section.
- Sec. 110.10 Repeals.** The repeal of a provision which repeals a prior provision shall not revive the prior provision, unless the intent to do so shall be clearly stated. The repeal of any provision shall not be construed to abate, annul or otherwise affect any proceeding had or commenced under or by virtue of the repealed provision, and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent shall be clearly stated.
- Sec. 110.11 Liberal Construction.** All general provisions, terms, phrases and expressions contained in the Municipal Code of Landfall Village shall be liberally construed in order that the true intent and meaning of the provision may be fully carried out.
- Sec. 110.12 Substantive Changes Not Intended.** The Municipal Code of Landfall Village shall be intended as a codification of the existing law and shall be construed in accordance with such intent.
- Sec. 110.13 Minnesota Rules of Construction to Apply.** Unless clearly in conflict with provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statutes or case law shall apply in the construction of this Code.

**Section 120 – Definitions**

**Sec. 120.01 Certain Terms Defined.** As used in the Code, unless the particular context shall clearly require some other meaning, the following words shall mean:

**Subd. 1 Attorney.** “Attorney” shall mean the City Attorney of the City of Landfall Village.

**Subd. 2 City.** “City” shall mean the City of Landfall Village, Minnesota.

**Subd. 3 Clerk.** “Clerk” shall mean the City Clerk of the City of Landfall Village.

**Subd. 4 Code.** “Code” shall mean the Municipal Code of the City of Landfall Village, Minnesota.

**Subd. 5 Contracted Fire Service.** “Contracted Fire Service” shall mean the department of service with which the City contracts for fire fighting or fire prevention services.

**Subd. 6 Council.** “Council” shall mean the City Council of the City of Landfall Village.

**Subd. 7 Mayor.** “Mayor” shall mean the Mayor of the City of Landfall Village.

**Subd. 8 Person.** “Person” shall mean any individual, corporation, firm, partnership, association, organization, or other group acting as a unit. It also shall include any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word “person” is used in any Section prescribing a penalty or fine, it shall include the partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof who shall be responsible for the violation.

**Subd. 9 Property.** “Property” shall mean tangible or intangible, real, personal or mixed property.

**Subd. 10 Sidewalk.** “Sidewalk” shall mean that portions of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

**Subd. 11 State.** “State” shall mean the State of Minnesota.

**Subd. 12 Street.** “Street” shall mean any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of the words shall include the others and if the context permits, shall also include “sidewalks.”

**Sec. 120.02 Other Definitions.** Certain Chapters of the Code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in Subsection 120.1 and such other definitions, the other definitions shall prevail in the Chapters where applicable.

**Sec. 120.03 Minnesota Definitions to Apply.** Unless clearly in conflict with definition or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by statutes or case law shall apply to this Code.

**Section 130 – Adopting State Law by Reference**

**Sec. 130.01 Adopting State Law By Reference.** Pursuant to the authority of MN Statute 471.62, there shall be hereby adopted by reference all of the Statutes of the State of Minnesota, all Rules and Regulations adopted by any department of the State of Minnesota, as if each statute, rule or regulation had been set out in full. It shall be understood that this adoption by reference shall not include any subject on which the City shall not have the power by statute to legislate.

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**CHAPTER 1 CHANGE RECORD:**