

# CHAPTER I

## GENERAL PROVISIONS

### SECTION 100 - TITLE; CITATION; STATUTORY REFERENCES

100.01. Title. This codification of the ordinances of the city of Nerstrand may be referred to and cited as: "The Nerstrand city code of 2008."

100.03. Citation; Reference; Numbering System. For the purposes of internal references in code and citation by its users, the following terms are used:

Chapter	Roman numerals (e.g. chapter XI)
Section	Arabic numerals (e.g. section 1100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g., subsection 110.01)
Clause	Arabic letters, lower case, in parentheses (e.g., a)

Reference or citations made in a form other than the foregoing will not defeat the intent of the city council in enacting an ordinance or the intent of a user in citing the code when such intent is otherwise clear. This code is to be construed liberally to carry out its intent and purposes.

100.05. Adoption by Reference. Statutes, administrative rules or regulations of the state of Minnesota and codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by Minnesota Statutes Section 471.62. At least one copy of any item so adopted, but not less than the number of copies required by law, must be kept in the office of the city clerk-treasurer for use by the public.

100.07. Official Statutes; Codes; Regulations; and Ordinances. References in this code to Minnesota Statutes are to Minnesota Statutes 2008 unless otherwise provided in this code. References in this code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to those documents in effect on January 1, 2008, unless otherwise provided.

100.09. Relation to State Law. It is the intent of the city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by state law. Where this code imposes a more stringent rule or standard of conduct than contained in similar provisions of state law, rule or regulation, it is the intent of the council that the provisions of this code prevail over that state law, rule or regulation to the extent permitted by law.

SECTION 105 - DEFINITION OF TERMS:  
INTERPRETATION; CONFLICTS

105.01. Definitions; Common Terms.

Subdivision 1. For purposes of this code, the terms defined in this section have the meanings given them.

Subd. 2. "City" means the city of Nerstrand and all the territory lying within the city's boundaries over which it has jurisdiction.

Subd. 3. "Code," "this code" or "code of ordinances" means the Nerstrand city code adopted by ordinance in 2008, as organized, compiled and codified herein.

Subd. 4. "Council" means the city council of the city of Nerstrand.

Subd. 5. "Clerk-Treasurer" means the Nerstrand city clerk-treasurer.

Subd. 6. "Owner" means, in the case of personal property, a person, other than a lien holder, having the property in or title to personal property. In the case of real property, the term means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors.

Subd. 7. "Person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 8. A reference to an elected or appointed city officer includes the duly authorized representative of that officer.

Subd. 9. "Local non-profit/civic organization" means (i) a non-profit corporation located in the city and qualified under section 501(c)(3) of the Internal Revenue Code, (ii) a club as defined in Minnesota Statutes Section 340A.101, subdivision 7, located in the city, (iii) the city, (iv) the Nerstrand volunteer fire department relief association, (v) Independent School District No. 656, or (vi) a volunteer committee organized for the sole purpose of sponsoring or assisting in the conduct of a civic celebration officially recognized by the city.

Subd. 10. "Resident" means a person who resides in the City limits.

105.03. Definitions; Statutory. For purposes of this code, the terms defined in Minnesota Statutes Sections 645.44 and 645.45 have the meanings given them by those sections. Terms defined by statutes, rules or regulations, and ordinances adopted by reference have the meanings given them therein.

105.05. Definitions; Internal. Terms defined in other sections of this code have the meanings given

them by those sections.

105.07. Interpretation; Conflicts. Subdivision 1. Common usage. Words and phrases used in this code are to be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning are to be interpreted and understood in accordance with such meaning.

Subd. 2. Statutory rules. It is the intent of the city council that the rules and canons of construction, presumptions and miscellaneous provisions relating to statutory construction contained in Minnesota Statutes Chapter 645, apply to this code and govern its interpretation, and that questions of meaning, construction and interpretation of this code be resolved by application of the rules contained in chapter 645. The provisions of Minnesota Statutes Chapter 645 are adopted by reference and are as much a part of this code as if fully set forth herein.

## SECTION 110 - LEGISLATIVE PROCEDURE

110.01. Ordinances; Enactment. Ordinances are enacted in accordance with the procedures set forth in law. Ordinances are to be integrated into this code in accordance with this section.

110.03. Form of Amendments and New Ordinances. An ordinance amending this code must specify the subsection, subdivision and clause to be amended. Language to be added must be underlined; language to be repealed must be stricken. An ordinance repealing an entire chapter, section, subsection, subdivision or clause need refer only to that chapter, section, subsection, subdivision or clause, and the text need not be reproduced. The text of an ordinance adding only new provisions to the code need not be underlined.

110.05. Headnotes, etc. Chapter, section, subsection and subdivision headnotes, titles and cross references are not substantive parts of this code, but merely matters to expedite and simplify its use.

110.07. Integration of Ordinances into the Code. Subdivision 1. Duties of clerk-treasurer and city attorney. The clerk-treasurer and the city attorney must recommend to the council a system for integrating ordinances into the code in the most expeditious manner possible. They must recommend to the council rules consistent with this section for the preparation, editing and format of ordinances to be presented to the council.

Subd. 2. Matters Omitted. When an ordinance is integrated into this code, the following matters may be omitted:

- a) title;
- b) enacting clause;
- c) section numbers;
- d) definition of terms identical to those contained in this code;
- e) validation and repealing clauses;
- f) validating signatures and dates;
- g) punctuation and other matters not an integral part of the text of the ordinance; and
- h) penalty provisions.

Subd. 3. Errors. When integrating ordinances into the code, the clerk-treasurer and city attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; 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. 4. Source Notes. When an ordinance is integrated into this code, a source note must be added at the end of each new chapter, section, subsection or subdivision indicating the ordinance number and section from which the changed language was derived.

110.09. Ordinance Records; Special Ordinances. The clerk-treasurer is responsible for the safe and orderly keeping of ordinances in a manner directed by the council. An ordinance not included in

this code by council direction is a special ordinance. The clerk-treasurer must maintain an up-to-date, indexed record of special ordinances. The council may direct that special ordinances and other matters be included in appendices to this code.

110.11. Effective Date of Ordinances. An ordinance is effective on the date of its publication or on a later date specified in the ordinance.

## SECTION 115 - PENALTIES

115.01. General rule. A person who violates a provision of this code is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than \$1000 or such other amount set by law and imprisonment for a term not to exceed 90 days, or both. Each act of violation and each day on which a violation occurs or continues is a separate violation.

115.03. Exceptions. Where a provision of this code or a statute adopted by reference herein sets a lesser penalty or a different period constituting a violation than set forth in subsection 115.01, the code provision will prevail.

115.05. Applicability. It is the intention of the council that the penalty provided by this section or any other section of this code applies to an amendment of a section of this code whether or not such penalty is re-enacted in the amendatory ordinance unless otherwise provided in the amendatory ordinance.

115.07. Failure of Officers to Perform Duties. The penalty imposed by this section does not apply to the failure of an officer or employee of the city to perform a duty imposed by this code unless a penalty is specifically provided for such failure.

115.09. Misdemeanor Defined. For purposes of this code, the term "misdemeanor" means an offense or crime that the council is empowered to punish with fine or imprisonment, and includes a petty misdemeanor as defined by law.