

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 10.01 TITLE OF CODE.

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code”, for which the designation “Lake City Code”, “code of ordinances”, “codified ordinances” or “code” may be substituted.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the “Traffic Code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.” Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.02 RULES OF INTERPRETATION.

(A) *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.

(B) *Specific rules of interpretation.* The construction of the city’s ordinances will be by the following rules, unless that construction is plainly in conflict with the intent of the City Council or the context of the ordinance:

- 1) *Acts by assistants.* When a statute, code provision 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.
- 2) *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.
- 3) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.03 PROVISIONS OF CODE CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

The provisions appearing in this code, so far as they are the same as those of ordinances existing at the time of the adoption of this code, shall be considered as continuations thereof and not as new enactments.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Lake City, Minnesota. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

CODE, THIS CODE or **THIS CODE OF ORDINANCES.** This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Goodhue and Wabasha County, Minnesota.

DEPARTMENT HEAD. The City Clerk, the Ambulance Director, the Public Works Director, the Planning and Community Development Director, the Marina Administrator, the Library Administrator, the Finance Director, the Chief of Police and the Fire Chief.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes an individual, person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or

agents thereof.

PRECEDING or **FOLLOWING**. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. A person's name written in a distinctive way as a form of identification in authorizing a document.

STATE. The State of Minnesota.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section in this code, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.08 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the officer or employee.

§ 10.09 ERRORS AND OMISSIONS.

If an obvious 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 intent, 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.

§ 10.10 REASONABLE TIME.

(A) 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.

(B) 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.

§ 10.11 ORDINANCES REPEALED.

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.

§ 10.12 ORDINANCES UNAFFECTED.

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.

§ 10.13 REPEAL OR MODIFICATION OF THE CODE.

(A) Whenever any ordinance or part of an ordinance is repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance that was repealed or modified shall continue in force until the ordinance repealing or modifying the ordinance is in effect.

(B) When any ordinance repealing a former ordinance, clause, or provision is repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly stated in the ordinance.

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT THE CODE.

(A) If the City Council desires to amend any existing chapter or section of this code, the amending ordinance shall indicate the chapter or section of the code that is to be amended along with highlighting the words that are to be omitted or added.

(B) 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. The ordinance must also contain a concise caption or title.

§ 10.15 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted.

§ 10.16 COPIES OF CODE.

The official copy of this code shall be kept at City Hall in the office of the City Clerk and the Lake City Public Library for public inspection. The City shall also make a copy of this code available for purchase.

§ 10.17 ADOPTION OF STATUTES, REGULATIONS, AND RULES BY REFERENCE.

It is the intent of the City Council that all future amendments to any state or federal regulations, rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

§ 10.18 CITY ADMINISTRATOR RESPONSIBILITIES AND AUTHORITY.

The City Administrator shall oversee the administration of all City affairs consistent with the policies and direction of the City Council and shall have those duties and responsibilities that are assigned by the City Council. The City Administrator shall give advice and recommendations to the City Council and boards and commissions relative to the functions and operations of the City generally.

§ 10.19 DEPARTMENT HEAD AUTHORITY.

The City's department heads shall have authority to purchase equipment and make capital improvements without further City Council approval, provided that the purchase or improvement is specifically included in the budget for that department, the budget has been approved by the City Council, and funds are available.

Department heads may make or order repairs or maintenance to City property in emergency situations where it is necessary to protect persons or property without receiving prior City Council approval. However, a report must be made by the department head to the City Administrator, Mayor and City Council as soon as practicable.

Any department head expenditures that exceed the budgeted amount must be approved by the City Council prior to the expenditure unless it qualifies as an emergency situation.

Department heads must inform the appropriate board or commission as to that department's

disbursements on a regular basis.

§§ 10.20-10.97.

Reserved.

§ 10.98 (REPEALED, ORD. NO. 543)

§ 10.99 GENERAL PENALTY.

(A) Any person, firm, or corporation who violates any provision of this code 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 as set forth in Minnesota Statutes Section 609.03.

(B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be as set forth in Minnesota Statutes Section 609.03.

(C) In either the case of a misdemeanor or a petty misdemeanor, a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) 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.