

# CHAPTER 1. CODE INTRODUCTION

## CONTENTS:

Section 100– General Provisions

Section 110– Rules of Construction

Section 120– Definitions

Section 130– Violations and Penalties

## Section 100 - General Provisions

**100.01 Adoption of Code.** The ordinances of the City of Hermantown hereby are revised and codified. Such codification is hereby adopted as the “2001 Hermantown Code.” References to the municipal code of Hermantown shall include all additions and amendments to it.

**100.02 Short Title.** The Municipal Code of Hermantown may be referred to as “this Code,” “2001 Hermantown Code” or “the Municipal Code.”

**100.03 Statutory Rules Adopted.** The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in M.S. Chapter 645, as it may be amended from time to time, are adopted by reference and made a part of this Code. As so adopted, references in that chapter to laws and statutes mean provisions of this Code; references to the legislature mean the Council.

**100.04 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 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.

**100.05 Repeal of Ordinances.** All ordinances passed by the City of Hermantown up to the time of adoption of this Code are hereby repealed except those ordinances otherwise specifically provided for in this Code.

**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 such 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 such repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or

criminally incurred, prior to the time when such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by such repeal; but prosecution and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded within all respects as if such prior ordinance or part thereof had not been repealed.

**100.07 Subsequent Ordinances.** Ordinances passed by the City of Hermantown after the effective date of this Code 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 at its annual revision effective upon passage.

**100.08 Consecutive Numbering to Continue.** Consecutive chronological numbering of all ordinances as passed shall continue.

**100.09 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, and validating signatures and dates. In integrating ordinances into the Code, the City 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 or the substance of the ordinances enacted.

**100.10 Updating.** This Code is printed in loose-leaf form so that it may be kept up to date regularly by the insertion of revised or additional pages.

**100.11 Separability.** If any chapter, section, sentence, clause or other part of the 2001 Hermantown Code shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other portions of the Code.

**100.12 Copies.** Copies of this Code shall be kept in the office of the City Clerk for public inspection or sale for city costs.

## **Section 110 - Rules of Construction**

**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.

**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.

**110.03 Singular or Plural.** Unless the context clearly requires otherwise, the use of either singular or plural numbers shall include the other number.

**110.04 Past, Present or Future.** Unless the context clearly requires otherwise, the use of the past, present or future tense shall include the other tenses.

**110.05 Joint Authority.** Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

**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 Saturday, Sunday or legal holiday, the next business day shall be the last day.

**110.07 Agents.** Whenever the Municipal Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

**110.08 Conjunctions.** The words “or” and “and” may be read interchangeably in situations where the context requires it.

**110.09 Catch Lines.** The catch lines of the various sections of the 2001 Hermantown Code printed in bold type are 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.

## **Section 120 - Definitions**

**120.01 Certain Terms Defined** As used in the 2001 Hermantown Code, unless the particular context shall clearly require some other meaning, the following terms shall mean:

**120.01.1.** “Administrative Code” shall mean the 2001 Hermantown Code.

**120.01.2.** “Chief of Police” shall mean that person who is to manage and direct police operations in response to community needs, resource availability and citizen's expectations.

**120.01.3.** “City” shall mean the City of Hermantown.

**120.01.4.** “City Administrator” shall be that person appointed by the Council under Section [220](#) to perform the duties specified by Section [220](#) and elsewhere in this Code, and by future City Council ordinances and resolutions.

**120.01.5.** “City Plan” shall mean the Hermantown Comprehensive City Plan, dated May, 1976.

**120.01.6.** The “City Clerk” shall be that person appointed by the City Council to perform the duties of City Clerk and City Treasurer as they are and may be in the future specified by state statute and this code and otherwise specified by future City Council ordinances and resolutions.

**120.01.7.** “Code” shall mean the 2001 Hermantown Code, as it may be amended from time to time.

**120.01.8.** “Council” shall mean the City Council of Hermantown.

**120.01.9.** “Governing body” shall mean the City Council.

**120.01.10.** “Person” shall mean any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes 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 corporation, the officers, agents or members thereof who are responsible for the violation.

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

**120.01.12.** “Sidewalk” shall mean that portion of the street between the curb line and the adjacent property line, developed for the use of pedestrians.

**120.01.13.** “State” shall mean the State of Minnesota.

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

**120.02 Other Definitions.** Certain chapters of this Code contain other definitions applicable particularly to the chapter. In case of any conflict between the definitions in this section and other definitions, the other definitions shall prevail in the chapters where applicable.

**120.03 Minnesota Definitions to Apply.** Unless clearly in conflict with definitions 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 - Violations and Penalties**

**130.01 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 not to exceed the maximum allowed under state law for a petty misdemeanor.

**130.02 Misdemeanors.** Unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation 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 in an amount not to exceed the maximums allowed by state law plus, in either case, the costs of prosecution to the extent authorized by statutes, rules of court and the rules of civil and criminal procedure.

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

**130.04 City Personnel Liability.** 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.

**130.05 Non-Police Officers Authorized to Issue Citations for Ordinance Violations.**

**130.05.1.** The individuals who shall be designated as the following officials of the City by the City Council shall be authorized to issue and deliver citations for violations of the code sections listed opposite the officials title:

**130.05.1.1.** Building official(s): Chapter 10;

**130.05.1.2.** Poundmaster(s): Chapter 6 and related nuisance provisions;

**130.05.1.3.** Fire Inspector(s): Section [1020](#) and related building provisions;

**130.05.1.4.** Zoning Administrator: Hermantown Zoning Code;

**130.05.1.5.** Solid Waste Officer: Section [900](#); and

**130.05.1.6.** City Clerk: relevant administrative provisions.

**130.05.2.** Any official listed above may request that a uniformed police officer deliver a citation issued by the official. If the request is made by the official, a uniformed police officer shall deliver the citation that the official requests be delivered by the uniformed police officer. Nothing in this subsection shall be intended to, nor shall it impair or limit the authority of police officers to issue citations for ordinance violations.

**130.06 Recommended Fine Schedule.**

**130.06.1.** The City Council may, from time to time as necessary, adopt and approve by resolution a recommended fine schedule for single and multiple occurrence offenses for violations of this Code.

**130.06.2.** The City Clerk shall transmit a copy of the recommended fine schedule adopted and approved by resolution to the appropriate officials of St. Louis County Court so that the recommendations of the City Council shall be known to the Judges of the St. Louis County Court.

(Ord. 2001-11, passed 11-19-01)