

CHAPTER I

GENERAL PROVISIONS

Section 100 - Title: Citation: Statutory Reference

100.01 Title. This codification of the ordinances of the City of Rice may be referred to and cited as: "The Rice City Code of 1994."

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

Code: The Rice City Code of 1994

Chapter: Roman Numerals (e.g. Chapter XI)

Section: Arabic Numerals (e.g. Section 100)

Subsection: Arabic Numerals for section and subsection separated by a decimal (e.g. Subsection 100.01)

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

100.05 Adoption by Reference. Statutes on 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, shall be kept in the office of the City Clerk for use by the public.

100.07 Official Statutes; Codes; Regulations, and Ordinances. Reference in this code to Minnesota Statutes are to Minnesota Statutes 1992 and Minnesota Laws 1993 and 1994 and Minnesota Statutes 1994 when effective, 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 October 1, 1994, unless otherwise provided.

100.09 Relation to State Law. It is the intent of the Rice City Council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by State law. When 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 such State law, rule, or regulation to the extent permitted by law.

Section 105 - Definition of Terms; Interpretation; Conflicts

105.01 Definitions; Common Terms. Subd. 1. For purposes of this code, the terms defined in this subsection have the meanings given them unless the context clearly indicates otherwise.

Subd. 2 "City" means the City of Rice and all the territory lying within its boundaries over which it has jurisdiction.

Subd. 3 "Code", "this Code", or "Code of Ordinance" means the Rice City Code adopted by Ordinance in 1994, as organized, compiled and codified herein.

Subd. 4 "Council" means the City Council of the City of Rice.

Subd. 5 "Clerk" means the Rice City Clerk.

Subd. 6 "He" means He/She when and where applicable.

Subd. 7 "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. 8 "Person" means any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

Subd. 9 Any reference to an elected or appointed City officer includes their duly authorized representative.

105.03 Definitions; Statutory. For purposes of this code, the terms defined in Minnesota Statutes, Section 645.44, 645.445, and 645.45 have the meanings given them by those sections; and terms defined by statutes, rules, or regulations, and ordinances adopted by reference have the meanings given them therein.

105.05 Definition; Internal. Terms defined in other sections of this code have the meanings given them by those sections.

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

Section 110 - Legislative Procedure

110.01 Ordinance Enactment. Ordinances shall be enacted in accordance with the procedure set forth in Chapter II, Section 205.11 of this code. Ordinances shall be integrated into this code in accordance with this section.

110.03 Form of Amendments and New Ordinances. An ordinance amending this code shall specify the subsection and subdivision to be amended. Language to be added shall be underlined; language to be repealed shall be stricken. An ordinance repealing an entire

chapter, section, subsection, or subdivision need refer only to that chapter, section, subsection, or subdivision, and the text need not be reproduced. An ordinance adding only new provisions to this code need not be underlined.

110.05 Head Notes; Etc. Chapter, section, subsection and subdivision head notes, titles and cross references are not substantive parts of this code, but merely matters to expedite and simplify its use.

110.07 Integration of Ordinance into Code. Subd. 1 Duty of Clerk and Attorney. The Clerk and City Attorney shall recommend to the Council a system for integrating ordinances into the code in the most expeditious manner possible. They shall 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.

Subd. 3 Errors. When integrating ordinances into the code, the Clerk and 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, alternating the meaning of the ordinances enacted.

Subd. 4 Source Notes. When an ordinance is integrated into this code, a source note shall be added at the end of each new chapter, section, subsection, or subdivision indicating the ordinance number and section from which the same was delivered.

110.09 Ordinance Records; Special Ordinances. The Clerk is responsible for the safe and orderly keeping of all ordinances in a manner directed by the Council. Any ordinance not included in this code by Council direction is a special ordinance. The Clerk shall maintain an up-to-date, indexed record of all special ordinances. The Council may direct that special ordinances and others be included in appendices to this code.

110.11 Effective Date of Ordinance. Ordinances are effective on the dates specified in the enacting document.

110.12 Hearings. Subd. 1. General. Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subd. 2 Notice. Every hearing shall be preceded by 10 days' mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subd. 3 Conduct of Hearing. At the hearing, each part in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceedings. The Council may adopt rules governing the conduct of hearings, records to be made, such other matters as it deems necessary.

Subd. 4 Record. Upon the disposition of any matter after hearing, the Council shall have prepared a written summary of its findings and decisions and enter the summary in the official Council minutes.

Section 115 - Penalties

115.01 Petty Offenses. Whenever an act or omission is declared by this code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$200.00.

115.02 Misdemeanors. In any other case, unless another penalty is expressly provided in this code, any person violating any provision of this code, or any rule or regulation adopted in pursuance thereof, or any other provision of any code adopted in this code by reference, including any provision declaring any act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than \$700.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the costs of prosecution.

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

115.04 Application to City Personnel. 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.