CHAPTER 1
GENERAL PROVISIONS

1.101. City Code.

Subdivision 1. **How Cited**. This code, which represents a revision and codification of the ordinances of the City of Hendricks, Minnesota, shall be known as the "Hendricks City Code" and may be referred to by that name in all proceedings and actions.

Subdivision 2. **Additions**. New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated in to the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions.

Subdivision 3. **Numbering**. Each section number of this code consists of two component parts separated by decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter.

Subdivision 4. **Title Headings; Cross References.** Chapter titles and various parts, sections, subdivisions, and other titles, shall not be considered part of the subject matter of this code but are intended for convenience only and not necessarily as comprehensive titles.

Subdivision 5. **References to Chapters or Sections**. All references to chapters or sections are to the chapters and sections of this Code, unless otherwise specified.

Subdivision 6. **References and Editor's Notes**. References and editor's notes following certain sections of this Code (if any) are inserted as an aid and a guide to the reader and are not controlling nor meant to have any legal effect.

Subdivision 7. **Code does not Affect Prior Offenses, Penalties and Rights**. Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Subdivision 8. **Effect of Repeals**. The repeal of an ordinance, chapter, or portion of this Code shall not revive any ordinance, chapter or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance, chapter, or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

Subdivision 9. **Table of Contents, Appendix and Index**. The table of contents, all appendices, the Index and other supplemental materials not expressly made

a part of this code are included merely to assist the user of the code and do not form any part of it.

Subdivision 10. **Construction of Words and Phrases**. In construing this code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City council, or be repugnant to the context of the relevant provisions of this code:

(1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this code are construed according to such special meaning or definition.

(2) The singular includes the plural, and the plural includes the singular.

(3) Words in the masculine, feminine or neuter gender include all other genders.

(4) Words used in the past or present tense include the future.

(5) General words are restricted in meaning by particular words.

Subdivision 11. **Construction of May and Shall**. As used in this code, "shall" is always mandatory and “may” is permissive.

Subdivision 12. **Grammar and Punctuation**. Grammatical errors shall not vitiate any provision of this code. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Punctuation shall not control over the intention of the City council in the enactment of a provision. Words and phrases which do not conflict with the obvious purpose and intent of a provision nor in any way affect its scope and operation may be added when necessary to the proper interpretation of the provision.

Subdivision 13. **Irreconcilable Provisions**. Provisions are to be construed that effect may be given to each. In case of conflict, they shall be construed as follows, in the priority listed:

(1) If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the

general provision has been enacted later and shows a manifest intention of the council that the general provision shall prevail.

(2) If enacted at different times, the latest in date of enactment will prevail.

(3) If part of the same provision or set of provisions, the provision or portion or clause thereof last in position shall prevail.

1.102. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this section.

Agent or Employee. Whenever the 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.

City. The term "city" shall mean the City of Hendricks, Minnesota, and shall extend to and include its several officers, agents and employees.

City Council; Council. The terms "city council" and "council" shall mean the city council of the City of Hendricks, Minnesota.

Clerk-Administrator. The term “Clerk-Administrator” shall constitute one position for the City of Hendricks and be comprised of the responsibilities of City Clerk, City Administrator, and City Treasurer.

Code. The term "Code" shall mean the Code of Ordinances, City of Hendricks, Minnesota, as designated in section 1.101.

County. The term "county" shall mean the County of Lincoln, Minnesota.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Minnesota Statutes. The term "Minnesota Statutes" shall mean and refer to the latest edition or supplement of Minnesota Statutes.

Month. The term "month" shall mean a calendar month.

Number. A word importing the singular may extend and be applied to the plural, and vice versa.

Oath. The term "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the terms "swear" and "sworn" shall be equivalent

to the terms "affirm" and "affirmed."

Officer, Employee, Department, Board, Commission or other Agency. Whenever any officer, employee, department, board, commission or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the City of Hendricks, Minnesota." Whenever, by the provisions of this Code, any officer, employee, department, board, commission or other agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission or other agency shall mean and include such officer or any designee or authorized subordinate and shall also include the successor in function to such officer, employee, department, board, commission or agency.

Owner. The term "owner," when applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land. In the case of personal property, a person other than a lienholder, having an ownership interest in or title to personal property.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals. For the purpose of imposing penalties or fines for violation of any section of this Code and whenever the word "person" is used in such section for which a penalty is imposed, the term shall include partners or members of an association, and as to corporations shall include the officers, agents or members of the corporation who are responsible for any such violation.

Personal Property. The term "personal property" shall include every species of property except real property.

Property. The term "property" shall include real, personal and mixed property.

Public Place. The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or adjacent open space and any lake or stream.

Real Property. The term "real property" shall include lands, tenements and hereditaments.

Sidewalk. The term "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

State. The term "state" shall mean the State of Minnesota.

Statutory Rules of Interpretation. The rules of interpretation contained in Minnesota Statutes Chapter 645, as it may be amended from time to time, are adopted by reference and apply to this Code and govern its interpretation.

Street. The term "street" shall embrace streets, avenues, boulevards, roads, highways, alleys, lanes, viaducts and all other public ways in the city.

Tenant; Occupant; Lessee. The terms "tenant," "occupant" and "lessee," when applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Written and in writing. The terms "written" and "in writing" shall include any representation of words, letters or figures, whether by printing or otherwise.

The words and phrases used in this Code 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.

1.103. Statutory Rules Adopted.

The definitions, rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes § 645.08 et seq., as it may be amended from time to time; as well as definitions of words and phrases found in Minnesota Statutes § 645.44 et seq., as it may be amended from time to time, are adopted by reference and made part of this Code.

1.104. Certain Ordinances Not Affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not consistent with this Code:

1. Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code.

2. Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issue of any bonds of the city, or any evidence of the city's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the city.

3. Any administrative ordinances of the city not in conflict or inconsistent with the provisions of this Code.

4. Any right or franchise granted by any ordinance.

5. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the city.

6. Any appropriation ordinance.

7. Any ordinance levying or imposing taxes.

8. Any ordinance prescribing fees, fines, charges, rates, or other specific monetary values.

9. Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the city.

10. Any ordinance establishing traffic or parking regulations on any street or public way, including traffic schedules.

11. Any ordinance regarding salaries or compensation of city officers or employees.

12. Any zoning map amendment.

13. Any temporary or special ordinances.

All such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length in this Code. All ordinances are on file in the office of the Clerk-Administrator.

1.105. Amendments to Code.

a. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the city council to make such additions or amendments a part of this Code, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood and intended to include such additions and amendments.

b. All ordinances passed subsequent to the adoption of this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in the Code. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion of the Code, such repealed portions may be excluded from the Code by their omission from reprinted pages.

c. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Code of Ordinances, City of Hendricks, Minnesota, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full.

d. If a new section not then existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Hendricks, Minnesota, is hereby amended by adding a section to be numbered _____, which section reads as follows: . . . ." The new section may then be set out in full.

e. All sections, divisions, articles, chapters or provisions desired to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

1.106. Supplementation of Code.

a. By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made by the supplement in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.

b. In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by their omission from reprinted pages.

c. When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

1. Organize the ordinance material into appropriate subdivisions;

2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," or "this section," as the case may be, or to "sections _____ through _____"; the inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and

5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

1.107. Severability of parts of Code

It is the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall

be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

1.108. Optional Plan A in Effect.

In accordance with Minnesota Statutes 1974, sections 412.541 to 412.571 (as amended from time to time) and other applicable provisions of law, and an election had as required thereunder, the City shall be governed under the plan of government known in such statutes as the optional plan. As provided by the statutes, the City shall be governed by a City council composed of a mayor and four members of the council elected, as required by law.

1.109. General Penalty

a. Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful, an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any such provision of this Code or city ordinance shall be punished as a misdemeanor, any person violating such a provision, upon conviction, be subject to the penalties in Minnesota Statutes § 609.0332, as it may be amended from time to time. The term "misdemeanor" shall be as defined in Minnesota Statutes § 609.02, subdivision 3, as it may be amended from time to time. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

b. Whenever an act or omission is declared to be a petty misdemeanor in this Code, any person violating such provision shall, upon conviction, be subject to the penalties in Minnesota Statutes § 609.0332, as it may be amended from time to time.

c. In case of the amendment by the city council of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection (a) of this section shall apply to the section, as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed.

State law reference(s)--Authority to adopt penalty of up to $1,000, Minnesota Statutes § 609.034 (CY 2000) and as amended from time to time.