

SUB-ANALYSIS

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(09-15-2005)

CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

SEC. 1.01. APPLICATION. The provisions of this Chapter shall be applicable to all the chapters, sections, subdivisions, paragraphs, and provisions in the City Code, and the City Code shall apply to all persons and property within the City of Pipestone, Minnesota, and within such adjacent area as may be stated in specific provisions.

SEC. 1.02. DEFINITIONS. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purpose of every chapter, section, subdivision, paragraph, and provision of this City Code, shall have the following meanings and inclusions:

Subd. 1. The term “City” means the City of Pipestone, Minnesota, acting by or through its duly authorized representative.

Subd. 2. The terms “Council” and “City Council” means the City Council of the City of Pipestone, Minnesota.

Subd. 3. The term “City Administrator” means the person duly appointed by the City Council and acting in such capacity. All references in the City Code to “City Clerk-Administrator” shall be references to the City Administrator or, in the absence from the City or disability of the City Administrator, such reference shall be to the Deputy Clerk.

Subd. 4. The term “Deputy Clerk” means the person duly appointed and acting in that capacity and assigned to perform various duties under the City Code, Chapter 2.

Subd. 5. The term “person” includes all firms, partnerships, associations, corporations, and natural persons.

Subd. 6. The words “written” and “in writing” mean any mode of representing words and letters in the English language.

Subd. 7. The term “street” means the entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not be limited to, roadways, boulevards, sidewalks, alleys, and other public property between lateral property lines in which a roadway lies.

Subd. 8. The term “intersection” means the area embraced within the prolongation or connection of the lateral curb line or, if no curb, then the lateral boundary lines of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

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Subd. 9. The term “roadway” means that portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two (2) or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 10. The terms “police officer” and “peace officer” mean every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

Subd. 11. The term “misdemeanor” means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000.00, or both, may be imposed.

Subd. 12. The term “petty misdemeanor” means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$300.00 may be imposed.

Subd. 13. The term “conviction” means either of the following accepted and recorded by the Court:

- A. A plea of guilty; or,
- B. A verdict of guilty by a jury or a finding of guilty by the Court.

Subd. 14. The term “crime” means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 15. The term “ordinance” means an ordinance duly adopted by the City Council of the City of Pipestone, Minnesota.

Subd. 16. The term “ex-officio member” means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his/her discretion) to speak to any question coming before the Board, Commission, or other deliberative body of which he/she is such member.

Subd. 17. The term “may” is permissive.

Subd. 18. The term “shall” is mandatory.

Subd. 19. The term “violate” includes failure to comply.

Subd. 20. The term “premises” means any lot, piece, or parcel of land within a continuous boundary whether publicly or privately owned, occupied, or possessed.

Subd. 21. The terms “public property” and “public place” mean any place, property or premises dedicated to public use, owned by the City, occupied by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but not limited to, streets, parks or parking lots so owned or occupied.

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Subd. 22. The term “private property” means all property not included within the definition of public property or public place.

SEC. 1.03. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Subd. 1. 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 a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

Subd. 2. Any person, firm or corporation who violates any provisions 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 is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

Subd. 3. In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Subd. 4. 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.

SEC. 1.04. OTHERWISE UNLAWFUL. The City Code does not authorize an act or omission otherwise prohibited by law.

SEC. 1.05. SEVERABILITY. Every chapter, section, subdivision, paragraph, or provision of the City Code shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph, or provision and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph, or provision.

SEC. 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES. All fines, forfeitures, and penalties recovered for the violation of any ordinance, charter, rule, or regulation of the City shall be paid into the City Treasury by the Court or officer thereof receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

SEC. 1.07. MEANINGS. As used in this City Code, words of the male gender shall include the female and neuter, and the singular shall include the plural and the plural shall include the singular.

SEC. 1.08. CITATION. This codification of the ordinances of the City of Pipestone shall henceforth be known as the City Code and cited thus: "CITY CODE, Section _____".

SEC. 1.09. PENALTIES FOR EACH OFFENSE. When a penalty or forfeiture is provided for the violation of a chapter, section, subdivision, paragraph, or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation.

SEC. 1.10. TITLES. A title or caption to or in any chapter, section, subdivision, subparagraph, or other provision of the City Code is for convenience only and shall not limit, expand, or otherwise alter or control the content, wording or interpretation thereof.

SEC. 1.11. REFERENCE TO A PUBLIC OFFICIAL. Wherever an appointed public official is referred to in the City Code, the reference shall include such public official or his/her designee.

SEC. 1.12. ADMINISTRATIVE SEARCH WARRANTS.

Subd. 1. The City Administrator and any city official or employee designated by this Code or by Council resolution who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

Subd. 2. If the licensee, owner, resident, or other person in control of any premises objects to the inspection of or entrance to the property, the City Administrator, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code, may, upon a showing of probable cause exists for the insurance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be to only determine whether the provisions of this Code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

Subd. 3. Every licensee, owner, resident or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the Building and Zoning Administrator or any other authorized city officer or employee only to determine whether the provisions of this Code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or city service to the property. Mailed notice shall be given to the licensee, owner, resident or other person in control of the property stating the grounds for the termination and the licensee, owner, resident or other person in control of the

property shall be given an opportunity to appear before the City Administrator to object to the termination before it occurs, subject to appeal of the Administrator's decision to the City Council at a regularly scheduled or special meeting.

Subd. 4. Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

SEC. 1.13. AMENDMENTS. Any amendments to a rule or statute adopted by reference in the city code shall be included by reference in the code as if the amended statute or rule had been in existence at the time the code was adopted.

Source:	City Code
Effective Date:	09-15-2005

(Sections 1.14 through 1.99, inclusive, reserved for future expansion).

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