

**TITLE I: GENERAL PROVISIONS**

Chapter

**10. RULES OF CONSTRUCTION; GENERAL PENALTY**

## Pipestone - General Provisions

## CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

### Section

- 10.01 Application
- 10.02 Definitions
- 10.03 Otherwise unlawful
- 10.04 Severability
- 10.05 Payment into city treasury of fines and penalties
- 10.06 Meanings
- 10.07 Citation
- 10.08 Titles
- 10.09 Reference to a public official
- 10.10 Administrative search warrants
- 10.11 Amendments
  
- 10.99 Penalty

### § 10.01 APPLICATION.

The provisions of this chapter shall be applicable to all the chapters, sections, divisions, 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. (2005 Code, § 1.01)

### § 10.02 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 Pipestone, Minnesota, acting by or through its duly authorized representative.

**CITY ADMINISTRATOR.** 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.

## Pipestone - General Provisions

**CONVICTION.** Either of the following accepted and recorded by the court:

- (1) A plea of guilty; or
- (2) A verdict of guilty by a jury or a finding of guilty by the court.

**COUNCIL** and **CITY COUNCIL.** The City Council of the City of Pipestone, Minnesota.

**CRIME.** Conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

**DEPUTY CLERK.** The person duly appointed and acting in that capacity and assigned to perform various duties under the Chapter 30.

**EX OFFICIO MEMBER.** 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 or her discretion) to speak to any question coming before the Board, Commission, or other deliberative body of which he or she is such member.

**INTERSECTION.** 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.

**MAY.** Is permissive.

**MISDEMEANOR.** The crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

**ORDINANCE.** An ordinance duly adopted by the City Council of the City of Pipestone, Minnesota.

**PERSON.** Includes all firms, partnerships, associations, corporations, and natural persons.

**PETTY MISDEMEANOR.** An offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$300 may be imposed.

**POLICE OFFICER** and **PEACE OFFICER.** Every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

**PREMISES.** Any lot, piece, or parcel of land within a continuous boundary whether publicly or privately owned, occupied, or possessed.

**PRIVATE PROPERTY.** All property not included within the definition of public property or public place.

## Rules of Construction; General Penalty

**PUBLIC PROPERTY** and **PUBLIC PLACE**. 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.

**ROADWAY**. The portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two or more separate roadways, the term **ROADWAY** as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**SHALL**. Is mandatory.

**STREET**. 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.

**VIOLATE**. Includes failure to comply.

**WRITTEN** and **IN WRITING**. Any mode of representing words and letters in the English language. (2005 Code, § 1.02)

### § 10.03 OTHERWISE UNLAWFUL.

The city code does not authorize an act or omission otherwise prohibited by law. (2005 Code, § 1.04)

### § 10.04 SEVERABILITY.

Every chapter, section, division, paragraph, or provision of the city code shall be, and is hereby declared, severable from every other such chapter, section, division, 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, division, paragraph, or provision. (2005 Code, § 1.05)

### § 10.05 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. (2005 Code, § 1.06)

## Pipestone - General Provisions

### § 10.06 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.

(2005 Code, § 1.07)

### § 10.07 CITATION.

This codification of the ordinances of the city shall henceforth be known as the city code and cited thus: § \_\_\_\_\_.

(2005 Code, § 1.08)

### § 10.08 TITLES.

A title or caption to or in any chapter, section, division, paragraph, 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.

(2005 Code, § 1.10)

### § 10.09 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 or her designee.

(2005 Code, § 1.11)

### § 10.10 ADMINISTRATIVE SEARCH WARRANTS.

(A) 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.

(B) 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 issuance 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

## **Rules of Construction; General Penalty**

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.

(C) 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.

(D) 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.

(2005 Code, § 1.12)

### **§ 10.11 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.

(2005 Code, § 1.13)

### **§ 10.99 PENALTY.**

(A) (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 state 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.

(2) Any person, firm, or corporation who violates any provisions of this code, including state 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 which shall be a sentence of a fine of not more than \$300.

## Pipestone - General Provisions

(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.

(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.  
(2005 Code, § 1.03)

(B) When a penalty or forfeiture is provided for the violation of a chapter, section, division, paragraph, or provision of this city code, such penalty or forfeiture shall be construed to be for each such violation.  
(2005 Code, § 1.09)