

CHAPTER I

GENERAL PROVISIONS

Section 100 - Title; Citation; Statutory Reference

100.01.Title. This codification of the ordinances of the City of Independence may be referred to and cited as: "The Independence City Code of 1988" or "this code."

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 Independence City Code of 1988
Chapter	Roman numerals (e.g. Chapter XI)
Section	Arabic numerals (e.g. Section 100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g. subsection 1100.01)
Clause	Arabic letters, lower case, in parentheses (e.g. (a))

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 this code when such intent is otherwise clear. This code shall be construed liberally to carry out its purposes.

100.05.Adoption by reference. Statutes or 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-treasurer for use by the public.

100.07.Official statutes: codes: regulations: ordinances. References in this code to Minnesota Statutes are to Minnesota Statutes 1986, Minnesota Statutes 1987 Supplement, and Laws 1988, 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 January 1, 1988, unless otherwise provided.

100.09.Relation to state law. It is the intent of the Independence 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. Subdivision 1. For purposes of this code, the terms defined in this subsection have the meanings given them.

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

Subd. 3. "Code", "this code", or "code of ordinances" means the Independence City Code of 1988, as organized, compiled and codified herein.

Subd. 4. "Council" means the city council of the city.

Subd. 5. "Clerk", "treasurer", and "clerk-treasurer" means the city clerk-treasurer.

Subd. 6. "Minor", unless otherwise specified in this code means an individual under the age of 18.

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 contracts for deed and mortgagors.

Subd. 8. "Person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 9. References to elected or appointed city officers includes their duly authorized representative.

105.03.Definitions: statutory. For purposes of this code, the terms defined in Minnesota Statutes, sections 645.44 through 645.451 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.Definitions: internal. Terms defined in other sections of this code have the meanings given them by those sections.

105.07.Interpretation: conflicts. Subdivision 1. Common usage. Words and phrases used in this code are to be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases of 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, apply to this code and govern its interpretation, and that all questions of meaning, construction and interpretation of this code be resolved by application of the rules contained in chapter 645. The provisions of Minnesota Statutes, chapter 645, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

105.09.Equal rights: terminology. Whenever the term "man", "men" or their related pronouns appear in this code, either in words or parts of words, they have been used for grammatical, editorial, and literary purposes, and the terms are to be construed in their generic sense, that is, to include all humankind, both male and female. Amendments to this code and other ordinances of the city shall be prepared in a manner to eliminate gender specific references in the manner prescribed by Laws of Minnesota, 1984, chapter 480, section 21.

Section 110 - Legislative Procedure

110.01. Ordinances enactment. Ordinances are enacted in accordance with the procedure set forth in state law. Ordinances must be integrated into this code in accordance with this section.

110.03. Form of amendments and new ordinances. An ordinance amending this code must 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, subdivision or clause need refer only to that chapter, section, subsection, subdivision or clause and the text need not be reproduced. An ordinance adding only new provisions to the code need not be underlined.

110.05. Headnotes, etc. Chapter, section, subsection, subdivision, clause, headnotes, titles and cross references are not substantive parts of this code, but merely matters to expedite and simplify its use.

110.07. Integration of ordinances into code. Subdivision 1. Duties of clerk-treasurer and attorney. The clerk-treasurer and city attorney will recommend to the council a system for integrating ordinances into the code in the most expeditious manner possible. They will 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.
- (h) Penalty provisions.

Subd. 3. Errors. When integrating ordinances into the code, the clerk-treasurer and attorney may correct manifest grammatical, punctuation, spelling, and typographical 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, altering the meaning of the ordinances enacted.

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

110.09. Ordinance records: special ordinances. The city clerk-treasurer is responsible for the safe and orderly keeping of all ordinances in a manner directed by the council. An ordinance not included in this code by council direction is a special ordinance. The clerk-treasurer shall maintain an up-to-date, indexed record of all special ordinances. The council may direct that special ordinances and other material be included in appendices to this code.

110.11. Effective date of ordinance. Ordinances are effective on the date of their publication or on such other date as may be specified therein.

Section 115 - Penalties

115.01.General rule. Any person who violates a provision of this code is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than \$700 and imprisonment for a term not to exceed 90 days, or both. Each act of violation and every day on which a violation occurs or continues is a separate violation.

115.03.Exceptions. Where a provision of this code or a statute adopted by reference therein sets a lesser penalty or a different period constituting a violation than set in subsection 115.01, such code or statutory provision shall prevail.

115.05.Applicability. It is the intention of the council that the penalty provided by this section or any other section of this code applies to an amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance, unless otherwise provided in the amendatory ordinance.

115.07.Failure of officers to perform duties. The penalty imposed by this section does not apply to the failure of an officer or employee of the city to perform a duty imposed by this code unless a penalty is specifically provided for such failure.

115.09.Misdemeanor defined. For purposes of this code, the term "misdemeanor" means a penal offense or crime which the council is empowered to punish with fine or imprisonment, and a petty misdemeanor as defined by state law.