

**CODE OF ORDINANCES**

**Section 100 - General Provisions**

**100.01 How Code Designated and Cited.** The ordinances embraced in the following Chapters and Sections shall constitute and be designated the "Code of Ordinances, City of Stewartville, Minnesota," and may be so cited. Internally, reference may be made to "this Code" or "the Code".

**100.02 Rules of Construction and Interpretation.** In the construction and interpretation of this Code, and of all ordinances, the rules and definitions set out in this Section shall be observed, unless the construction or interpretation would be inconsistent with the manifest intent of the City Council. The rules of construction and interpretation, and the definitions set out in this Section shall not be applied to any Section of this Code which shall contain any express provision excluding the construction, or where the subject matter or context of the Section may be repugnant thereto.

**Subd. 1 Intent.** All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

**Subd. 2 Minimum Standards.** In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

**Subd. 3 Computation of Time.** Whenever the performance or doing of any act, duty, matter, payment or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed, such time shall be computed so as to exclude the first and include the last day of any such prescribed or fixed period or duration of time.

**Subd. 4 Delegation of Authority.** Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or Section specify otherwise.

**Subd. 5 Gender.** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

**Subd. 6 Joint Authority.** All words giving a joint authority to three (3) or more persons as officers shall be construed as giving such authority to a majority of the persons or officers.

**Sud. 7 May.** The word "May" shall be permissive.

**Subd. 8 Nontechnical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to the meaning.

**Subd. 9 Number.** A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

**Subd. 10 Oath, Affirmation, Swear; Affirm.** "Oath" shall include "Affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases "Swear" shall include "Affirm" and "Sworn" shall include "Affirmed." All terms shall mean a pledge taken by the person and administered by any individual authorized by State law.

**Subd. 11 Officials, Boards, Commissions.** Whenever reference is made to officials, boards or commissions by title only, i.e. "City Council," "City Clerk-Administrator," "the Mayor," etc., they shall be deemed to refer to the officials, boards and commissions of the City of Stewartville, Minnesota.

**Subd. 12 Shall.** The word "Shall" shall be mandatory.

**Subd. 13 Signature, Subscription.** "Signature" or "subscription" shall include a mark when the person cannot write.

**Subd. 14 Tense.** Words used in the past or present tense shall include the future as well as the past and present.

**Subd. 15 Written, In Writing.** "Written" or "in writing" shall include any mode of representing words and letters, except that the signature of a person, when required by law, shall be in the handwriting of the person or, if he or she is unable to write, his or her mark or his or her name written by some person at his or her request and in his or her presence.

**100.03 Definitions.** Except as may otherwise be provided, or as may be clearly indicated by context, as used in this Code the terms below shall have the meanings provided:

**Subd. 1 City.** The word "City" shall mean the City of Stewartville, Minnesota.

**Subd. 2 City Council, Council.** The term "Council" or "City Council" shall mean the City Council of the City of Stewartville, Minnesota.

**Subd. 3 Corporate or City Limits.** The term "Corporate Limits" or "City Limits" shall mean the legal boundaries of the City of Stewartville, Minnesota.

**Subd. 4 County.** The words "the County" or "this County" shall mean the County of Olmsted in the State of Minnesota.

**Subd. 5 Mayor.** The word "Mayor" shall mean the mayor of the City.

**Subd. 6 Month.** The word "Month" shall mean a calendar month.

**Subd. 7 Owner.** The word "Owner," applied to a building or land, mean the person who holds the title to the land, property, or building and shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant, of the whole or of a part of the building or land.

**Subd. 8 Person.** The word "Person" shall mean bodies politic and corporate, and partnerships and other unincorporated associations as well as to individuals.

**Subd. 9 Personal Property.** "Personal Property" shall mean every species of property except real property, as described in this Section.

**Subd. 10 Preceding, Following.** The words "Preceding" and "Following" shall mean next before and next after, respectively.

**Subd. 11 Property.** The word "Property" shall mean real and personal property.

**Subd. 12 Real Property.** "Real Property" shall mean lands, tenements and hereditaments.

**Subd. 13 Sidewalk.** The word "Sidewalk" shall mean any portion of a street between the curblineline and the adjacent property line, intended for the use of pedestrians, excluding parkways.

**Subd. 14 State.** The words "the State" or "this State" shall mean the State of Minnesota.

**Subd. 15 Street.** The word "Street" shall be mean streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the City, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

**Subd. 16 Tenant or Occupant.** The word "Tenant" or "Occupant," applied to a building or land, shall mean any person holding a written or oral lease or who occupies the whole or a part of the building or land, either alone or with others.

**Subd. 17 Year.** The word "Year" shall mean a calendar year.

**100.04 Catchlines of Sections.** The catchlines of the several Sections of this Code printed in boldface type shall be intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of the Sections, nor as any part of the Section, nor,

unless expressly so provided, shall they be so deemed when any of the Sections, including the catchlines, are amended or reenacted.

**100.05 Amendments to Code.** All ordinances passed subsequent to this Code which 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 this Section, or in the case of repealed chapters, Sections and Subsections or any part thereof, by subsequent ordinances, the repealed portions may be excluded from this Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of the subsequent ordinances until such time as this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the City Council.

**100.06 Unauthorized Alteration or Tampering with Code.** It shall be unlawful for any person in the City to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with this Code in any manner whatsoever which shall cause with intent the law of the City to be misrepresented thereby.

**100.07 Effect of Repeal of Ordinances.** When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision unless it shall be therein expressly provided in the repealed ordinance.

The repeal of an ordinance 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 or cause of action arising under the ordinance repealed.

**100.08 Severability of Parts of Code.** 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 by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality, invalidity or unenforceability shall not affect any of the remaining Phrases, Clauses, Sentences, Paragraphs and Sections of this Code.

**100.09 General Penalty for Violation of Code; Continuing Violations.** Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine or imprisonment or both, not to exceed the maximum amount or duration authorized by State law, but in either case the costs of prosecution may be added. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.