

# City Code Chapter 1

## General Provisions

### Article 1. General Conditions, §§ 1-1--1-19

#### Article 1. General Conditions

##### Sec. 1-1. Designated Name.

The chapters, articles, divisions, sections, and subsections contained in this Code of Ordinances shall constitute and be designated as “The Code of Ordinances of the City of New Brighton, Minnesota” and may be so cited. This Code may also be cited as the “New Brighton City Code” or “the Code”. ( Code 1966; Ord. No. 222, 1-24-67; Code of 2001)

##### Sec. 1-2. Definitions.

The rules of construction and definitions of this Section shall apply to the Code and all ordinances unless such construction or definition would be inconsistent with the manifest intent of the City Council, would be repugnant to the context of the provisions, or the context clearly requires otherwise.

(1) **Common Usage.** All words and phrases shall be construed and understood according to the common and approved usage of language but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to the peculiar and appropriate meaning.

(2) **City.** The City of New Brighton in the County of Ramsey in the State of Minnesota.

(3) **City Council.** The elected governing body of the City.

(4) **Code.** This Code of ordinances as designated and cited in Section 1-1.

(5) **County.** The County of Ramsey in the State of Minnesota.

(6) **Delegation of Authority.** Whenever a provision appears in this Code requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate, and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section expressly designate otherwise.

(7) **Easement.**

A. A right, liberty, privilege, or advantage without profit which the owner of a parcel of land may have in the lands of another.

B. A right by the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property right.

(8) **Gender.** A word importing the masculine gender only shall extend and be applied to females and to

firms, partnerships, associations, and corporations as well as to males.

(9) ***In the City.*** The words "in the City" or "in this City" shall mean and include any territory within the corporate limits of this City and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the City by general or special act.

(10) ***Joint Authority.*** Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise specifically declared.

(11) ***Law.*** Any statute, ordinance, or regulation promulgated by the United States, the State, the County, the City or any agency thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

(12) ***Month.*** The word "month" shall mean a calendar month.

(13) ***Number.*** Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

(14) ***Oath.*** The word "oath" shall be construed to include an affirmation in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

(15) ***Official Time Standard.*** Whenever certain hours are named in this Code they shall mean standard time or daylight savings time as may be in current use in the City.

(16) ***Officials, Employees, Boards, Commissions, etc.*** Whenever reference is made to officials, employees, boards, commissions, or other agencies of the City by title only, i.e., "Mayor", "City Clerk", "City Manager", "Public Safety Director", etc., they shall be deemed to refer to the officials, employees, boards, commissions, or other agencies of the City.

(17) ***Or, And.*** "Or" may be read as "and", "and" may be read as "or" if the context of the provision requires.

(18) ***Owner.*** When applied to a building or land, the word "owner" 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 the building or land.

(19) ***Person.*** The word "person" shall include and be applied to a firm, partnership, association, corporation, organization, club, society, group acting as a unit, or body politic and corporate, as well as to an individual.

(20) ***Personal Property.*** The words "personal property" shall include money, goods, chattel, evidences of debt, things in action, and any other species of property, except real property.

(21) ***Preceding and Following.*** The words "preceding" and "following" shall mean the next before and the next after, respectively.

- (22) **Property.** The word “property” shall include real, personal, and mixed property.
- (23) **Public Place.** Any public way, park, cemetery, school yard, or open space adjacent thereto; any public lake or stream; and, any place or business open to the use of the public in general, open to public view or to which the public has access.
- (24) **Public Way.** Any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
- (25) **Real Property.** The words “real property” shall include lands, tenements, and hereditaments.
- (26) **Reasonable Time.** In all cases where any section of this Code or City ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of the duty or compliance with the notice.
- (27) **Residence.** The place adopted by a person to which, whenever absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed to be the residence.
- (28) **Roadway.** That portion of a street improved, designed, or ordinarily used for vehicular traffic.
- (29) **Shall and May.** The word “shall” is mandatory and the word “may” is discretionary.
- (30) **Sidewalk.** The word “sidewalk” shall mean any portion of the street between the curb or the lateral line of the roadway and the adjacent property line intended for the use of pedestrians.
- (31) **Signature and Subscription.** The word “signature” or “subscription” shall include a mark when the person cannot write provided that the person's name is printed near the mark and is witnessed in writing by another individual.
- (32) **State.** The words “the State” or “this State” shall mean the State of Minnesota.
- (33) **Street.** The word “street” shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, public ways, and approaches thereto and other public thoroughfares in the City devoted to public use.
- (34) **Tenant and Occupant.** The words “tenant” and “occupant” shall mean any person who occupies the whole or a part of a building or land whether alone or with others.
- (35) **Tense.** Words used in the past or present tense shall include the future as well as the past or present.
- (36) **Writing and Written.** The words “writing” and “written” shall include typewriting, printing on paper, and any other mode of representing words and letters.
- (37) **Year.** The word “year” shall mean a calendar year. (Code 1966; Ord. No. 222, 1-24-67; Code of 2001)

**Sec. 1-3. Exceptions to Section 1-2.**

The rules of construction and definitions in Section 1-2 shall not be applied to any section of this Code or any ordinance which shall contain any express provision excluding such construction or definition or when the subject matter or context of such provisions of ordinances may be repugnant thereto. (Code 1966; Code of 2001)

**Sec. 1-4. Incorporation by Reference.**

All standard codes, rules, regulations, and other subject matter herein or hereafter properly incorporated by reference together with subsequent amendments thereto and future incorporations by reference shall be kept and preserved by the City Clerk. (Code 1966; Code of 2001)

**Sec. 1-5. Parenthetical and Reference Matter.**

The matter in parentheses at the end of a section is for information only and is not a part of this Code. Reference matter not in parentheses is for information only and is not a part of this Code. (Code 1966; Code of 2001)

**Sec. 1-6. Catchlines of Sections.**

The bold-face catchlines are intended to indicate the content of each section and shall not be deemed or taken to be titles of the sections or as any part of any section unless expressly so provided. (Code 1966; Code of 2001)

**Sec. 1-7. Rules of Construction.**

The rules of this Section shall be observed in the construction of this Code:

- (1) All references to chapters, articles, or sections are to the chapters, articles, and sections of this Code unless otherwise specified.
- (2) If the provisions of different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of that chapter.
- (3) If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in numerical order shall prevail unless such construction would be inconsistent with the meaning of the chapter. (Code 1966; Code of 2001)

**Sec. 1-8. Altering the Code.**

It shall be unlawful to change or amend by additions or deletions any part or portion of this Code or to alter or tamper with the Code in any manner whatsoever which will cause the law of the City to be

misrepresented provided that supplementation of this Code by authorized persons shall be permitted. (Code 1966; Code of 2001)

**Sec. 1-9. General Penalty.**

(1) Every person, firm, or corporation convicted of a violation of any provision of this Code shall be guilty of a misdemeanor and shall be punished as provided in Minnesota Statutes, Section 412.231, as amended.

(2) Notwithstanding the provisions of Subsection 1, in the event any provision of this Code is designated as a "petty misdemeanor" the violation of such provision shall be punished by a fine not to exceed \$200.00.

(3) Unless otherwise specifically provided, each day that a violation or failure to perform such act shall continue shall constitute a separate offense.

(4) When a specific penalty is not provided in an amendment, the general penalty as provided in this Section shall apply. In the case of an amendment in a chapter where a penalty other than the general penalty has already been specified, the penalty from that chapter shall apply unless such penalty is specifically repealed by the amendment. (Code 1966; Ord. No. 222, 1-24-67; Ord. No. 255, 7-22-69; Ord. No. 421, 5-23-78; Code of 2001)

**Sec. 1-10. Penalty Not Exclusive.**

(1) The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise, or permit issued or granted under the provisions of this Code.

(2) In the event any violation of this Code is designated as a nuisance under the provisions of this Code, the nuisance may be summarily abated by the City in addition to the imposition of a fine or imprisonment. (Code 1966; Ord. No. 222, 1-24-67; Code of 2001)

**Sec. 1-11. Severability of Parts of the Code.**

The sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph, or section of this Code shall be declared invalid, unenforceable, or unconstitutional by a Court, such invalidity, unenforceability, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Code. (Code 1966; Ord. No. 222, 1-24-67; Code of 2001)

**Sec. 1-12. Effect of Repeals.**

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. 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 repealed ordinance. (Code 1966; Ord. No. 222, 1-24-67; Code of 2001)

**Sec. 1-13. Effect of Additions and Amendments.**

All additions and amendments to the Code shall be deemed to be incorporated into the Code so that reference to the “Code of Ordinances of the City of New Brighton” shall be understood and intended to include these additions and amendments. (Code 1966; Code of 2001; Cross Reference Note: Section was previously included in Chapter 2, Article 3)

**Sec. 1-14. Recodification.**

As soon as is practical, all ordinances which amend, repeal, or in any way affect the Code shall be incorporated as a new code of ordinances for the City. In the interim, these ordinances shall be considered as prima facie evidence of the new code. (Code 1966; Code of 2001; Cross Reference Note: Section was previously included in Chapter 2, Article 3)

**Sec. 1-15. Amendments to the Code.**

Amendments to the Code shall be made by referencing the section of the Code in substantially the following language: “That Section \_\_\_\_ of the Code of Ordinances of the City of New Brighton, Minnesota is amended to read as follows: . . .” The new provisions shall then be set out in full. (Code 1966; Code of 2001; Cross Reference Note: Section was previously included in Chapter, 2, Article 3)

**Sec. 1-16. Additions to the Code.**

This Section prescribes how new material may be added to the Code.

(1) In the event a new section is to be added to the Code, the following language may be used: “That the Code of Ordinances of the City of New Brighton, Minnesota is amended by adding a section (or article, chapter or other designation as the case may be), to be numbered \_\_\_\_\_.” The new provisions shall then be set out in full.

(2) In lieu of Subsection (1), a provision in substantially the following language may be used: “It is the intention of the City Council that the provisions of this Ordinance shall become a part of the Code of Ordinances of the City of New Brighton, Minnesota and that the sections of this Ordinance be renumbered accordingly.” (Code 1966; Code of 2001; Cross Reference Note: Section was previously included in Chapter 2, Article 3)

### **Sec. 1-17. Repeal.**

All sections, articles, chapters, or other provisions of the Code which are to be repealed shall be specifically repealed by section number, article number, chapter, or other number. (Code 1966; Code of 2001; Cross Reference Note: Section was previously included in Chapter 2, Article 3)

### **Sec. 1-18. Supplements and Recodification of the Code.**

(1) When directed by the City Council, a supplement to the Code shall be prepared and published. A supplement to the Code shall include all substantive and permanent ordinances since the last supplement was prepared.

(2) The pages of the supplement shall be numbered so that they will fit properly into the Code and will replace pages which have become obsolete.

(3) In preparing a supplement to the Code, all portions of the Code which have been repealed shall be excluded from the Code by omission from the reprinted pages.

(4) When preparing a supplement to the Code, formal, non-substantive changes may be made as necessary to incorporate the changes into a unified Code. However, in no case shall changes be made that alter the meaning or effect of the ordinance. Examples of allowable changes would be:

A. Organize the ordinance material into appropriate subdivisions.

B. Provide appropriate catchlines, headings, and titles for sections.

C. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and change numbers where necessary to accommodate new material.

D. Change the words "this ordinance" or words of the same meaning to "this chapter", "this article", "this division", etc.

E. Make other non-substantive changes necessary to preserve the original meaning of an ordinance. (Code 1966; Code of 2001; Cross Reference Note: Section was previously included in Chapter 2, Article 3)

### **Sec. 1-19. Publication of an Ordinance Summary.**

After adoption, the title and summary of an ordinance shall be published in the official newspaper. The published notice shall include a statement that the full text of the ordinance is available for inspection at City Hall. (Code of 2001)

**Editor's Notes**  
**City Code-Chapter 1**  
**General Provisions**

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered "(1)" followed by "(2)", etc.

The next division of a Section is numbered with an "A" followed by "B", etc.

Sections 1-12 through 1-19. These sections were originally contained in Chapter 2, Article 3. The change permits all items relating maintenance and construction of the Code to be consolidated to a single location. single.

Section 1-9. The penalty provisions have been changed to incorporate the statutory maximums. Also, Section 1-9(4) originally appeared as Section 2-43. This change was made to consolidate all discussion of this topic to a single location.

Margaret A. Egan  
Finance Director/City Clerk  
February 4, 2000