

100 GENERAL PROVISIONS

101 TITLE. This Code of Ordinances shall be known as the Plainview City Code.

102 RULES OF INTERPRETATION

102.1 Generally. Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

102.2 Specific rules of interpretation. The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

AND or OR. Either conjunction shall include the other as if written “and/or,” whenever the context requires.

Acts by assistants. When a statute, code provisions or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

102.3 Application To Future Ordinances. All provisions of the Plainview City Code compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

102.4 Captions. Headings and captions used in this code other than the chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

103 DEFINITIONS. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import. For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City. The area within the corporate boundaries of Plainview as presently established or as amended by ordinance, annexation or other legal actions at a future time. The term *CITY* when used in this code may also be used to refer to the City Council and its authorized representatives.

Code, This Code, or This Code of Ordinances. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

County. Wabasha County.

May. The act referred to is permissive.

Month A calendar month.

Oath. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

Officer, Office, Employee, Commission, or Department. An officer, office, employee, commission, or department of this city unless the context clearly states otherwise.

Person. Extends to and includes an individual, person, persons, firm, corporation, partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

Preceding or Following. Next before or next after, respectively.

Shall. The act referred to is mandatory.

Signature or Subscription Includes a mark when the person cannot write.

State. The State of Minnesota.

Subchapter. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

Written Any representation of words, letters, or figures, whether by printing or otherwise.

Year A calendar year, unless otherwise expressed.

104 SEVERABILITY AND REFERENCES

104.1 Severability. If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

104.2 References to Other Sections. Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

104.3 References to Offices. Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

105 ERRORS AND OMISSIONS. If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

106 ORDINANCE ADMINISTRATION

106.1 Ordinances Repealed. This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

106.2 Ordinances Unaffected. All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

106.3 Effective Date of Ordinances. All ordinances passed by the legislative body requiring publication shall take effect from date of publication, unless otherwise expressly provided.

106.4 Repeal or Modification of Ordinances. Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided. No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided. 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 is expressly provided. No change or amendment to the City Code Chapter 600 shall be adopted until a public hearing has been held as established by Section 608.1.

106.5 Ordinances Which Amend or Supplement Code. If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place. Any ordinance which is proposed to add to the existing City Code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

107 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES. All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. The repeal of prior ordinances and adoption of this code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this code. Insofar as provisions in this code are substantially the same as pre-existing Ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done, offense committed, or right accruing, or liability, penalty, forfeiture or punishment incurred or assessed prior to the effective date of this code is not affected by the enactment of the code. This code does not

affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway right-of-ways, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

108 OFFICIAL COPIES OF CODE. There shall be two official copies of this City Code available for public inspection; one shall be kept at the Public Library and a second in the office of the City Clerk. The City Clerk shall provide a copy for sale for a reasonable charge.

109 ADOPTION OF STATUTES AND RULES BY REFERENCE. It is the intention of the City Council that all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are adopted by reference and made a part of this code. As so adopted, references in that chapter to laws and statutes mean provisions of this code and references to the legislature mean the Council.

110 ENFORCEMENT.

110.1 Law Enforcement Authority. Any Licensed Peace Officer of the city's Police Department, or the County Sheriff, Deputy Sheriff, or State Trooper shall have the authority to enforce any provision of this code.

110.2 City Clerk and City Council Authority. As permitted by M.S. 626.862, as it may be amended from time to time, the City Clerk shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

110.3 Permission to Enter Property To Inspect For Compliance. Any city official or employee designated by this code 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.

110.4 Refusal to Allow Public Employees To Inspect For Compliance. If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk, Peace Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that 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 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 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.

110.5 Unreasonable Refusal To Inspect For Compliance. 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 City Clerk 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 Clerk to object to the termination before it occurs, subject to appeal of the Clerk's decision to the City Council at a regularly scheduled or special meeting.

110.6 Imminent Danger. 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.

111 GENERAL PENALTY.

111.1 Misdemeanor. 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. Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a misdemeanor shall, upon conviction be guilty of a misdemeanor. The penalty which may be imposed for any offense which is a misdemeanor shall be the limits established by State Statute.

111.2 Petty Misdemeanor. Any person, firm or corporation who violates any provision 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 offense which is a petty misdemeanor shall be the limits established by State Statute.

111.3 Cost of Prosecution. 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.

111.4 Failure to Perform Duty. 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.

111.5 Correct or Abate Violation. In addition to any penalties provided for in this section, if any person, firm or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct or abate the violation.

111.6 Separate Violations - Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

112 PUBLIC AND ADMINISTRATIVE HEARINGS

112.1 General. Unless otherwise provided in this code, or by law, every public hearing required by law, Ordinance, or Resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

112.2 Notice. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this section.

112.3 Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The Council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deem necessary.

113 CALENDAR DAYS. Unless specifically stated otherwise, all references to days in the City Code shall be considered calendar days, not business days.