

CHAPTER 1. GENERAL

Section 100 - General Provisions

100.01 Code Citation. This code of ordinances shall be known as the New Richland City Code and may be cited in the New Richland City Code as “this Code” or “the Code”. Reference or citation to the Code will be deemed to include amendments and additions to the Code.

100.02 Existing Rights and Liabilities. The repeal of prior ordinances and the 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 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.

100.03 Numbering. Each section number of this Code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.

100.04 Title Headings; Cross References. Chapter, part, section, subdivision, and other titles shall not be considered part of the subject matter of this Code but are intended for convenience only and not necessarily as comprehensive titles.

100.05 Additions and Amendments. New ordinances proposing amendments or additions to the Code shall be assigned appropriate code numbers and shall be incorporated into the Code as of their effective date. Reference or citation to the Code shall be deemed to include such amendments and additions. When an ordinance is integrated into the Code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this Code, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the Code, the Clerk-Treasurer in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; 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.

100.06 Copies. Copies of this Code shall be kept in the office of the Clerk-Treasurer for public inspection or sale for a reasonable charge.

100.07 Separability. If any portion of this Code, or any part of it hereafter enacted, is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the Code unless it is specifically provided otherwise.

Section 110 - Definitions and Interpretations

110.01 Definitions. Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this Section.

City. “City” shall mean the City of New Richland.

Clerk-Treasurer. “Clerk-Treasurer” shall mean the City Clerk-Treasurer. References to “Clerk” or “Treasurer” shall mean “Clerk-Treasurer”.

Council. “Council” shall mean the City Council.

Person. “Person” shall mean any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term shall include the partners or members; as applied to corporations the term shall include the officers, agents or employees.

State. “State” shall mean the State of Minnesota.

110.02 Interpretations. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645, are adopted by reference and shall be made a part of this Code. As so adopted, references in that chapter to laws and statutes shall mean provisions of this Code and references to the legislature shall mean the Council.

Section 120 - Violations and Penalties

120.01 Petty Misdemeanor. Whenever an act or omission is declared by this Code to be a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine not to exceed the maximum allowed under State law.

120.02 Misdemeanors. Unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in the pursuance thereof, or any other provision of any code adopted in this Code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine and/or imprisonment in an amount or for a term not to exceed, the maximums allowed by State law plus, in either case, the costs of prosecution.

120.03 Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues shall constitute a separate offense.

120.04 City Personnel Liability. 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 violation unless a penalty is specifically provided for such failure.

Section 130 - Administrative Offenses

130.01 Purposes. Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the city may bring criminal charges in accordance with the law. Likewise, the city in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

130.02 Administrative Offenses Defined. An administrative offense is a violation of a provision of this code and is subject to the administrative penalties set forth in the schedule of offenses and penalties by ordinance of the City Council.

130.03 Notices. Any officer of the New Richland Police Department, the City Clerk or any other person employed by the city, authorized in writing by the City Council, and having authority to enforce this code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. The notice shall set forth the nature,

date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

130.04 Payments. Once such notice is given, the alleged violator may, within 14 days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation. The penalty may be paid in person, electronically on the city web store or by mail, and payment shall be deemed to be an admission of the violation.

130.05 Court Appearance Request. Any person contesting an administrative offense pursuant to this section may, within 14 days of the time of the issuance of the notice, request a court appearance. A person requesting a court appearance will be issued a citation/summons for the violation and a court date will be set. The administrative offense procedure will then terminate.

130.06 Failure to Pay. In the event a party is charged with an administrative offense fails to pay the penalty within 14 days or request a court appearance (or hearing) within 14 days, a misdemeanor or petty misdemeanor charge will be brought against the alleged violator in accordance with applicable city ordinances or state statutes. Upon issuance of the misdemeanor or petty misdemeanor charge, the administrative offense procedure shall terminate. If the penalty is paid in full within 14 days, no similar charge may be brought by the City of New Richland for the same incident.

130.07 Disposition of Penalties. All penalties collected pursuant to this chapter shall be paid to the city's Treasurer and may be deposited in the city's General Fund.

130.08 Offenses and Penalties. Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by § 240 enumerating fees, charges and administrative penalties as amended from time to time. Copies of such fee schedule shall be maintained in the administrative offices.

130.09 Subsequent Offenses. In the event a party is charged with a subsequent administrative offense (except speeding) within a 12-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous penalty except as otherwise provided.

(Ord. 08-01, passed 6-23-08)

