

CHAPTER 1 CITY CODE INTRODUCTION

SECTION 100 - GENERAL PROVISIONS

100.01 CODE CITATION. This Code is a complete and comprehensive revision and compilation of the ordinances of Backus, and shall be known as “The City Code of Backus.” All previously passed ordinances not contained herein are hereby repealed. References to the City Code of Backus may be made as “this Code” or “the Code”.

100.02 SCOPE OF APPLICATION. The provisions of this Chapter shall, unless otherwise provided, be applicable to all the chapters, sections, subdivisions, paragraphs and provisions in the City Code of Backus, and the City Code of Backus shall apply to all persons and property within the City of Backus, Minnesota, and within such adjacent area as may be stated in specific provisions.

100.03 RELATION TO OTHER LAW. In enacting this Code, the City expressly claims the right to exercise any and all powers authorized or in any way allowed under Federal or State law, including but not limited to, those powers mentioned in Minnesota Statutes, Chapter 412, Statutory Cities, and Chapter 471, Political Subdivisions. This Code shall not authorize any act or omission otherwise prohibited by State or Federal law.

100.04 EXISTING RIGHTS AND LIABILITIES. The repeal of a prior ordinance or portion thereof or the repeal of any provision of this Code, shall not affect any right accrued, any duty imposed, any penalty incurred or any proceeding commenced under or by virtue of the ordinance or provisions repealed.

100.05 NUMBERING. Each Section Number of this Code shall consist of two component parts separated by a decimal point. The figures before the decimal point refer to the Chapter number and the Section thereof, and the figures after the decimal point referring to the position within the Section.

100.06 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. A title or heading to or in any chapter, section, subdivision, subparagraph or other provision of the City Code shall not limit, expand, or otherwise alter or control the content, wording or interpretation thereof.

100.07 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.

100.08 REVISION. The City Council shall provide for the preparation of revised sheets of every page of this Code in need of revision by reason of amendment or repeal at intervals not exceeding five years.

100.09 SEVERABILITY. If any Chapter contained in this Code or any part of any Section or Subsection contained therein, or the application thereof to any person or circumstances, is held unconstitutional or beyond the statutory powers of the City of Backus, the remaining provisions and application thereof to other persons or circumstances shall not be affected thereby.

100.10 COPIES. The Clerk-Treasurer shall provide a sufficient quantity of the Backus City Code for general distribution to the public and he or she shall give notice in the official newspaper for at least two successive weeks that copies are available in his or her office for examination or purchase.

SECTION 110 - DEFINITIONS AND INTERPRETATIONS

110.01 DEFINITIONS. Unless otherwise indicated, the following definitions used in this Code shall have the meanings ascribed to them in this Section:

- (1) "City" means the City of Backus;
- (2) "Clerk-Treasurer" means the City Clerk-Treasurer;
- (3) "Council" means the City Council;
- (4) "Legislature" means Council;
- (5) "Person" means any natural individual, firm, partnership, company, association, corporation or other such organization. As applied to partnerships or associations, the term

includes the partners or members; as applied to corporations the term includes the officers, agents or employees.

(6) "State" means State of Minnesota.

(7) "Treasurer" means the City Treasurer.

110.02 INTERPRETATION, CONSTRUCTION. The rules of interpretation and construction of laws contained in Minnesota Statutes, Chapter 645 Interpretation of Statutes, are hereby adopted by reference and made a part of this Code as if set out in full.

110.03 SPECIAL REFERENCES. The term "may" means permissive; the term "shall" means mandatory. The singular shall include the plural, and vice versa. References to the male shall include the female and neuter, and vice versa. References to a public official or employee shall include such person's authorized designee.

SECTION 120 - VIOLATIONS AND PENALTIES

120.01 VIOLATIONS. A person shall violate the provisions of this Code by performing an act prohibited or by failing to perform an act required by the terms of this Code. Unless otherwise

provided, each act of violation, and every day on which a violation occurs or continues, shall constitute a separate violation.

120.02 PROSECUTIONS.

Subd. 1 Complaint. All prosecution for violation of any provisions of this Code shall be brought in the name of the City upon complaint and warrant as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which the accused shall be required to plead, and a warrant shall be issued thereon. All warrants and other process of the City shall be directed for service to any police officer, marshal, process officer, court officer, constable, or the sheriff of the County, or all of them.

Subd. 2 Form. It shall be sufficient pleading of the Ordinances or Resolutions of the City to refer to them by Chapter and Section. They shall have the effect of general laws within the City and need not be given in evidence upon the trial of civil or criminal actions.

120.03 CONVICTION. A conviction shall consist of one of the following as accepted by the courts:

- A. A plea of guilty; or

- B. A verdict of guilty by jury or finding of guilty by the Court.

120.04 PENALTIES.

Subd. 1 Misdemeanor. Except as otherwise specifically provided, any violation of this Code shall constitute a misdemeanor and upon conviction thereof, a violator shall be subject to a fine not to exceed \$1,000 and/or a sentence not to exceed 90 days in jail.

Subd. 2 Petty Misdemeanor. Upon conviction of a violation designated as a petty misdemeanor, a violator shall be subject to a fine not to exceed \$300.

Subd. 3 Cost of Prosecution. Any person convicted of a violation of this Code shall be subject to reimbursing the City for all costs of prosecuting the violation.

120.05 PAYMENT TO CITY TREASURY. All fines, forfeitures, and penalties recovered for the violation of any statute or ordinance to which the City is entitled by law shall be paid into the City Treasury. Every court or officer receiving such moneys shall make return thereof under oath in accordance with law, and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the City Clerk-Treasurer.

120.06 FAILURE TO ENFORCE. 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 penalties for violation of this Code unless a penalty is expressly provided for such a failure.

120.07 ADOPTION OF STATUTES AND RULES BY REFERENCE. It is the intention of the City Council that, when adopting this code 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.