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CHAPTER 1 GENERAL PROVISIONS

SECTION 101.01. CITY CODE.

Subd. 1. How Cited. This code of ordinances shall be known as the Delano City Code or Code and may be so cited.

Subd. 2. Additions. 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 date. In integrating ordinances into the Code, the Clerk, 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.

Subd. 3. 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.

Subd. 4. Copies. Copies of this Code shall be kept in the office of the Clerk for public inspection or sale for a reasonable charge. Copies may also be viewed at the Delano Public Library and on the City of Delano’s web site: www.delano.mn.us.

SECTION 102.01. APPLICATION.

The provisions of this Chapter shall be applicable to all Chapters, Sections, Subdivisions, paragraphs and provisions in the City Code. The City Code shall apply to all persons and property within the City of Delano, Minnesota, and within such adjacent areas as may be stated in specific provisions.

SECTION 103.01. RULES OF INTERPRETATION.

Subd. 1. Rules of Construction. The definitions, rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645, as amended from time to time, are adopted by reference and made a part of this Code. As so adopted, references in Minnesota Statutes, Chapter 645 to laws and statutes mean provisions of this Code and references to the legislature mean the Council.

Subd. 2. Grammatical Errors, Transposition, and Additional Words. Grammatical errors do not negate an ordinance. A transposition of words and clauses may be used when a sentence is without meaning as written. Words and phrases that may be necessary for the proper interpretation of an ordinance may be added if they do not conflict with its obvious intent and do not affect its scope and operation.

Subd. 3. Gender; Singular and Plural; Tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders unless such a construction would negate the obvious intent of the language; 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.

SECTION 104.01. DEFINITIONS.

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

Subd. 1. City. “City” means City of Delano, Minnesota, acting by or through its duly authorized representative.

Subd. 2. State. “State” means State of Minnesota.

Subd. 3. Council. “Council” and the “City Council” mean the City Council of the City of Delano, Minnesota.

Subd. 4. Clerk. “Clerk” means the City Clerk.

Subd. 5. City Administrator. “City Administrator” means the City employee with that job title and who possesses lead administrative responsibility for City operations, duly designated by and subject to the City Council’s authority.

Subd. 6. Person. “Person” means any natural person, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the directors, officers, agents, and employees.

Subd. 7. Written and In Writing. “Written” and “in writing” mean any written, printed, or electronic text representing words and letters in the English language.

Subd. 8. Public Property and Public Place. “Public property” and “public place” mean any place, property or premises dedicated to public use, owned by the City, occupied by the City as lessee, or maintained by the City as a public right-of-way by reason of a written, recorded or prescriptive easement, including, but not limited to, public buildings, streets, trails, sidewalks, parks or parking lots so owned or occupied.

Subd. 9. Private Property. “Private property” means all property not included within the definition of Public Property or Public Place and which is not property owned by, leased to, or dedicated for public use to the county, state or federal government, or other political Subdivision.

Subd. 10. InterSection. “InterSection” means the area within which vehicles traveling upon different streets joining at an angle may cross each other’s path.

Subd. 11. Roadway. “Roadway” means that portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately or collectively, depending upon the context.

Subd. 12. Street. “Street” means the entire area dedicated to public use or contained in a written, recorded or prescriptive easement or other conveyance or grant to the City, for public right of way and related support, drainage and utility purposes, and shall include, but not be limited to roadways, boulevards, sidewalks, alleys, drainage areas and ditches adjacent to the roadway and public property between lateral property lines in which a roadway lies.

Subd. 13. Ordinance. “Ordinance” means an ordinance duly adopted by the Council.

Subd. 14. Ex-Officio Member. “Ex-Officio Member” means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within the person’s discretion) to speak to any question coming before the Board, Commission or other deliberative body of which the person is such a member.

Subd. 15. May. “May” is permissive.

Subd. 16. Shall. “Shall” is mandatory.

Subd. 17. Violate. “Violate” includes failure to comply with.

Subd. 18. Premises. “Premises” means any lot, piece or parcel of land together with improvements thereon with a continuous boundary whether publicly or privately owned, occupied or possessed.

Subd. 19. County. “County” means Wright County, Minnesota.

SECTION 105.01. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR..

Subd. 1. Misdemeanors. Unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted pursuant thereto, 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 of not more than \$1,000.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the cost of prosecution.

Subd. 2. Petty Misdemeanors. Whenever an act or omission is declared by this Code to be a petty misdemeanor, any person violating the provision shall, upon conviction, be subjected to a fine of not more than \$300.

Subd. 3. Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subd. 4. Application to City Personnel. 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 106.01. SEPARABILITY.

If any portion of this Code or part thereof hereafter 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 107.01. ORDINANCES REPEALED.

All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code.

SECTION 108.01. 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.

SECTION 109.01. EFFECTIVE DATE OF ORDINANCES.

All ordinances requiring publication shall take effect from and after the due publication thereof, or publication of a summary thereof, unless otherwise expressly provided.

SECTION 110.01. EXISTING RIGHTS AND LIABILITIES.

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 of such prior ordinances and the enactment of this Code. Any 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.