

CHAPTER 1

CODE INTRODUCTION

Section 100 - General Provisions

100.01. Adoption of Code. The ordinances of the City of Blue Earth hereby are revised and codified. Such codification is hereby adopted as the “1998 City Code of Blue Earth”. References to the City Code of Blue Earth shall include all additions and amendments to it. *(Section 100.01 amended per Ordinance 99-08 dated 9-21-99.)*

100.02. Code Citation. This codification of the ordinances of the City of Blue Earth shall henceforth be known as the 1998 City Code of Blue Earth and cited in the 1998 City Code of Blue Earth as “this code” or “the code”. References to the Code hereby replaced shall be cited as the 1978 City Code of Blue Earth. *(Section 100.02 amended per Ordinance 99-08 dated 9-21-99.)*

100.03. Numbering. Each Subsection number of this Code consists of two component parts separated by a decimal. The numbers before the decimal refer to the Chapter and Section of the Code in which the Subsection is located. The number the furthest to the left of the decimal designates the Chapter number. The two numbers just to the right of the decimal designate the Section number. If the Section has Subsections, the numbers after the decimal designate the Subsection number. Subdivisions and subparts to any Subsection are indicated by consecutive numbers and uppercase letters respectively. Other methods of numbering may also be occasionally used in any provision of this Code. *(Section 100.03 amended per Ordinance 99-08 dated 9-21-99.)*

100.04. Title Headings; Cross References. Chapter, Section, Subsection, 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. Existing Rights and Liberties. The repeal of prior ordinances and the adoption of this Code are not to be construed to affect in any manner rights and liberties 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, 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. *(Section 100.05 amended per Ordinance 99-08 dated 9-21-99.)*

100.06. 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 or 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-Administrator in cooperation with the City Attorney may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, 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. In the case of the repeal of a chapter, section, subsection, subdivision, or any part thereof, by subsequent ordinances, the repealed portion may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances by the City Council.

100.07. Separability. Every Chapter, Section, Subsection, subdivision, subpart, paragraph or provision of the City Code shall be, and is hereby declared, severable from every other such Chapter, Section, Subsection, subdivision, subpart, paragraph or provision and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other Chapter, Section, Subsection, subdivision, subpart, paragraph or provision.

100.08. Payment Into City Treasury of Fines and Penalties. All fines, forfeitures, and penalties recovered for the violation of any ordinance, charter, rule or regulation to which the City is entitled to by law shall be paid into the City Treasury by the Court or officer receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided for by law.

100.09. Copies. Copies of this Code shall be kept in the office of the Clerk-Administrator for public inspection and sale for a reasonable charge. A copy of this Code and any amendment to it shall be filed with the County Law Library or its depository in accordance with Minnesota law.

Section 110 - Definitions and Rules of Construction

110.01. Intent of Language. Unless the language or context clearly indicates that a different meaning is intended, the terms words and phrases listed under Section 110.02, for the purpose of every Chapter, Section, Subsection, subdivision, paragraph and provision in this City Code, shall have the meanings given under Section 110.02. *(Section 110.01 amended per Ordinance 99-08 dated 9-21-99.)*

110.02. Definitions.

Subd. 1. City. The term “City” means the City of Blue Earth, Minnesota, acting by or through its duly authorized representative.

Subd. 2. Council and City Council. The terms “Council” and “City Council” mean the City Council of the City of Blue Earth, Minnesota.

Subd. 3. Clerk-Administrator. The term “Clerk-Administrator” means the person duly appointed by the Council to perform the duties of the City Clerk and City Administrator. References to the “Clerk” or “Administrator” shall mean the “Clerk-Administrator”.

Subd. 4. Person. The term “person” includes all firms, partnerships, associations, corporations and natural persons.

Subd. 5. Written and In-Writing. The terms “written” and “in writing” mean any mode of representing words and letters in the English language.

Subd. 6. Street. The term “street” means the entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not be limited to, roadways, boulevards, sidewalks, public alleys, and other public property between lateral property lines in which a roadway lies.

Subd. 7. Intersection. The term “intersection” means the area embraced within the prolongation or connection of the lateral curb line or, if no curb, then the lateral boundary lines of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

Subd. 8. Roadway. The term “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 but not to all such roadways collectively.

Subd. 9. Police Officer and Peace Officer. The terms “police officer” and “peace officer” mean every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

Subd. 10. Conviction. The term “conviction” means either of the following accepted and recorded by the court:

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

Subd. 11. Crime. The term “crime” means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 12. Ordinance. The term “ordinance” means an ordinance duly adopted by the City Council of Blue Earth, Minnesota.

Subd. 13. Ex-Officio Member. The term “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 his or her discretion) to speak to any question coming before the Board, Commission, or other deliberative body of which he or she is such member.

Subd. 14. Premises. The term “premises” means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

110.03. Rules of Construction. The following are rules of construction for the interpretation of this Code.

Subd. 1. May. The term “may” is permissive.

Subd. 2. Shall. The term “shall” is mandatory.

Subd. 3. Violate. The term “violate” includes failure to comply with.

110.04. 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 made part of this Code. As adopted, references in that chapter to laws or statutes mean parts of this Code and references to the legislature mean the City Council. Any meaning adopted in Minnesota Statutes, Chapter 645, contrary to a meaning specifically given within this Code will be subordinate to the specific meaning. (*Section 110.04 amended per Ordinance 99-08 dated 9-21-99.*)

110.05. Delegation of Authority. Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

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 of not more than \$200.00.

120.02. Misdemeanor. Unless another penalty is expressly provided in this Code, any person violating any provision, rule, or regulation adopted in 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 violation, shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than \$700.00 or imprisonment in a city or county jail for a period of 90 days, or both.

120.03. Penalties For Each Offense. When a penalty or forfeiture is provided for the violation of a Chapter, Section, Subsection, subdivision, paragraph or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation. *(Section 120.03 amended per Ordinance 99-08 dated 9-21-99.)*

120.04. Court Costs and Prosecution Expenses. To the extent permitted by State law, the Rules of Criminal Procedure, and the Rules of Court, the City shall be authorized to collect from anyone violating any provision of this Code the costs of prosecution and any other applicable Court costs.

120.05. 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.

120.06. Liability for Acts of Another. A person shall be liable for a violation of the Code committed by another if he or she intentionally hires, counsels, conspires with or otherwise procures another to commit the act.

Section 130 – Administrative Offense Procedures

130.01. Purpose. 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 Offense 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 referred to in Section 130.08.

130.03. Notice. Any officer of the Blue Earth Police Department, or any other person employed by the city, authorized 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. Payment. Once the notice is given, the alleged violator may, within seven days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation or notify the city in writing that they contest the violation. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

130.05. Contested Case. Any person contesting an administrative offense pursuant to this Section may, within 14 days of the time of issuance of an administrative penalty notice request an appeal before the administrative penalty review board. The review board shall have the authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the review board, the violator shall pay the penalty imposed within 7 days. The administrative penalty review board shall be a 2 member panel as appointed by the Mayor. Any administrative review resulting in a tie by the board shall be governed by a tie breaking vote by the Mayor.

130.06. Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty and does not notify the city that they are contesting the violation, a

misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes and, if applicable, the fine may be levied as an assessment against the property owner. If the penalty is paid or if an individual is found to not have committed the administrative offense by the courts, no such charge may be brought by the city for the same violation.

130.07. Disposition of Penalties. All penalties collected pursuant to this chapter shall be paid to the City's Finance Director 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 resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.

130.09. Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a 24-month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be subject to an increased penalty as provided for in this section. First offenses shall have a penalty as specified by resolution periodically determined by the City Counsel. Second offenses within 24 months of the first violation shall have a penalty subject to a 25% increase over the penalty as set by resolution. Third offenses shall have a penalty subject to a 50% increase. Any additional violation in a 24 month period shall be subject to the same penalty as a third violation.

(Section 130 added per Ordinance 06-11 dated 6-19-06.)