

CHAPTER I

GENERAL PROVISIONS

Section 100 - Title: Citation: Statutory Reference

100.01. Title. This codification of the ordinances of the City of Robbinsdale may be referred to and cited as "The Robbinsdale City Code of 1990" or "this code."

100.03. Citation: reference: numbering system. For the purposes of internal references in this code and citation by its users the following terms are used:

Code	The Robbinsdale City Code of 1990
Chapter	Roman numerals (e.g. Chapter XI)
Section	Arabic numerals (e.g. Section 100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g. subsection 1100.01)
Clause	Arabic letters, lower case, in parentheses (e.g. a))

Reference or citations made in a form other than the foregoing will not defeat the intent of the council in enacting an ordinance or the intent of a user in citing this code when that intent is otherwise clear. This code is to be construed liberally to carry out its purposes.

100.05. Adoption by reference. Statutes or administrative rules or regulations of the state of Minnesota and codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by Minnesota Statutes, section 471.62. At least one copy of any item so adopted, but not less than the number of copies required by law, must be kept in the office of the city clerk for use by the public.

100.07. Official statutes: codes: regulations: ordinances. References in this code to Minnesota Statutes are to Minnesota Statutes 2008, and Laws of Minnesota 2009, unless otherwise provided in this code. References in this code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to those documents in effect on August 1, 2009, unless otherwise provided. (Amended, 03-27, Amended, Ord 08-07, Ord 09-02)

100.09. Relation to state law. It is the intent of the Robbinsdale city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by state law. When this code imposes a more stringent rule or standard of conduct than contained in similar provisions of state law, rule or regulation, it is the intent of the council that the provisions of this code prevail over such state law, rule or regulation to the extent permitted by law.

Section 105 - Definition of Terms;
Interpretation; Conflicts

105.01. Definitions: common terms. Subdivision 1. For purposes of this code, the terms defined in this subsection have the meanings given them.

Subd. 2. "City" means the city of Robbinsdale and the territory lying within its boundaries over which it has jurisdiction.

Subd. 3. "Code", "this code", or "code of ordinances" means the Robbinsdale City Code of 1990, as organized, compiled and codified herein.

Subd. 4. "Council" means the city council of the city.

Subd. 5. "Charter" means the home rule charter of the city.

Subd. 6. "Clerk" means the city clerk.

Subd. 7. "Minor", unless otherwise specified in this code, means an individual under the age of 18.

Subd. 8. "Owner" means, in the case of personal property, a person, other than a lien holder, having the property in or title to personal property. In the case of real property, the term means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership: the term includes, but is not limited to, vendees under contracts for deed and mortgagors.

Subd. 9. "Person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 10. A reference to an elected or appointed city officer includes that officer's duly authorized representative.

105.03. Definitions: statutory. For purposes of this code, the terms defined in Minnesota Statutes, sections 645.44 through 645.451 have the meanings given them by those sections; and terms defined by statutes, rules or regulations, codes and ordinances adopted by reference have the meanings given them therein.

105.05. Definitions: internal. Terms defined in other sections of this code have the meanings given them by those sections.

105.07. Interpretation: conflicts. Subdivision 1. Common usage. Words and phrases used in this code are to be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such other terms as have acquired a specific or peculiar meaning are to be interpreted and understood in accordance with that meaning.

Subd. 2. Statutory rules. It is the intent of the city council that the rules and canons of construction, presumptions and miscellaneous provisions relating to statutory construction contained in Minnesota Statutes, chapter 645, apply to this code and govern its interpretation, and that all questions of

meaning, construction and interpretation of this code be resolved by application of the rules contained in chapter 645. The provisions of Minnesota Statutes, chapter 645, are adopted by reference and are as much a part of this code as if fully set forth herein.

105.09. Gender neutral: terminology. Amendments to this code and other ordinances of the city must be prepared in a manner to eliminate gender specific references in the manner prescribed by Laws of Minnesota, 1984 chapter 480, section 21.

Section 110 - Legislative Procedure

110.01. Ordinances enactment. Ordinances are enacted in accordance with the procedure set forth in state law and the charter. Ordinances must be integrated into this code in accordance with this section.

110.03. Form of amendments and new ordinances. An ordinance amending this code must specify the subsection and subdivision to be amended. Language to be added is underlined; language to be repealed is lined through. An ordinance repealing an entire chapter, section, subsection, subdivision or clause need refer only to that chapter, section, subsection, subdivision or clause and the text need not be reproduced. An ordinance adding only new provisions to the code need not be underlined.

110.05. Headnotes, etc. Chapter, section, subsection, subdivision, clause, headnotes, titles and cross references are not substantive parts of this code, but merely matters to expedite and simplify its use.

110.07. Integration of ordinances into code. Subdivision 1. Duties of clerk and attorney. The clerk and city attorney must recommend to the council a system for integrating ordinances into this code in the most expeditious manner possible. They must recommend to the council rules consistent with this section for the preparation, editing and format of ordinances to be presented to the council.

Subd. 2. Matters omitted. When an ordinance is integrated into this code, the following matters may be omitted:

- (a) title;
- (b) enacting clause;
- (c) section numbers;
- (d) definition of terms identical to those contained in this code;
- (e) validation and repealing clauses;
- (f) validating signatures and dates;
- (g) punctuation and other matters not an integral part of the text of the ordinance;
- (h) penalty provisions.

Subd. 3. Errors. When integrating ordinances into this code, the clerk and attorney may: (i) correct manifest grammatical, punctuation, spelling, and typographical errors; (ii) change reference numbers to conform with sections, subsections, chapters and ordinances; (iii) substitute figures for written words and vice versa; (iv) substitute dates for the words "the effective date of this ordinance"; and (v) perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 4. Source notes. When an ordinance is integrated into this code, a source note will be added at the end of each new chapter, section, subsection, subdivision or clause indicating the ordinance number and section from which it was derived.

110.09. Ordinance records: special ordinances. The city clerk is responsible for the safe and orderly keeping of ordinances in a manner directed by the council. An ordinance not included in this code by council direction is a special ordinance. The clerk must maintain an up-to-date, indexed record of all special ordinances. The council may direct that special ordinances and other material be included in appendices to this code.

110.11. Effective date of ordinance. Ordinances are effective in accordance with section 3.09 of the charter.

Section 115 - Penalties

115.01. General rule. Except as provided in subsection 115.03, a person who violates a provision of this code is guilty of a misdemeanor. Every day on which a violation occurs or continues is a separate violation. The maximum penalty that may be imposed upon conviction for a violation of a provision of this code is the same as the maximum penalty that may be imposed upon conviction for the same class of offense under state law. (Amended, Ord. No. 94-08)

115.03. Exceptions. Where a provision of this code or a statute adopted by reference therein sets a lesser penalty or a different period constituting a violation than set in subsection 115.01, such code or statutory provision prevails.

115.05. Applicability. It is the intention of the council that the penalty provided by this section or any other section of this code applies to an amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance, unless otherwise provided in the amendatory ordinance.

115.07. Failure of officers to perform duties. The penalty imposed by this section does not apply to the failure of an officer or employee of the city to perform a duty imposed by this code unless a penalty is specifically provided for such failure.

115.09. Misdemeanor defined. For purposes of this code, the term "misdemeanor" means a penal offense or crime which the council is empowered to punish with fine or imprisonment and a petty misdemeanor as defined by state law.

Section 120 - Enforcement

120.01. Enforcement. Subdivision 1. Peace officers. Peace officers appointed by the city may enforce the provisions of this code, the violation of which constitutes a misdemeanor, petty misdemeanor, or gross misdemeanor. In connection with such authority, peace officers may make arrests and issue citations in lieu of arrest in the manner provided by law.

Subd. 2. Community service officers and police reserve officers. Community service officers and police reserve officers appointed by the city may, in the performance of their duties, and under the direction of the chief of police, issue notices of violation and citations in lieu of arrest, but may not take persons into custody for refusal to sign such citations.

Subd. 3. Employees of fire department. Employees of the fire department may issue notices of violations which the fire department and its employees are, by this code, designated to administer and enforce.

Subd. 4. Employees and agents: citations. Employees and agents of the code enforcement division of the engineering department, the community development department and police department parking monitors may issue notices of violations and citations in lieu of arrest for alleged violations of code provisions which those employees are, by this code, designated to administer and enforce. Employees and agents so authorized may not take persons into custody for refusal to sign such citations.

Subd. 5. Twin and South Twin Lakes: citations: additional authority. Non-sworn personnel from the police departments of Brooklyn Center and Crystal are authorized to issue citations on any part of the city lying on Twin Lakes, on islands in Twin Lakes, or on South Twin Lake, or on public lands adjacent to Twin Lakes or South Twin Lake, for violation of any applicable laws, ordinances or regulations, under the authorization and direction of the chief of police. Such personnel may not take persons into custody for refusal to sign citations. (Added, Ord. No. 91-02)