

Effective Date: March 7, 2006 330A

Amendments:

Section 1.1: General Provisions

1.1.01 Adoption of Code. The existing ordinances of the City of Cloquet are hereby replaced, revised and codified. This codification is hereafter adopted as the "Municipal Code of Cloquet." References to the municipal code of Cloquet shall include all additions and amendments to it. All unaffected ordinances including the existing city zoning provisions, and ordinances pertaining to municipal platting and land subdivision shall remain in effect until such time as they are specifically replaced by corresponding Code sections subsequently adopted by the City Council.

State law references: Authority of city to codify, Minn. Stats. § 415.021.

1.1.02 Short Title. The Municipal Code of Cloquet may be referred to as the "Code", "this Code" or "the Municipal Code."

1.1.03 Statutory Rules Adopted. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction as contained in Minnesota Statutes Chapter 645 are hereby adopted by reference and are made a part of this Code. As so adopted, references in these chapters to laws and statutes mean provisions of this Code or the laws of the State of Minnesota. References to the legislature mean the legislature of the State of Minnesota and references to the Council refer to the City Council of the City of Cloquet.

State law references: Interpretation of statutes generally, Minn. Stats. ch. 645.

1.1.04 Existing Rights and Liabilities. The repeal of prior ordinances and the adoption of this Code shall not be construed to affect, in any manner, rights and liabilities existing at the time of the repeal and the enactment of this Code. Insofar as provisions in this Code are intended to be substantially the same as pre-existing ordinances, they shall be considered as continuations and not as new enactments. Accordingly, any right or liability accruing or any act done, offense committed, penalty, forfeiture, or punishment incurred or assessed prior to the effective date of this Code shall not be affected by the enactment of the Code.

1.1.05 Preservation of Past Acts and Rights. The repeal of any ordinance or portion thereof by the adoption of this Code shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution which existed or had commenced in any cause before such repeal took effect; but every such act done or right vested or accrued or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by such repeal. Prosecution and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed.

State law references: Similar provisions, Minn. Stats. §§ 645.35, 645.36.

1.1.06 Repeal of Ordinances. All ordinances passed by the City of Cloquet up to the time of adoption of this Code are hereby repealed except those ordinances otherwise provided for in this Code.

1.1.07 Subsequent Ordinances. Ordinances passed by the City of Cloquet after the effective date of this Code shall be passed as amendments or additions to this Code (unless they are of limited or special application or are otherwise deemed to be not a part of this Code.)

1.1.08 Consecutive Numbering to Continue. Consecutive chronological numbering of all ordinances as passed shall continue.

State law references: Similar provisions, Minn. Stats. §§ 645.13-645.151.

1.1.09 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, the enacting clause, section numbers, definitions of terms identical to those contained in this Code, the clause indicating date of adoption, and the validating signatures and dates. In integrating ordinances into the Code, the City Administrator, in cooperation with the City Attorney, may correct obvious grammatical, punctuation, and spelling errors; they may change reference numbers to conform with sections, articles, and chapters of the Code; they may substitute figures for written words and vice versa; they may substitute dates for the words "the effective date of this ordinance"; and they may perform like actions to insure a uniform code of ordinances without, however, altering the intended meaning of the ordinances enacted.

1.1.10 Updating. This Code shall be printed in loose-leaf form so that it may be kept up to date regularly by the insertion of revised or additional pages.

1.1.11 Separability/Severability. If any chapter, section, sentence, clause or other part of the Municipal Code of Cloquet shall be adjudged void or of no effect by any Court or by a change of law or for any reason whatsoever, such decisions or determinations shall not affect the validity of any of the other portions of the Code not so affected and it is the specific intent that they will remain valid.

1.1.12 Copies. Copies of this Code shall be maintained by the City Administrator and the City Attorney and at least one copy will be kept in the office of the City Administrator for public inspection or sale for a reasonable charge.

Section 1.2: Rules of Construction

1.2.01 General. Words and phrases used in this Code shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

1.2.02 Masculine, Feminine or Neuter. Unless the context clearly requires otherwise, the use of masculine, feminine, or neuter gender terms shall be intended to include the other genders.

1.2.03 Singular or Plural. Unless the context clearly requires otherwise, the use of either singular or plural numbers shall include the other number.

1.2.04 Past, Present or Future. Unless the context clearly requires otherwise, the use of the past, present or future tense shall include the other tenses.

1.2.05 Joint Authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

1.2.06 Computation of Time. The time within which an act shall be done shall be computed by excluding the first and including the last day listed. If the last day is a Sunday or legal holiday, such day shall be excluded and the day following included.

1.2.07 Agents. Whenever the Municipal Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

1.2.08 Conjunctions. The words "or" and "and" may be read interchangeably in situations where the context requires it.

1.2.09 Catch Lines, Titles, Headings. The catch lines, titles, or headings of the various sections of the Municipal Code printed in bold type are intended to indicate the contents of the section for the convenience of the reader, but shall not be construed as a part of the section.

State law references: Similar provisions, Minn. Stats. § 645.49.

1.2.10 Substantive Changes Not Intended. The Municipal Code is intended as a Codification of the existing law, and shall be construed in accordance with such intent.

1.2.11 Minnesota Rules of Construction to Apply. Unless clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statutes or case law shall apply in the construction of this Code.

Section 1.3: Definitions

1.3.01 Certain Terms Defined. As used in the Municipal Code of Cloquet, unless the particular context shall clearly require some other meaning, the following terms shall mean:

Subd. 1 City. "City" shall mean the City of Cloquet.

Subd. 2 City Administrator. "City Administrator" shall mean the person appointed by the Council to perform the duties of City Clerk, Treasurer, and City Administrator. References to "Clerk", "Administrator", "City Administrator", "Treasurer", "Clerk-Treasurer" or similar designation shall mean the City Administrator.

Subd. 3 City Plan. "City Plan" shall mean the comprehensive City plan adopted by the City Council.

Subd. 4 Code. "Code" shall mean the Municipal Code of Cloquet.

Subd. 5 Council. "Council" shall mean the City Council of Cloquet.

Subd. 6 Governing Body. "Governing Body" shall mean the City Council of Cloquet.

Subd. 7 Person. "Person" shall mean any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any partnership or corporation, and, as to corporation, the officers, agents or members thereof who are responsible for the violation.

Subd. 8 Property. "Property" shall mean tangible or intangible, real, personal or mixed property.

Subd. 9 Sidewalk. "Sidewalk" shall mean that portion of the street between the curblin and the adjacent property line, intended for the use by pedestrians.

Subd. 10 State. "State" shall mean the State of Minnesota.

Subd. 11 Street. "Street" shall mean any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of said words shall include the others, and, if the context permits, shall also include "sidewalks."

1.3.02 Other Definitions. Certain chapters of this Code contain other definitions applicable particularly to that Chapter. In case of any conflict between the definitions in this Section and other definitions, the other definitions shall prevail in the Chapters where applicable.

1.3.03 Minnesota Definitions to Apply. Unless clearly in conflict with definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by statutes or case law shall apply to this Code.

Section 1.4: Violations and Penalties Provided in Code

1.4.01 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 for a petty misdemeanor at the time of the act or omission so committed.

(Ordinance 114A, 46A, 279, 277, 245)

State law references: Increased maximum penalties for petty misdemeanors, Minn. Stats. § 609.0331.

1.4.02 Misdemeanors. Unless another penalty is expressly provided for in this Code, any person violating any provision of this Code, or any 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 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 for a misdemeanor plus, in either case, the costs of prosecution or any restitution ordered by the Court.

State law references: Increased maximum penalty for ordinance violations, Minn. Stats. § 609.034.

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

1.4.04 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 1.5: Recommended Fine Schedule

1.5.01 Fine Schedule. The City Council may, from time to time as necessary, adopt and approve by resolution a comprehensive recommended fine schedule for single or multiple occurrence offenses of violations of various provisions of this Code. That fine schedule is intended to be incorporated into the Code as adopted by the Council from time to time.

1.5.02 Notification to Court Personnel. The City Administrator shall transmit a copy of any fine schedule adopted by the Council to the City Attorney and Carlton County Court Administration so that it is available to the Court in addressing violations of the Code.

1.5.03 Payment of Fines, Penalties. All fines, forfeitures and penalties recovered for the violation of any ordinance of the City shall be paid into the City General Fund by the Court or officers thereof receiving the moneys on behalf of the City. Payment shall be made in the manner and at the time provided by law.

State law references: Authorized penalty for ordinance violations, Minn. Stats. § 412.231.