

## **Chapter 1**

### **GENERAL PROVISIONS**

#### **Art. I. In General, Sections 01 through 07**

#### **Art. II. Penalties and Citations, Sections 08 through 09**

### **ARTICLE I. IN GENERAL**

#### **Section 01. How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Chaska, Minnesota," and may be so cited.

*State law reference: Authority to codify, Minn. Stats. Section 415.02 1.*

That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf form. It shall be the express duty of the City Clerk or someone authorized by the clerk, to insert in their designated places all amendments or Ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Code of Ordinances of Chaska, Minnesota.

#### **Section 02. Rules of construction and definitions.**

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council, The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling,

City: Shall mean the City of Chaska, Minnesota.

Computation of time: Where the performance or doing of any act, duty, matter, payment or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed and fixed by law, such time shall be computed so as to exclude the first and include the last day of any such prescribed or fixed period or duration of time.

When the last day of such period falls on Sunday or on any day made a legal holiday, by the laws of this State or of the United States, such day shall be omitted from the computation.

Corporate limits or City limits: The term "corporate limits" or "city limits" shall mean the legal boundaries of the City of Chaska, Minnesota.

City Council, Council: Whenever the term "Council" or "City Council" is used, it shall be construed to mean the City Council of the City of Chaska.

County: The term "the County" or "this County" shall mean the County of Carver in the State of Minnesota.

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 is to 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.

Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

May: The word "may" is permissive.

Month: The word "month" shall mean a calendar month.

Non-technical and technical words: Words and phrases shall be construed according to the common and approved usage of the language but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath, affirmation, affirm, sworn: "Oath" includes "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases "swear" includes "affirm" and "sworn" includes "affirmed."

Officials, boards, commissions: Whenever reference is made to officials, boards or commissions by title only, i.e., "City Council," "City Administrator," "the Mayor," they shall be deemed to refer to the officials, boards and commissions of the City of Chaska, Minnesota.

Owner: The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

Person: The word "person" may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations as well as to individuals.

Personal property: Includes every species of property except real property as herein described.

Preceding, following: The words "preceding" and "following" mean next before and next after, respectively.

Property: The word "property" shall include real and personal property.

Real property: Shall include lands, tenements and hereditaments.

Shall: The word "shall" is mandatory.

Signature or subscription: Includes a mark when the person cannot write.

State: The words "the State" or "this State" shall be construed to mean the State of Minnesota.

Street: The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the City, and shall include all area thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant: The word "tenant" or "occupant", applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

Tense: Words used in the past or present tense include the future as well as the past and present.

Written, in writing: "Written" and "in writing" may include any mode of representing words and letters, except that the signature of a person, when required by law must be in the handwriting of the person or, if he is unable to write, his mark or his name written by some person at his request and in his presence.

Year: The word "year" shall mean a calendar year.

*State law reference: Similar provisions, Minn. Stats. Secs. 645.15, 645.44.*

### **Section 03. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines are amended or reenacted.

### **Section 04. Amendments to Code.**

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions 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. Any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, City of Chaska, Minnesota" shall be understood and intended to include such additions and amendments.

That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 08 of such Code shall apply to the section as amended or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section amended unless such penalty is specifically repealed therein.

#### **Section 05. Unauthorized alteration or tampering with Code.**

That it shall be unlawful for any person, firm, or corporation in the City to change or amend by addition or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Chaska to be misrepresented thereby. Any person, firm, or corporation violating this section shall be punished as provided in Section 08(a) of this chapter.

#### **Section 06. Effect of repeal of ordinances.**

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

#### **Section 07. Severability of parts of Code.**

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and R any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

### **ARTICLE II. PENALTIES AND CITATIONS**

#### **Section 08. General penalty for violation of code; petty misdemeanors, continuing violations.**

(a) Except as hereinafter provided in Subsection (b) for petty misdemeanors, whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this Code or any

ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period of ninety (90) days, or both. Each day any violation of any provisions of this Code, or of any ordinance, shall continue shall constitute a separate offense.

(b) Petty misdemeanor means a petty offense which is prohibited by this Code of Ordinances which does not constitute a crime and for which a sentence of a fine of not more than one hundred dollars (\$100.00) may be imposed. Violations of the following sections of this Code of Ordinances are hereby determined to be petty misdemeanors: Sections 18 through 21, and 23, 25, and 27 through 34, and including Section 37 of Chapter 14; Section 3 of Chapter 15; and Section 10 of Chapter 16. (Ord. No. 187, Sec. 1, 8/12/69; Ord. No. 315, Sec. 1, 11/15/81; Ord. No. 565, Sec. 1, 12/19/94).

### **Section 09. Citations; Community Service Officer and Building Inspector.**

Community Service Officers of the Chaska City Police Department are hereby authorized and empowered to issue citations for violations of Chapter 14, Article 2, Sections 18 through and including Section 39 of the Code of Ordinances relating to the parking, stopping and standing of automobiles; Minnesota State Statute 169.34 relating to prohibitions, stopping and parking, Minnesota State Statute 169.346 relating to parking for physically handicapped, Minnesota State Statute 169.35 relating to parking; violations of Chapter 14, Article 3; Sections 51 through 61, same relating to abandoned vehicles; and any violations of any section of Minnesota State statutes relating to the regulations of animals or fowl, violations of Chapter 5 of the Code of Ordinances for the City of Chaska relating to the regulations of animals and fowl within the City of Chaska.

The Building Inspectors of the City of Chaska are hereby authorized and empowered to issue citations for violations of the Code of Ordinances contained in Ordinance 229 relating to zoning; Chapter 6, Article 2, Sections 21-45 relating to house moving; Ordinance 252 relating to subdivision; Chapter 19, Article V, Sections 85-105 relating to on-site septic systems; and Chapter 9, Section 14 relating to the Uniform Fire Code; and, Chapter 6, Article III, Sections 46 through 83.

Penalty for violation of Code of Ordinances, as provided in Section 08, Subd. (a) and (b), Chapter 1,

*State law reference: Authority for City to increase maximum penalty for violations of ordinances, Minn. Stats. Sec. 609.032.*