



CHAPTER 1. CODE INTRODUCTION

Section 100 – General Provisions

100.01 Adoption of Code. The ordinances of the City shall be hereby revised and codified and shall be operative without further publication in the official newspaper in accordance with Minnesota Statutes, Section 415.021. This Code of Ordinances shall be known as the City Code of Norwood Young America and may be so cited. Within the City Code itself, reference may be made to “this Code” or “the Code.”

100.02 Subsequent Ordinances. Ordinances enacted after the effective date of this Code shall be enacted in accordance with law as amendments or additions to this Code. Such new ordinances 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 this 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 the date of adoption, and validating signatures and dates. In integrating ordinances into the Code, the Administrator, with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with subdivision, sections, 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 ensure a uniform Code of ordinances without 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case of the repeal of a chapter, section, subsection, subdivision, or any part thereof, by subsequent ordinances, the repealed portion may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed, or omitted in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.

100.03 Numbering. Each section number of this Code consists of two component parts, separated by a decimal point. The digits of the number before the decimal point refer to the Chapter and Section number, and the digits after the decimal refer to the Subsection number.

100.04 Reference to Sections. Reference to any Section of this Code shall be understood to also refer to and include the penalty section relating thereto, unless otherwise expressly provided, and in the absence of an independent penalty section, to the penalty provisions of this Chapter.

100.05 Publication of Code and Effective Date. The City Code, together with such indexes, supplement, appendixes or other material as the Council may designate, shall be published in loose-leaf book form and a copy shall be available at the office of the Administrator, and the Carver County Public Library, for inspection by the general public. The City Code shall become operative and effective when the Administrator publishes notice in the official newspaper stating that the Code has been enacted. A copy of this Code and any amendment to it shall be filed with the County Law Library or its depository in accordance with State law.

100.06 Rules of Construction. The definitions and rules, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 shall be adopted by reference and made a part of this Code. In addition, the following rules shall apply:

Subd. 1 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.

Subd. 2 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.

Subd. 3 May. The word “may” is permissive.

Subd. 4 Month. The word “month” shall mean a calendar month.

Subd. 5 Nontechnical 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.

Subd. 6 Number. A word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing.

Subd. 7 Oath, Affirmation, Affirm, Sworn. “Oath” shall include “Affirmation” in all cases where by law an affirmation may be substituted for an oath; and in like cases “Swear” shall include “Affirm” and “Sworn” shall include “Affirmed.”

Subd. 8 Officials, Boards, Commissions, Committees. Whenever reference is made to officials, boards, commissions or committees by title only, i.e., “City Council”, “Administrator”, “the Mayor”, the reference shall be deemed to refer to the officials, boards, commissions and committees of the City of Norwood Young America, Minnesota.

Subd. 9 Preceding, Following. The words “Preceding” and “Following” shall mean next before and next after, respectively.

Subd. 10 Shall. The word “Shall” shall be mandatory.

Subd. 11 Tense. Words used in the past or present tense include the future as well as the past and the present.

Subd. 12 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 shall be in the handwriting of the person or, if he or she is unable to write, his or her mark, or his or her name written by same person at his or her request and in his or her presence.

Subd. 13 Year. The word “Year” shall mean a calendar year.

100.07 Liability.

Subd. 1 Existing Rights and Liabilities. The repeal of prior ordinances and adoption of this Code shall not be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this Code. Any act done, offense committed, or right accruing, or liability, 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.

Subd. 2 Liability of City Personnel. The failure of any official, employee, or volunteer; of the City to perform any official duty imposed by this Code shall not subject the person to the penalty imposed for violations of this Code, unless a penalty is specifically provided for such failure.

Subd. 3 Liability for Acts of Another. A person shall be liable for a violation of the Code committed by another if he or she intentionally aids, advises, hires, counsels, conspires with or otherwise procures another to commit the act.

100.08 Severability of Parts of Code. Every section, provision, or clause of the Code of Ordinances of the City of Norwood Young America, shall be declared separable from every other section, provision or part. Should any

section, provision or clause of this Code be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Code as a whole or any part thereof, other than the part declared to be invalid.

Section 110 – Definitions

110.01 Certain Terms Defined. Unless the language or context specifically states or clearly indicates that a different meaning is intended, the words, terms and phrases for the purpose of this Code shall be given the meanings defined in Minnesota Statutes.

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

Subd. 1 Attorney. “Attorney” shall mean the Attorney retained by the Council to provide legal services on behalf of the City. The position may be referred to as “City Attorney.”

Subd. 2 Code. “Code” shall mean the City Code of Norwood Young America.

Subd. 3 Council. “Council” shall mean the City Council of Norwood Young America.

Subd. 4 County. “County” shall mean Carver County.

Subd. 5 City. “City” shall mean the City of Norwood Young America.

Subd. 6 Administrator. “Administrator” shall mean the City Administrator.

Subd. 7 Clerk. “Clerk” shall mean the City Clerk.

Subd. 8 Person. “Person” shall mean any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term shall include the partners or member; as applied to corporations the term shall include the officers, agents, or employees.

Subd. 9 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 the building or land.

Subd. 10 Property. The word “Property” shall include real and personal property.

Subd. 11 Personal Property. “Personal Property” shall include every type of property except real property as described in this Section.

Subd. 12 Real Property. “Real Property” shall include lands and the structures or other permanent attachments on the land.

Subd. 13 State. The words “the State” or “this State” shall be construed to mean the State of Minnesota.

Subd. 14 Street. The word “Street” shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, highways, bridges, viaducts and all other public ways in the City and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Subd. 15 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.

Section 120 – Violations and Penalties

120.01 Penalty. Unless otherwise provided in this Code, any person found guilty of violating the provisions of this Code shall be guilty of a misdemeanor. Each day the violation continues to exist shall be considered a separate violation of this Code. The penalty for a misdemeanor or petty misdemeanor shall be as allowed by State law.

120.02 Governmental Services Lien. The City may certify any unpaid fees to the county auditor as a governmental services lien for collection with the real property taxes of the person in violation of this Code.

120.03 Civil Action. If a person fails to comply with the provisions of this Code, the City may recover costs, damages, or fees in a civil action in any court of competent jurisdiction.

120.04 Administrative Enforcement of City Code.

Subd. 1 Findings and Purpose. The purpose of this section for the city code is to establish a procedure for administrative enforcement of violations of the city code. The City Council finds that criminal or civil legal action is not an appropriate remedy for certain violations of city code. The City Council establishes this administrative enforcement process as an informal, cost-effective and more efficient alternative to traditional criminal charges for violations of certain city code provisions.

Subd. 2 General Provisions.

- A. A violation of any provision of the city code, other than a traffic offense, is an administrative offense subject to a citation and civil penalties pursuant to this chapter.
- B. Each day a violation exists constitutes a separate offense.
- C. Each administrative offense may be subject to a civil penalty not to exceed \$1,000.00 The City Council shall adopt a schedule of civil penalties for offenses subject to administrative enforcement.
- D. Civil penalties may be doubled for repeat violations that occur within a twelve-month period.
- E. The City Administrator or designee is authorized to promulgate rules and forms to facilitate the execution of this chapter.
- F. In its sole discretion, the City may elect to pursue criminal charges, a civil action, or other remedies allowed by law for conduct covered by this chapter.

Subd. 3 Administrative Citation.

- A. *Individuals Authorized to Enforce the City Code.* The following individuals may issue administrative citations on behalf of the City:
 - 1. Any Officer of the Carver County Sheriff's Department assigned to serve in the City of Norwood Young America
 - 2. City Administrator, or
 - 3. Any other employee or agent of the City designated in writing by the City Administrator.
- B. *Notice of Violation.* Upon determining that a violation of city code has occurred, any individual authorized under this chapter may give notice of the violation to the violator. Such notice shall be in writing and include the nature, date, and time of the violation, the name and title of the official issuing the notice, and the amount of the scheduled penalty. In the case of a vehicular violation, notice may be attached to the vehicle.

Subd. 4 Payment or Hearing Request Required. For violations other than violations of the City's Zoning and Subdivision Codes, within seven day of issuance of the written notice of violation, the person issued such notice must either pay the civil penalty or request an administrative hearing in writing. The civil penalty may be paid in person or by mail. Payment is deemed an admission of the violation.

For violations of the City's Zoning and Subdivision Codes, the property owner shall have thirty days from the issuance of the written notice of violation to request an administrative hearing in writing, modify the property to adhere to zoning requirements, or provide the City Administrator with satisfactory written evidence of efforts toward compliance. By way of example, but without limitation, satisfactory written evidence may include a

contract with an individual or entity to perform the necessary work to bring the property into compliance with zoning requirements within a limited period of time. During the thirty days from the issuance of the written notice, the property owner will not incur a civil penalty. If the property owner does not request a hearing, bring the property into compliance, or provide the City Administrator with satisfactory written evidence of efforts toward compliance within thirty days of issuance of the written notice, the property owner will incur a civil penalty on the 31st day after issuance of the written notice, and each day the violation continues, as provided in the City's schedule of civil penalties. Civil penalties will continue to accrue until the property owner notifies the City Administrator that the property has been brought into compliance and the City Administrator or designee has verified the property is compliant.

Subd. 5 Administrative Hearing.

- A. Any person contesting an administrative citation pursuant to this chapter may request a hearing. The request must be in writing and include the violator's name and contact information, citation number, date of offense, and a brief description of the reason(s) for requesting a hearing. Any request for hearing other than a hearing on a zoning or subdivision code violation must be addressed to the City Administrator and received at City Hall within seven (7) days of issuance of the citation. A request for a hearing on a zoning or subdivision code violation must be addressed to the City Administrator and received at City Hall within thirty (30) days of the issuance of the notice of violation.
- B. The City will determine the hearing date. The hearing should be conducted within sixty (60) days from the date the request is received.
- C. The City Council shall conduct an informal hearing to determine, by a preponderance of the evidence, whether a violation has occurred. The Council, by majority vote, shall have authority to sustain or dismiss the violation and, if sustained, reduce or waive the civil penalty.
- D. The civil penalty must be paid within seven days of the hearing officer decision.

Subd. 6 Appeal Hearing Body. The hearing shall be before the City Council. The City Council is authorized to hear and decide any controversy relating to administrative offenses covered by this chapter.

Subd. 7 Payment of Civil Penalty.

- A. Except for violations of the Zoning and Subdivision Codes, the civil penalty must be paid within seven days of issuance of an administrative citation, or seven days of the Hearing Officer's decision. A ten-percent (10%) late fee will be added beginning on the eighth day, and for each day thereafter until the penalty is paid in full. The City Administrator may agree to a one-time extension to pay, up to an additional fourteen days.
- B. The City will periodically send invoices regarding outstanding civil penalties and late fees. Where a violation affects property within the City, no permits or land use approvals will be granted for the property at issue until all civil penalties are paid.
- C. If an individual fails to timely pay the civil penalty or request a hearing, the City may request a misdemeanor or petty misdemeanor charge to be filed in accordance with applicable statutes, or the City may use traditional debt collection methods or any other method prescribed by law, including assessing the unpaid fines against property owned by the violator, to collect the fine amount and any associated fees.
- D. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.
- E. During the time any Civil Penalty remains unpaid, no City approval will be granted for a license, permit, or other City approval sought by the violator or for property under the violator's ownership or control.

Subd. 8 Disposition of Penalties. All civil penalties and late fees shall be paid to the City and deposited into the general fund.

Subd. 9 Schedule of Civil Penalties. A schedule of Civil Penalties will be developed and adopted by City Council. In the absence of an identified civil penalty, the penalty shall be \$100.00