

CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

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CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

SECTION 1.01. APPLICATION. The provisions of this Chapter shall be applicable to all the chapters, sections, subdivisions, paragraphs and provisions in the City Code and the City Code shall apply to all persons and property within the City of Lexington, Minnesota, and within such adjacent area as may be stated in specific provisions.

SECTION 1.02. DEFINITIONS. Unless the language or content clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of every chapter, section, subdivision, paragraph and provision of this City Code, shall have the following meanings and inclusions.

- A. **“City”** - means the City of Lexington, Minnesota, acting by or through its duly authorized representative.
- B. **“Council and City Council”** - means the City Council of the City of Lexington, Minnesota.
- C. **“City Clerk”** - means the person duly appointed by the City Council and acting in such capacity. The City Council may choose to designate the City Clerk as “City Manager”, “City Administrator”, “City Coordinator”, or any other designation fitting of the position and its function. The City Clerk will serve at the will of the City Council.
- D. **“Person”** - includes all firms, partnerships, associations, corporations and natural persons.
- E. **“Written” and “In Writing”** - mean any mode of representing words and letters in the English language.
- F. **“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, alleys, and other public property between lateral property lines in which a roadway lies.
- G. **“Public Property” and “Public Place”** - mean any place, property or premises dedicated to public use, owned by the City, occupied by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but not limited to, streets, parks or parking lots so owned or occupied.

- H. **“Private Property”** - means all property not included within the definition of public property or public place.
- I. **“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.
- J. **“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.
- K. **“Police Officer” and “Peace Officer”** - mean every officer, including special police, authorized to direct or regulate traffic, keeping the peace, and appointed or employed for the purpose of law enforcement.
- L. **“Ordinance”** - means an ordinance duly adopted by the City Council of Lexington, Minnesota.
- M. **“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 to speak to any question coming before the board, commission or other deliberative body of which that individual is a member.
- N. **“May”** - is permissive.
- O. **“Shall”** - is mandatory.
- P. **“Violate”** - includes failure to comply with.
- Q. **“Premises”** - means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.
- R. **“City Code”** – a term referring to the compiled Ordinances of the City of Lexington. This term is interchangeable with “City Ordinance(s).”

SECTION 1.03. CODE BOOK VIOLATIONS.

Subd. 1. Performance Standards. The following sets procedures for the recognition, notification and enforcement of those types of violations that the City, by its Code, is obligated to regulate.

- A. Complaint of code violation received.

- 1) precipitated by city employee
 - 2) precipitated by resident (requires verification)
 - 3) precipitated by public safety employee
- B. Complaint form filled out by City Hall employee taking complaint.
- C. Letter from City Administrator or designee identifying code violation, directing corrective action and imposing a 14-day deadline.
- D. Violation observed/investigated by appropriate person as requested by City Administrator or designee one day after deadline imposed on 1st letter.
- E. If no appreciable progress is being made a second letter prepared by the City Administrator or designee will be delivered by the Police Department setting absolute deadline of 14 days for corrective action before citation is issued.
- F. Violation observed/investigated by the Police Department one day after deadline imposed on 2nd letter.
- G. If no appreciable progress is being made a citation will be issued by the Police Dept. for violation of City Code.

Subd. 2. Violation a Misdemeanor or Petty Misdemeanor. Every person who violates a provision of this City Code shall be punished for a misdemeanor offense, except as otherwise stated in specific provisions herein.

SECTION 1.04. OTHERWISE UNLAWFUL. The City Code does not authorize an act or omission otherwise prohibited by law.

SECTION 1.05. SEVERABILITY. Every chapter, section, subdivision, paragraph or provision of the City Code shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph or provision and if any part of portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph or provision.

SECTION 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES. The Court or officer thereof receiving such monies shall pay all fines, forfeitures and penalties recovered for the violation of any ordinance, charter, rule or regulation of the City into the City Treasury. Payment shall be made in the manner, at the time, and in the proportion provided by law.

SECTION 1.07. MEANINGS. As used in this City Code, words of the male gender shall include the female and neuter, and the singular shall include the plural and the plural shall include the singular.

SECTION 1.08. PENALTIES FOR EACH OFFENSE. When a penalty or forfeiture is provided for the violation of a chapter, section, subdivision, paragraph or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation. Each day a violation occurs is a separate offense and therefore subject to a separate penalty or forfeiture.

SECTION 1.09 TITLES. A title or caption to or in any chapter, section, subdivision, subparagraph or other provision of the City Code is for convenience only and shall not limit, expand, or otherwise alter or control the content, wording or interpretation thereof. Any chapter, section, subdivision, subparagraph or other provision contained in this Code of Ordinances shall constitute and be designated as "The Code of Ordinances of the City of Lexington," and may be so cited. This code may also be cited as the "Lexington City Code." Internal references to the Lexington City Code may be made as "this code" or "the code." All references and citations to this code shall be deemed to include all additions and amendments to the code. All references to chapters or sections are to the chapters and sections of this code unless otherwise specified.

SECTION 1.10. ADDITIONS. New ordinances proposing amendments or additions to the code 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 of 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 City Administrator, in cooperation with the City Attorney, may correct obvious grammatical, punctuation and spelling errors; change reference numbers to conform with sections, articles 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. For editorial and cataloging purposes, the date of adoption, amendment or repeal shall be placed at the end of each section of the code.

SECTION 1.11. ORDINANCES UNAFFECTED. All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

SECTION 1.12. EFFECTIVE DATE OF ORDINANCES. Whenever any ordinance or part of an ordinance adopted by the City Council requires publication, that ordinance shall take effect from and after the due publication thereof, unless otherwise expressly provided. All other ordinances or parts thereof are effective upon adoption by the City Council.

SECTION 1.13. REPEAL OR MODIFICATION OF ORDINANCES. Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

SECTION 1.14. NUMERICAL ASSIGNMENT AND CONSTRUCTION OF AMENDMENTS. Each newly adopted ordinance shall be arraigned as follows:

Subd. 1. Numbering. Each section number of this code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.

Subd. 2. Code Amendments. Amendment to any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

Subd. 3. Code Supplements. Any ordinance which adds a new chapter or section to the existing code shall be assigned a new and unique number. In addition, a caption or title shall be shown in concise form above the code.

Subd. 4. Repealed Code Numbers. Once a chapter number or section number has been assigned and its subject matter repealed, that number shall not be used again in the code.

SECTION 1.15 THROUGH 1.99, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.