

CHAPTER I

GENERAL PROVISIONS

Section 100 - Title; citation; statutory references

100.01. Title. This codification of the ordinances of the city of Crystal may be referred to and cited as: "The Crystal city code." All such references shall be to the most current enactment of The Crystal city code unless the context of the reference expressly or impliedly indicates otherwise. (Amended, Ord. No. 2015-08)

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

Chapter	Roman numerals (e.g. chapter XI)
Section	Arabic numerals (e.g. section 1100)
Subsection	Arabic numerals for section and subsection separated by decimal (e.g., subsection 110.01)
Clause	English letters, lower case, in parentheses (e.g. (a)) (Amended, Ord. No. 2015-08)

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 the code when such intent is otherwise unclear. This code is to be construed liberally to carry out its intent and purposes.

100.05. Adoption by reference. Statutes or administrative rules or regulations of the state of Minnesota, codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by Minnesota Statutes, section 471.62. Unless expressly indicated otherwise, the provisions adopted by reference shall include any subsequent amendments made to those provisions and any successor provisions. (Amended, Ord. No. 2015-08)

100.07. Official statutes; codes; regulations; and ordinances. References in this code to Minnesota Statutes are to the most current enacting of the Minnesota Statutes, 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 the most current enactment of those documents, unless otherwise provided. (Amended, Ord. No. 95-12, Sec. 4, Ord. No. 97-9, Sec. 1; Ord. No. 2003-5; Ord. No. 2015-08)

100.09. Relation to other law. It is the intent of the city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by state law and the city charter. Where 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 that state law, rule or regulation to the extent permitted by law. However, the provisions of this code do not necessarily preclude the application of other federal, state, and local laws, rules, regulations, and ordinances. Compliance in a given situation may require acting in accordance with regulations enacted by different regulatory bodies and obtaining permits and licenses required by those regulations. (Amended, Ord. No. 2015-08)

100.11. Incorporation of Ordinances. The city clerk is authorized to work with the city attorney to incorporate amendments made to this code by ordinance adopted by the city council. This authorization includes the authority to renumber sections, subsections, and clauses as may be required, and to make typographical and other non-substantive corrections to the code as part of incorporating the amendments. The updated code shall constitute the official Crystal city code. Ordinances of a temporary or transitory nature shall not be incorporated into the code unless otherwise directed by the city council. (Added, Ord. No. 2015-08)

Section 105 - Definition of terms;
interpretation; conflicts

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

Subd. 2. "Charter" means the charter of the city.

Subd. 3. "City" means the city of Crystal and all the territory lying within its boundaries over which it has jurisdiction.

Subd. 4. "Code", "this code" or "code of ordinances" means the most current enactment of the Crystal city code, as organized, compiled and codified herein. (Amended, Ord. No. 2015-08)

Subd. 5. "Council" means the city council of the city of Crystal.

Subd. 6. "Manager" means the Crystal city manager.

Subd. 7. "Clerk" means the Crystal city clerk.

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 a contract 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. "Health authority" means the health officer or the public health sanitarian.

Subd. 11. A reference to an elected or appointed city officer includes the duly authorized representative of that officer.

Subd. 12. "Local non-profit/civic organization" means (i) a non-profit organization located in the city, (ii) a club as defined in Minnesota Statutes, section 340A.101, subdivision 7, located in the city, (iii) the city, (iv) the West Metro-Fire Rescue District Firefighters Relief Association, (v) Independent School District 281, (vi) a volunteer committee organized for the sole purpose of sponsoring or assisting in the conduct of a civic celebration officially recognized by the city, or other organization identified as a local non-profit or civic organization by the city council. (Amended, Ord. No. 2015-08)

Subd. 13. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed. (Added, Ord. No. 2015-08)

Subd. 14. "Official" means a person elected or appointed to the council, or appointed to a committee or other group created by the city council to serve the city on its behalf. (Added, Ord. No. 2015-08)

Subd. 15. "Petty misdemeanor" means a petty offense which is prohibited by statute or this code, does not constitute a crime, and for which a sentence of a fine of not more than \$300 may be imposed. (Added, Ord. No. 2015-08)

105.03. Definitions; statutory. For purposes of this code, the terms defined in Minnesota Statutes, sections 645.44 and 645.45 have the meanings given them by those sections; and terms defined by statutes, rules or regulations, and ordinances adopted by reference have the meanings given them therein.

105.05. Definition; 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 others as have acquired a specific or peculiar meaning are to be interpreted and understood in accordance with such 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. Zoning district classifications; conformance of references to zoning code. Subdivision 1. District classification. The zoning district classification listed in column 1, wherever they appear in this code, are to be interpreted to mean the corresponding zoning district classifications listed in column 2.

<u>Column 1</u>	<u>Column 2</u>
R-1, R-2, R-3, R-4	R-1, R-2, R-3, R-4, R-0, P-2, PUD-(GR)
C-1	B-1, B-2, B-3, B-4, P-1, PUD-(CI)
C-2	B-1, B-2, B-3, B-4, P-1, PUD-(CI)
C-3	B-1-A, P-1, PUD-(CI)
M-1	I-1, I-2, P-1, PUD-(CI)
M-2	I-1, I-2, P-1, PUD-(CI)

Subd. 2. Intent. The intent of this subsection is to conform the zoning district classification of this section to those of the city code, appendix I, section 515.

105.11. References to non-intoxicating liquor, beer. Subdivision 1. The term "3.2 percent malt liquor" is substituted for the term "beer" or "non-intoxicating malt liquor" whenever those terms appear in this code.

Subd. 2. The city clerk is authorized and directed to delete the term "beer" and "non-intoxicating malt liquor" and substitute the term "3.2 percent malt liquor" in all relevant city documents, licenses and permits. (Added, Ord. No. 97-9, Sec. 2)

Section 110 - Legislative procedure

110.01. Ordinances; enactment. Ordinances are enacted in accordance with the procedures set forth in the city charter. Ordinances are to 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, subdivision and clause to be amended. Language to be added must be underlined; language to be repealed must be stricken. 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. The text of an ordinance adding only new provisions to the code need not be underlined.

110.05. Headnotes, etc. Chapter, section, subsection and subdivision 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 manager and attorney. The manager and city attorney must recommend to the council a system for integrating ordinances into the 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 the code, the manager and attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; 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.

Subd. 4. Source notes. When an ordinance is integrated into this code, a source note must be added at the end of each new chapter, section, subsection or subdivision indicating the ordinance number and section from which the changed language 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. Any 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 others be included in appendices to this code.

110.11. Effective date of ordinances. Ordinances are effective on the dates specified in the city charter.

110.13. (Added, Ord. No. 99-03, Sec.1) Summary publication of ordinances. Subdivision 1. Charter authority. Section 3.12 of the charter of the city of Crystal authorizes the City council to adopt procedures for the publication of ordinances in summary form. The procedures set forth in this section are established pursuant to that authority.

Subd. 2. Summary publication authorized. All ordinances approved by the City council will be published in summary form, unless the council directs otherwise by motion adopted prior to or immediately following the final passage of the ordinance. The form of summary must be approved by a motion of the council adopted immediately following the final passage of the ordinance.

Subd. 3. Procedures. The published summary must (a) state the title of the ordinance, (b) contain a general statement of the purpose and effect of the ordinance, and (c) indicate that a printed copy of the full text of the ordinance is available for public inspection in the office of the city clerk. The city clerk must record the published summary, the text of the ordinance, and the affidavit of publication in the ordinance book of the city.

Subd. 4. Effect of summary. Publishing of a summary in accordance with this section will fulfill all legal publication requirements as completely as if the entire ordinance had been published.

Section 115 - Penalties

115.01. General rule. A person who violates a provision of this code is guilty of a misdemeanor. Each act of violation and each day on which a violation occurs or continues is a separate violation. (Amended, Ord. No. 2015-08)

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, the code provision will prevail.

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 any 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 official or employee of the city to perform a duty imposed by this code unless a penalty is specifically provided for such failure. (Amended, Ord. No. 2015-08)

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