

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 Codes, and the City Codes shall apply to all persons and property within the City of Westbrook, Minnesota, and within such adjacent area as may be stated in specific provisions.

SECTION 1.02. DEFINITIONS.

Unless the language or context 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:

Subdivision 1. "City" means the City of Westbrook, Minnesota, acting by or through its duly authorized representative.

Subdivision 2. "City Administrator" means the person duly appointed by the City Council and acting in such capacity. The City Administrator and City Clerk-Treasurer positions have been combined and reference to the City Clerk shall mean the City Administrator.

Subdivision 3. "Conviction" means either of the following accepted and recorded by the Court:

- A. A plea of guilty; or,
- B. A verdict of guilty by a jury or a finding of guilty by the Court.

Subdivision 4. "Council" and "City Council" mean the City Council of the City of Westbrook, Minnesota.

Subdivision 5. The term "County" shall mean the County of Cottonwood, Minnesota.

Subdivision 6. "Crime" means conduct which is prohibited by ordinance and for which the actor may be sentenced.

Subdivision 7. "Ex Officio Member" means a person who is not counted for the purpose of determining a quorum, and has no right to vote.

Subdivision 8. "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.

Subdivision 9. Minnesota Statutes. The term "Minnesota Statutes" shall mean and refer to the latest edition or supplement of the Minnesota Statutes.

Subdivision 10. "Misdemeanor" means an offense as defined by Minnesota Statute 609.02 Subdivision 3.

Subdivision 12. "Person" includes all firms, partnerships, associations, corporations and natural persons.

Subdivision 13. "Petty Misdemeanor" means an offense as defined by Minnesota Statute 602. 02 Subdivision 4a.

Subdivision 14. "Police Officer" and "Peace Officer" mean every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

Subdivision 15. "Premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

Subdivision 16. "Private Property" means all property not included within the definition of public property or public place.

Subdivision 17. "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.

Subdivision 18. "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.

Subdivision 19. "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.

Subdivision 20. "Violate" includes failure to comply with.

Subdivision 21. "Written" and "In Writing" mean any mode of representing words and letters in the English language.

SECTION 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR.

Every person violates a chapter, section subdivision, paragraph or provision of this City Code when an act which is prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor, or as for a petty misdemeanor, except as otherwise stated in specific provisions. Herein, as set forth in the specific chapter in which the section, subdivision, paragraph or provision violated appears. Upon conviction for a crime, the actor may be convicted of either the crime charged if it is a misdemeanor, or a petty misdemeanor as an included offense necessarily proved if the misdemeanor charge were proved.

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 or 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 CLERK OF FINES AND PENALTIES.

All fines, forfeitures and penalties recovered for the violation of any ordinance, charter, rule or regulation of the City shall be paid into the City Clerk by the Court or officer thereof receiving such monies. 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, the following meanings shall apply:

Subdivision 1. Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Subdivision 2. "May" is permissive.

Subdivision 3. "Shall" is mandatory.

SECTION 1.08. CITATION.

This codification of the ordinances of the City of Westbrook, Minnesota, shall henceforth be known as the City Code and cited thus: "CITY CODE, SECTION 1.08."

SECTION 1.09. 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.

SECTION 1.10. 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.

SECTION 1.11. REFERENCE TO A PUBLIC OFFICIAL.

Wherever a public official is referred to in the City Code, the reference shall include such public official or designee.

SECTIONS 1.12 - 1.99. RESERVED.