

78-14

An Ordinance Adopting a Revision and Codification of Ordinances to be Known
as the Dayton City Code

The City Council of the City of Dayton ordains:

Section 1. CODE ADOPTED. There is hereby adopted that certain revision and codification of the ordinances of the city contained in a printed compilation entitled "Dayton City Code." A copy of such code shall be marked "Official Copy" and filed as part of the official records of the city in the office of the city clerk.

Section 2. REPEALS. Appendix I of the Dayton City Code is a listing of all ordinances of the city from No. 27 to unnumbered. All ordinances listed in Appendix I are hereby repealed, except ordinance 78-8 and those ordinances noted in the right-hand column of Appendix I as being in Appendices II - V. Ordinances so noted are continued in force but not set forth in the code. The rest of Appendix I consists of a cross reference table indicating where in the Dayton City Code the material from the various repealed ordinances may be found.

Section 3. COPIES. The clerk shall provide a sufficient quantity of the Dayton City Code for general distribution to the public and he shall give notice in the official newspaper for at least two successive weeks that copies are available in his office for examination or purchase.

Section 4. PRIMA FACIE EVIDENCE. The Dayton City Code shall be prima facie evidence of the law of the city.

Section 5. EFFECTIVE DATE. This ordinance becomes effective December 14, 19 78.

Passed this 14th day of Dec., 1978.

Earl J. Dehn
Mayor

Attest: Shirley Slater
Clerk

100 General Provisions

100.01. CITY CODE.

Subdivision 1. How Cited. This code of ordinances shall be known as the Dayton City Code and may be so cited.

Subd. 2. Additions. New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date unless otherwise specified in the ordinance. All ordinances amending this code shall be effective following their passage and publication in accordance with Minnesota Statutes, Chapter 412 unless otherwise stated in the ordinance. 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 ordinance, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the clerk, 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; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 3. 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.

Subd. 4. Title Headings; Cross References. Chapter, section, subdivision, and other titles shall not be considered part of the subject matter of this code but are intended for convenience only and not necessarily as comprehensive titles.

Subd. 5. Copies. Copies of this code shall be kept in the office of the clerk for public inspection or sale for a reasonable charge to be established by the council.

100.02. DEFINITIONS.

Subdivision 1. General. For purposes of this code, the masculine gender of pronouns shall include the feminine and vice versa, and unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this section.

Subd. 2. City. "City" means City of Dayton.

Subd. 3. Code. "Code" means the Dayton City Code.

Subd. 4. State. "State" means State of Minnesota.

Subd. 5. Council. "Council" means the City Council of the City of Dayton.

Subd. 6. Clerk. "Clerk" means the City Clerk of the City of Dayton.

Subd. 7. Person. "Person" means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

100.03. STATUTORY RULES ADOPTED.

The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are adopted by reference and made a part of this code. As so adopted, references in that chapter to laws and statutes mean provisions of this code and references to the legislature mean the council.

100.04. EXISTING RIGHTS AND LIABILITIES.

The repeal of prior ordinances and adoption of this code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this code. Insofar as provisions in this code are substantially the same as pre-existing ordinances, they shall be considered as continuations thereof and not as new enactments. 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 is not affected by the enactment of the code.

100.05. HEARINGS.

Subdivision 1. General. Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subd. 2. Notice. Every hearing shall be preceded by 10 days mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subd. 3. Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

Subd. 4. Record. Upon the disposition of any matter after hearing, the council shall have prepared a written summary of its findings and decisions and enter the summary in the official council minutes.

100.06. PENALTIES.

Subdivision 1. Petty Offenses. Whenever an act or omission is declared by this code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$100.

Subd. 2. General Misdemeanors. In any other case, unless another penalty is expressly provided in this code, any person violating any provision of this code, or any rule or regulation adopted in pursuance thereof, or any other provision of any other code adopted in this code by reference, including any

provision declaring an act or omission to be a misdemeanor, shall, upon conviction be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the costs of prosecution.

Subd. 3. Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subd. 4. Application to City Personnel. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure by this code or by Statute.

100.07. SEPARABILITY.

If any chapter, section or any part thereof in the code or hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance unless it is specifically provided otherwise.