

CHAPTER 1 GENERAL PROVISIONS

| | | |
|-----------------|--------------------------------------|-------|
| ORDINANCE 100 | CITY CODE | |
| Section 100.01: | TITLE..... | 100-1 |
| Section 100.02: | REPEAL OF PRIOR ORDINANCES | 100-1 |
| Section 100.03: | ADOPTION OF CITY CODE | 100-1 |
| Section 100.04: | EXISTING RIGHTS AND LIABILITIES..... | 100-1 |
| Section 100.05: | EFFECTIVE DATE | 100-1 |
| Section 100.06: | ENACTMENT OF ORDINANCES | 100-1 |
| Section 100.07: | AMENDMENT AND ADDITIONS..... | 100-1 |
| Section 100.08: | NUMBERING SYSTEM | 100-1 |
| Section 100.09: | HEADINGS AND INDEX | 100-2 |
| Section 100.10: | AVAILABILITY TO THE PUBLIC | 100-2 |
| Section 100.11: | SEPARABILITY | 100-2 |
| Section 100.12: | PENALTIES..... | 100-2 |
| Subd. 1 | Petty Misdemeanors | 100-2 |
| Subd. 2 | Misdemeanors | 100-2 |
| Subd. 3 | Separate Violations | 100-2 |
| Subd. 4 | Application to City Personnel | 100-2 |

CHAPTER 1 GENERAL PROVISIONS

ORDINANCE 100 CITY CODE

Section 100.01: TITLE. This Code shall be cited as the “Kimball City Code” (Code) and shall include amendments and additions to the Code.

Section 100.02: REPEAL OF PRIOR ORDINANCES. All ordinances of the City of Kimball enacted prior to the effective date of this Code are hereby repealed in their entirety.

Section 100.03: ADOPTION OF CITY CODE. The ordinances of the City of Kimball are hereby revised, codified, and adopted as set forth in this Code, which shall supersede all other prior ordinances.

Section 100.04: EXISTING RIGHTS AND LIABILITIES. The repeal of prior ordinances and the adoption of this Code are not to be construed in any manner to affect the rights and liabilities existing at the time of repeal and enactment of this Code. Where provisions in this Code are substantially the same as ordinances in existence at the time of this Code's enactment, they shall be considered as continuations and not as new enactments. No act done, offense committed, right accruing, liability, penalty, forfeiture or punishment occurring, incurred or assessed prior to the effective date of this Code shall be affected by the enactment of this Code.

Section 100.05: EFFECTIVE DATE. The repeal of prior ordinances and adoption of this Code shall be simultaneous, with no gap in time between repeal of the prior ordinances and adoption of this Code. The effective time and date of such repeal and adoption shall be 12:01 a.m., August 22, 2013.

Section 100.06: ENACTMENT OF ORDINANCES. Ordinances and resolutions shall be enacted and adopted according to the procedures of Minn. Stat. Chap.412. All ordinances shall be integrated into this Code as herein provided.

Section 100.07: AMENDMENT AND ADDITIONS. Ordinances proposing additions or amendments to the Code shall be assigned appropriate Code numbers and shall be incorporated into the Code as of their effective date. 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 Clerk, in cooperation with the City Attorney, may correct obvious grammatical, punctuation, and spelling errors and perform like actions to insure a uniform and accurate code of ordinances; provided, however, that the meaning and intent of the ordinance shall not thereby be altered.

Section 100.08: NUMBERING SYSTEM. Each section number of this Code consists of two parts separated by a decimal. The first digit refers to the chapter number. The digits preceding the decimal

CHAPTER 1 GENERAL PROVISIONS

point indicate the section number. The digits following the decimal point indicate the subsection. Subdivisions are denominated as such.

Section 100.09: HEADINGS AND INDEX. Chapter, section, subdivision and other titles shall not be considered part of the subject matter of this Code, but are intended only for convenient reference. The indexing system shall not be a part of the subject matter of this Code, but is intended only to facilitate access to Code sections.

Section 100.10: AVAILABILITY TO THE PUBLIC. Copies of the Code shall be kept in the office of the Clerk for public inspection. Copies may be purchased for a reasonable charge as determined by the City Council.

Section 100.11: SEPARABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of any other portion of this Code.

Section 100.12: PENALTIES.

Subd. 1 Petty Misdemeanors. Whenever an act or omission is declared in this Code to be a petty misdemeanor, any person violating the provision shall, upon conviction, be guilty of a petty misdemeanor and shall be subject to the penalties provided by state law for a petty misdemeanor.

Subd. 2 Misdemeanors. In any case other than those in which a violation is expressly stated to be a petty misdemeanor in this Code, any person violating any provision of this Code, or any rule or regulation adopted under this Code shall, upon conviction, be guilty of a misdemeanor and be subject to the penalties provided by state law for a misdemeanor.

Subd. 3 Separate Violations. Unless otherwise provided, each act, omission or other violation, and every day on which a violation occurs or continues, shall constitute 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.