

SUB-ANALYSIS

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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 St. James, Minnesota, and within such adjacent area as may be stated in specific provisions.

SEC. 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:

Subd. 1. The term "City" means the City of St. James, Minnesota, acting by or through its duly authorized representative.

Subd. 2. The terms "Council" and "City Council" mean the City Council of the City of St. James, Minnesota.

Subd. 3. The terms "City Clerk", "City Treasurer" and "City Clerk-Treasurer" mean the person duly appointed by the City Council and acting in such capacity.

Subd. 4. The term "person" includes all firms, partnerships, associations, corporations and natural persons.

Subd. 5. The words "written" and "in writing" mean any mode of representing words and letters in the English language.

Subd. 6. The term "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.

Subd. 7. The term "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.

Subd. 8. The term "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 terms "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 9. The term "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.

Source: City Code
Effective Date: 10-01-1976

Subd. 10. The term "misdemeanor" means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000.00, or both, may be imposed.

Subd. 11. The term "petty misdemeanor" means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$300.00 may be imposed.

Source: Ordinance No. 208, 2nd Series
Effective Date: 10-12-2007

Subd. 12. The term "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.

Subd. 13. The term "crime" means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 14. The term "ordinance" means an ordinance duly adopted by the City Council of St. James, Minnesota.

Subd. 15. The term "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 (within his/her discretion) to speak to any question coming before the Board, Commission or other deliberative body of which he/she is such member.

Subd. 16. The term "may" is permissive.

Subd. 17. The term "shall" is mandatory.

Subd. 18. The term "violate" includes failure to comply with.

Subd. 19. The term "premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

Source: City Code
Effective Date: 10-1-76

Subd. 20. The terms "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.

Subd. 21. The term "private property" means all property not included within the definition of public property or public place.

Source: Ordinance No. 26, 2nd Series
Effective Date: 1-1-82

SEC. 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR. Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he performs an act thereby 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.

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

SEC. 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.

SEC. 1.06. PAYMENT INTO CITY TREASURY 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 Treasury 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.

SEC. 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.

SEC. 1.08. CITATION. This codification of the ordinances of the City of St. James shall henceforth be known as the City Code and cited thus: "CITY CODE, SEC. _____."

SEC. 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.

Source: City Code
Effective Date: 10-1-76

SEC. 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.

Source: Ordinance No. 67, 2nd Series
Effective Date: 3-28-86

SEC. 1.11. REFERENCE TO A PUBLIC OFFICIAL. Wherever an appointed public official is referred to in the City Code, the reference shall include such public official or his designee.

Source: Ordinance No. 81, 2nd Series
Effective Date: 4-17-87

(Sections 1.12 through 1.99, inclusive, reserved for future expansion.)

SEC. 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.

Source: City Code
Effective Date: 10-1-76

SEC. 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.

Source: Ordinance No. 67, 2nd Series
Effective Date: 3-28-86

(Sections 1.11 through 1.99, inclusive, reserved for future expansion.)