

CHAPTER 1
DEFINITIONS AND GENERAL PROVISIONS APPLICABLE TO
ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

Section 1.01. **Application**. The provisions of this Chapter shall be applicable to all the chapters, subdivisions, paragraphs and provisions in the City Code, and the City Code shall apply to all persons and property within the City of Alexandria, Minnesota, and within such adjacent area as may be stated in specific provisions thereof.

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 meanings and inclusions subjoined to them.

Subd. 1. The term "City" means the City of Alexandria, 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 Alexandria, Minnesota.

Subd. 3. The term "person" includes all firms, partnerships, associations, corporations and natural persons.

Subd. 4. The term "City Clerk" means the person duly appointed by the City Council and acting in such capacity.

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 lines 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

11/30/00 THIS PAGE REPLACES PAGE 1-2

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.

Subd. 9. The term "police officer" means every officer authorized to direct or regulate traffic, keep the peace, and appointed for the purpose of law enforcement.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

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. The term "misdemeanor" whenever used in the City Code shall be as defined in Minn. Stat. §609.02, Subd. 3, as amended, and Minn. Stat. §609.033 and Minn. Stat. §609.034, as amended.

Subd. 11. The term "petty misdemeanor" means a petty offense which is prohibited by statute or ordinance, which does not constitute a crime, for which a sentence of a fine of not more than \$300 may be imposed. The term "petty misdemeanor" whenever used in a City Code shall be as defined in Minn. Stat. §609.02, Subd. 4a., as amended, and Minn. Stat. §609.0331 and Minn. Stat. §609.0332, as amended.

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 Alexandria, Minnesota.

Subd. 15. The term "may" is permissive.

Subd. 16. The term "shall" is mandatory.

Subd. 17. The term "violate" includes a failure to comply.

11/30/00 THIS PAGE REPLACES PAGE 1-3

Subd. 18. The term "premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

Subd. 19. The term "minor" means an individual under the age of 18.

Source: Ord. 455-2nd Series
Effective Date: 11/27/00

Section 1.03. **Violation a Misdemeanor.** Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, whether such act or failure to act is in direct contravention of a provision hereof or a law or code duly adopted by reference, and upon conviction thereof shall be punished as for a misdemeanor, except as otherwise stated in specific provisions hereof, but within the limits of punishment for a misdemeanor.

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 Treasury of Fines and Penalties.** All fines, forfeitures and penalties recovered for the violation of any ordinance of the City shall be paid to the City treasury by the Court or officer thereof receiving such moneys. Payment shall be made in the manner and at the time provided by law.

Section 1.07. **Meanings.** As used in this City Code, words of the male gender shall include the female and neuter, the singular shall include the plural and the plural shall include the singular.

Section 1.08. **Citation.** This codification of the ordinances of the City of Alexandria shall henceforth be known as the City

Code and cited thus: "City Code, Sec. _____."

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 through 1.99, inclusive, reserved for future expansion.)