

CHAPTER 1

GENERAL PROVISIONS

CITATION AND PURPOSE

1.101. Citation. This Code, which represents a revision and codification of the ordinance of the City of Atwater, Minnesota, shall be known as the "Atwater City Code of 1984" and may be referred to by that name in all proceedings and actions. Reference to a portion thereof may be by chapter, section or subsection by using the following symbols:

for chapter: "Ch." plus the chapter number

for section: "sec." plus the section number

for subsection: Indicating section as above, immediately subsection number in parenthesis

(No prior ordinance)

1.102. Purpose. It is of the intention of the Council that this Code will serve as a modernized and streamlined version of the ordinances of the City, presented in an orderly manner, with obsolete and unneeded ordinances and portions thereof deleted.

(No prior ordinance)

EFFECT OF ORGANIZATION AND IDENTIFYING DESIGNATIONS

1.201. Organization and Designation a Part of Code. The organization of this Code is an integral part thereof, and chapter, article and subarticle titles, section numbers and section headnotes are hereby made a part of this Code, and may be amended and revised in the same manner as are the provisions of this Code.

(No prior ordinance)

1.202. Effect of Organization and Designation. The organization of this Code and chapter, article and subarticle titles, section numbers and section headnotes may be considered

in ascertaining the intent of the City Council in enacting provisions of this Code, but in case of conflict the provisions of any section control over organizations and designations and specific designations control over general designations.

(No prior ordinance)

1.203. Cross References, Table of Contents, Appendix, and Index. Cross references, the table of contents, all appendices, the index and other supplemental materials not expressly made a part of this Code are included merely to assist the user of the Code and do not form any part of it.

(No prior ordinance)

CONSTRUCTION OF PROVISIONS

1.301. Construction of Words and Phrases. In construing this Code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City Council, or be repugnant to the context of the relevant provisions of this Code:

(1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this Code are construed according to such special meaning or definition.

(2) The singular includes the plural, and the plural includes the singular.

(3) Words in the masculine, feminine or neuter gender include all other genders.

(4) Words used in the past or present tense include the future.

(5) General words are restricted in meaning by particular words.

(No prior ordinance)

1.302. Construction of May and Shall. As used in this Code, "shall" is always mandatory and "may" is permissive.

(No prior ordinance)

1.303. Grammar and Punctuation. Grammatical error shall not violate any provision of this Code. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Punctuation shall not control over the intention of the City Council in the enactment of a provision. Words and phrases which do not conflict with the

obvious purpose and intent of a provision nor in any way affect its scope and operation may be added when necessary to the proper interpretation of the provision.

(No prior ordinance)

1.304. Irreconcilable Provisions. Provisions are to be construed so that effect may be given to each. In case of conflict, they shall be construed as follows, in the priority listed:

(1) If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the general provision has been enacted later and shows a manifest intention of the Council that the general provision shall prevail.

(2) If enacted at different times, the latest in date of enactment will prevail.

(3) If part of the same provision or set of provisions, the provision or portion or clause thereof last in position shall prevail.

(No prior ordinance)

1.305. Amendments. This Code may be amended by subsequent ordinances. Amendments shall be given the same force and effect from the date which they become effective as is given to the original provisions of this Code. Amendments shall be construed in accordance with their manifest intent of the Council in their enactment when lawfully enacted even though the amendments are irregular or deficient for some reason in the manner in which they amend this Code.

(No prior ordinance)

DEFINITIONS OF WORDS AND PHRASES

1.401. Definitions. When used in this Code, the following words, terms and phrases shall have the meanings given to them in this section, except as further defined in relation to specific provisions of this code, or unless another intention clearly appeared:

(1) "City" means the City of Atwater, Kandiyohi County, Minnesota.

(2) "Code" means the Atwater City Code of 1984, as amended.

(3) "Clerk" means the clerk of the City of Atwater, Kandiyohi County, Minnesota.

(4) "Treasurer" means the treasurer of the City of Atwater, Kandiyohi County, Minnesota.

(5) "Council" means the City Council of the City of Atwater, Kandiyohi County, Minnesota.

(6) "Person" means any person, association, partnership, or corporation.

(No prior ordinance)

FORM OF GOVERNMENT

1.501. Optional Plan "A" in Effect. In accordance with Minnesota Statutes 1971, section 412.541 to 412.571, as amended, and other applicable provisions of law, and an election had as required thereunder, the City shall be governed under the plan of government known in such statutes as Optional Plan "A". As provided by the statutes, the City shall be governed by a City Council composed of a mayor and four members of the Council, elected as required by law.

(No prior ordinance)

SEVERABILITY: EFFECT OF REPEALS

1.601. Severability of Provisions. Every chapter, subchapter or part thereof, of this Code shall be severable. If any part of this Code, or a chapter, subchapter or part thereof, is found to be unconstitutional and void, the remaining parts shall remain valid, unless the court finds the valid parts of the chapter, subchapter or part thereof to be so essentially connected with, and so dependant upon, the void parts that the court cannot presume the legislature would have enacted the remaining valid parts without the void one; or unless the court finds the remaining valid parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of the Council.

(New -- based on Minnesota Statute §645.20, 1974)