

CHAPTER I: GENERAL PROVISIONS

100.01. CITY CODE: Subdivision 1. CODE ADOPTED: There is hereby adopted that certain revisions and codification of the ordinances of the city contained in a printed compilation entitled "Henderson City Code." A copy of such code shall be "official copy," and filed as part of the official records of the city of the office of the city clerk.

Subd. 2. REPEALS: Henderson City Ordinances numbers 1 through 187, inclusive, are hereby repealed.

Subd. 3. CROSS-REFERENCE: Appendix A of the Henderson City Code provides a list of repealed Henderson Ordinances numbers 25 through 187, inclusive listings relating to the adoption of Ordinances 177-187, and cross-references same with relevant sections of the Henderson City Code.

Subd. 4. COPIES: The clerk shall provide a sufficient quantity of the Henderson City Code for general distribution to the public, and shall give notice in the official newspaper for at least successive weeks that copies are available in the city clerk's office for examination or purchase.

Subd. 5. PRIMA FACIE EVIDENCE: The Henderson City Code shall be prima facie evidence of the law of the city.

Subd. 6. EFFECTIVE DATE: This ordinance and the Henderson City Code adopted therein shall take effect, from and after, 12:01 A.M., 1991.

100.02. DEFINITIONS: Subdivision 1. GENERAL: Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in these sections.

Subd. 2. CITY: "City" means City of Henderson.

Subd. 3. STATE: "State" means state of Minnesota.

Subd. 4. COUNCIL: "Council" means the City Council.

Subd. 5. CLERK: "Clerk" means the City Clerk.

Subd. 6. ADMINISTRATOR: "Administrator" means the city Administrator.

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 included the officers, agents, or employees.

3. 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 and the council.
4. EXISTING RIGHTS AND LIABILITIES: The repeal or prior ordinances and adoption of this code are substantially the same as pre-existing ordinances, they shall be considered as continuation thereof and not as new enactments. Any forfeiture or punishment incurred or assessed prior to the effective date of this code is not affected by the enactment of the code.
5. HEARINGS: Subdivision 1. GENERAL: Unless otherwise provided in the 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 day's mailed notice to all persons entitled thereto by law, ordinances, 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.

6.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, upon conviction, shall be subject to a fine of not more than \$100.

Subd. 2. GENERAL MISDEMEANORS: In any 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 this code by reference, including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be guilty of a misdemeanor and be subject to a fine of not more than \$700 or imprisonment for a term not to exceed 90 days or both, as well as, in either case, the costs of prosecution.

Subd. 3. SEPARATE VIOLATIONS: Unless otherwise provided, each act of violation and everyday 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.

100.07 SEPARABILITY: If any ordinance or part thereof in the Henderson City Code or here after 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.