

CITY OF DEEPHAVEN CODE OF ORDINANCES

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## CHAPTER 1. GENERAL PROVISIONS

### SECTION 100 CITY CODE

100.01 Title. This Code of ordinances may be cited as the “Deephaven City Code” and is sometimes referred to in the Deephaven City Code as “this Code” or “the Code”. Reference or citation to the Code will be deemed to include amendments and additions to the Code.

100.02 Numbering System. Each section number of this Code consists of two parts separated by a decimal. The first digit (or the first two digits if the section number has four digits) refers to the chapter number. The two digits immediately preceding the decimal point indicate the section number. The two digits following the decimal point indicate the subsection. Subdivisions are denominated as such.

100.03 Enactment of Ordinances. Ordinances and resolutions will be enacted according to the procedures of Minnesota Statutes, Chapter 412. All ordinances will be integrated into this Code as provided in Section 100.

100.04 Amendments and Additions. Ordinances proposing additions or amendments to the Code will be assigned appropriate Code numbers and will 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-Treasurer, 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 so long as the meaning of the ordinance is not altered.

100.05 Headings and Index. Chapter, section, subdivision and other titles are not considered part of the subject matter of this Code but are intended only for convenient reference. The indexing system is not a part of the subject matter of this Code but is intended only to facilitate access to Code sections.

100.06 Availability to the Public. Copies of the Code will be kept in the office of the Clerk-Treasurer for public inspection. Copies may be purchased for a reasonable charge as determined by the City Council.

100.07 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. Insofar as provisions in this Code are substantially the same as ordinances in existence at the time of its enactment, they will be considered as continuations and not as new enactments. Any act done, offense committed, right accruing, liability, penalty, forfeiture or punishment occurring, incurred or assessed prior to the effective date of this Code is not affected by the enactment of this Code.

100.08 Severability. 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 will not affect the validity or effectiveness of any other portions of this Code.

100.09 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 will, upon conviction, be subject to the penalties specified 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 will, upon conviction, be guilty of a misdemeanor.

Subd. 3. Separate Violations. Unless otherwise provided, each act of violation and every day 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 will not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

## **SECTION 105 DEFINITIONS**

105.01 General. Unless the context clearly indicates otherwise, the following words and phrases have the meanings given them in this Section.

105.02 City. “City” means the City of Deephaven, Minnesota.

105.03 Clerk. “Clerk” means the Clerk-Treasurer of the City.

105.04 Council. “Council” means the Deephaven City Council.

105.05 Councilmember. “Councilmember” means any member of the Council, including the Mayor.

105.06 Internal Definitions. Terms defined in other sections of this Code have the meanings given them in those sections.

105.07 Owner. “Owner” means, in the case of personal property, a person, other than a lien holder, having an ownership interest in or title to personal property. In the case of real property, the term means the fee owner of land or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes purchasers under a contract for deed.

105.08 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 includes the officers, agents and employees.

105.09 Section. “Section” means a section of this Code unless the reference is expressly made to the Minnesota Statutes or other law.

105.10 State. “State” means the State of Minnesota.

105.11 Statutory Definitions. In this Code, the terms defined in Minnesota Statutes, Sections 645.44 and 645.45 have the meanings given them in those sections. The definitions of any terms defined by statutes, rules, regulations, or ordinances adopted by reference in this Code are also adopted in this Code.

105.12 Interpretation.

Subd. 1. Common Usage. Words and phrases used in this Code will be interpreted and understood in accordance with common and accepted usage. Technical words or phrases or such other words or terms that have acquired a specific or peculiar meaning will be interpreted and understood in accordance with such meaning.

Subd. 2. Statutory Rules of Interpretation. The rules of interpretation contained in Minnesota Statutes, Chapter 645 are adopted by reference and apply to this Code and govern its interpretation.

105.13 Administrator. “Administrator” means the City Administrator as such position and office is described in Section 225 of the Code.

## **SECTION 110 INCORPORATION OF STATE LAW**

110.01 Adoption by Reference. Statutes or administrative rules or regulations of the State and codes and ordinances adopted by reference in this Code are adopted under authority granted by Minnesota Statutes, Section 471.62. One copy of any item adopted, unless more copies are required by law, will be kept at the City Hall for reference by the public.

110.02 Official Statutes, Codes, Regulations and Ordinances. References in this Code to Minnesota Statutes are to Minnesota Statutes 1984, and Laws 1985 and 1986, unless otherwise provided in this Code. Reference in this Code to rules and regulations of state agencies, codes, and ordinances of other municipalities or the Lake Minnetonka Conservation District are to those documents in effect on July 1, 1984 unless otherwise provided.

110.03 Relation to State Law. The provisions of this Code are to be construed as the fullest exercise of the regulatory and other powers granted to the City and its officers by State law unless otherwise provided. When this Code imposes a more stringent standard or rule of conduct than imposed by State law it is intended that the provisions of this Code prevail over the State law, rule or regulation to the extent permitted by law.

## **SECTION 115 PUBLIC HEARINGS**

115.01 General. Unless otherwise provided in this Code or by operation of State law, every public hearing required by law, ordinance or resolution to be held on any legislative or administrative matter will be conducted according to this Section 115.

115.02 Notice. Every hearing will be preceded by at least 10 days notice by publication and by mailed notice to all persons entitled to mailed notice by law. The notice will state the time, place, and purpose of the hearing. Failure to give notice or defects in the notice procedure will not invalidate the proceedings if a good faith effort has been made to comply with this Section.

115.03 Hearing. At the hearing, each party in interest will be afforded a reasonable 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, including time limitations for presentation of evidence, records to be made, and any other matter which the Council deems appropriate.

115.04 Record. After a decision on a matter, the Council will have a written summary of its findings and decisions prepared and will enter the summary in the official Council minutes.