

## 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 Badger, Minnesota, and within such adjacent area as may be stated in specific provisions.

**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 following meanings and inclusions”

**Subd. 1. “City”** means the City of Badger, Minnesota, acting by or through its duly authorized representative.

**Subd. 2. “Council” and “City Council”** mean the City Council of the City of Badger, Minnesota.

**Subd. 3. “City Clerk” and “City Clerk-Treasurer”** mean the person duly appointed by the City Council and acting in such capacity.

**Subd. 4. “Person”** includes all firms, partnerships, associations, corporations, and natural persons.

**Subd. 5. “Written” and “In Writing”** mean any mode of representing words and letters in the English language.

**Subd. 6. “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. “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. 8. “Private Property”** means all property not included within the definition of public property or public place.

**Subd. 9. “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. 10. “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 term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**Subd. 11. “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.

**Subd. 12. “Misdemeanor”** means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$700.00, or both, may be imposed.

**Subd. 13. “Petty Misdemeanor”** means an offense, which does not constitute a crime, and for which a sentence of a fine of no more than \$200.00 may be imposed.

**Subd. 14. “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. 15. “Crime”** means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

**Subd. 16. “Ordinance”** means an ordinance duly adopted by the City Council of Badger, Minnesota.

**Subd. 17. “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 discretion) to speak to any question coming before the board, commission, or other deliberative body of which he is such member.

**Subd. 18. “May”** is permissive.

**Subd. 19. “Shall”** is mandatory.

**Subd. 21. “Premises”** means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

**Section 1.03. Violation of a Misdemeanor or a Petty Misdemeanor.** Every person violates a chapter, section, subdivision, paragraph or provision of the City Code when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure 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.

**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, 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.

**Section 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.

**Section 1.08. Citation.** This codification of the ordinances of the City of Badger, Minnesota, 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. 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.

**Section 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: City Code  
Effective Date: 1/1/1991

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