

CHAPTER 1. GENERAL PROVISIONSArticle 1: In General.**Section 1-1. Title and Scope of Ordinance.**

Repeal of Prior Ordinances. This ordinance containing Chapters 1 to 20 inclusive shall be known as the Town Code of Athens Township, Minnesota and shall supersede all other general ordinances passed by the Town Board prior to September 21, 2006 except such as are by reference expressly saved from repeal or continued in force and effect for any purpose. Prior ordinances that are now incorporated herein shall be deemed to be recodified and not repealed.

Section 1-2. Definitions and Rules of Construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed unless such construction would be inconsistent with the manifest intent of the Town Board. The words and phrases used in this Code shall be construed in their plain, ordinary and usual sense, except that technical works and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

Code. The Town Code of Athens Township.

Conjunctions. In a provision featuring two or more items conditions, provisions or events, which items, conditions, provisions or events are connected by conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows, except that when appropriate from the context, the terms “and” and “or” are interchangeable:

- (1) “And” indicated that all the connected terms, conditions, provisions or events apply;
- (2) “Or” indicates that the connected terms, conditions, provisions or events apply singly or in any combination; and
- (3) “Either . . . or” indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Computation of Time. The time, where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for the performance or doing thereof is prescribed and fixed by law or ordinance, shall be computed so as to exclude the first and include the last day of the prescribed period or duration of time. When the last day of the period falls on a Saturday, Sunday or a legal holiday, that day shall be omitted from the computation. Unless they are clearly in conflict with the provisions of this Code,

or otherwise clearly inapplicable, the rules of construction established for the State of Minnesota by statute or case law apply in the construction of this Code.

County. The County of Isanti, Minnesota.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Generally. When provisions of this code conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the Town Board may be effectuated. Words and phrases shall be construed according to the common and approved usage of language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

May. The term “may” is to be construed as being permissive and not mandatory.

May Not. The term “may not” states a prohibition.

Minn. Stats. The abbreviation “Minn Stats” or “M.S.” means the Minnesota Statutes, as amended.

Month. The term “month” means a calendar month.

Must. The term “must” shall be construed as being mandatory.

Number. Words in the singular include the plural. Words in the plural include the singular.

Owner. When applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as individuals. For the purpose of imposing penalties or fines for violation of any section of this Code and whenever the word “person” is used in such section for which a penalty is imposed, person shall include partners or members of an association and as to corporations, shall include the officers, agents or members thereof, who are responsible for any such violation.

Personal Property. Every species of property except real property.

Property. Real, personal and mixed property.

Public Place. Any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

Real Property, Real Estate, Land, Lands. The terms “real property,” “real estate,” “land,” and “land” include lands, buildings, tenements and hereditaments and all rights and interests therein except chattel interests.

Shall. The term “shall” is to be construed as being mandatory.

State. The State of Minnesota.

Street. Any public way, which includes highways, streets, avenues, boulevards, roads, alleys, lanes, viaducts or public thoroughfares in the Town.

Tenant; occupant; lessee. When applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. “Town” means Athens Township, Isanti County, Minnesota.

Written and in writing. The words “written” and “in writing” shall include any representation of words, letters, or figures, whether by printing or otherwise.

Year. The term “year” means a calendar year.

Zoning Administrator. The person, regardless of title, designated to administer the provisions of relevant chapters of this Code.

Section 1-3. **Catchlines of Sections.**

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, or as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-4. **References to Chapters or Sections.**

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

Section 1-5. **Code does not affect prior offenses, penalties and rights.**

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Section 1-6. **Effect of Repeals.**

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

Section 1-7. **Certain Ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Ordinance.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the Town, or authorizing the issue of any bonds of the Town, or any evidence of the Town's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the Town.
- (c) Any administrative ordinances of the Town not in conflict or inconsistent with the provisions of this Code.
- (d) Any right or franchise granted by any ordinance.
- (e) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc, any street or public way.
- (f) Any appropriation ordinance.
- (g) Any ordinance levying or imposing taxes.
- (h) Any ordinance prescribing fees, fines, charges, rates, or other specific monetary values; however, ordinances establishing fees may be amended by the Town Board as deemed necessary.

- (i) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the Town.
- (j) Any ordinance establishing traffic or parking regulations on any street or public way, including traffic schedules.
- (k) Any temporary or special ordinances.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. All ordinances are on file in the office of the Town Clerk.

Section 1-8. Amendments to Code.

- (a) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Town Board of Supervisors to make such additions or amendments a part of this Code, shall be deemed to be incorporated in this Code so that reference to the code shall be understood and intended to include such additions and amendments.
- (b) All ordinances passed subsequent to the adoption of this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by the omission thereof from reprinted pages.
- (c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section _____ of the Town Code of Athens Township, Isanti County, Minnesota, is hereby amended to read as follows:" The new provisions shall then be set out in full.
- (d) If a new section not then existing in the Code is to be added, the following language may be used: "That the Town Code of Athens Township, Isanti County, Minnesota, is hereby amended by adding a section to be numbered _____, which section reads as follows: . . ." The new section may then be set out in full.
- (e) All sections or chapters desired to be repealed must be specifically repealed by section or chapter number, as the case may be.

Section 1-9. Supplementation of Code.

- (a) By contract or by Town personnel, supplements to the Code shall be prepared and printed whenever authorized or directed by the Town Board. A

supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Town Board or adopted by referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of adoption of the latest ordinance included in the supplement.

- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall then be excluded from the code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make format, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them in to a unified code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate subdivisions;
 - 2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles;
 - 3. Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - 4. Change the words “this ordinance” or words of the same meaning to “this chapter” or “this section” as the case may be, or to “sections _____ through _____.” The inserted section numbers will indicate the sections of the code which embody substantive sections of the ordinance incorporated into the Code; and
 - 5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Section 1-10. Severability of Parts of Code.

It is hereby declared to be the intention of the Town Board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared

unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 1-11. **General Penalty.**

- (a) Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful, an offense or misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision of this code or Town ordinance shall be punished as a misdemeanor, with a fine and/or imprisonment as set forth in M. S. A. §609.02. The term “misdemeanor” shall be as defined in M. S. A. § 609.02, Subd. 3. The term “petty misdemeanor” shall be as defined in M. S. A. § 609.02, Subd. 4a. Each day that any violation of any provision of this Code or of any town ordinance shall continue shall constitute a separate offense.
- (b) In case of the amendment by the Town Board of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection 1.11 (a) of this section shall apply to the section, as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed therein.