

CITY OF MONTGOMERY

2014 CODE

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

Section 100 – CITY CODE

100.01 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 Montgomery, Minnesota, and within such adjacent area as may be stated in specific provisions.

100.02 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 Code, shall have the following meanings and inclusions:

Subd. 1 City. The City of Montgomery, Minnesota, acting by or through its duly authorized representative.

Subd. 2 Council and City Council. The City Council of the City of Montgomery, Minnesota.

Subd. 3 City Administrator. The person duly appointed by the Council and acting in such capacity.

Subd. 4 Person. Includes all firms, partnerships, associations, corporations and natural persons.

Subd. 5 Written and In Writing. Any mode of representing words and letters in the English language.

Subd. 6 Street. 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. 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. All property not included within the definition of public property or public place.

Subd. 9 Intersection. 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. 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 shall refer to any such roadway separately but not to all such roadways collectively.

Subd. 11 Police Officer and Peace Officer. 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. The crime for which a sentence or a fine or both, may be imposed, as provided in State law.

Subd. 13 Petty Misdemeanor. An offense, which does not constitute a crime, and for which a sentence of a fine as provided in State law may be imposed.

Subd. 14 Conviction. 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. Conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 16 Ordinance. An ordinance duly adopted by the Council of Montgomery, Minnesota.

Subd. 17 Ex Officio Member. 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 the person’s discretion) to speak to any question coming before the board, commission or other deliberative body of which the person is such member.

Subd. 18 May. Is permissive.

Subd. 19 Shall. Is mandatory.

Subd. 20 Violate. Includes failure to comply with.

Subd. 21 Premises. Any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

100.03 Violation a Misdemeanor or a Petty Misdemeanor. Every person who violates a chapter, section, subdivision, paragraph or provision of this Code when the person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is prohibited or declared unlawful. Upon conviction of a violation, the convicted person shall be punished for a petty misdemeanor unless it is otherwise specifically provided in this Code that a particular violation shall be treated as a misdemeanor offense. Petty misdemeanors shall be considered lesser included offenses of misdemeanor offenses for prosecution purposes and the city prosecutor and city police department shall have discretion to charge out misdemeanor level offenses as petty misdemeanors.

100.04 Otherwise Unlawful. The Code does not authorize an act or omission otherwise prohibited by law.

100.05 Severability. Every chapter, section, subdivision, paragraph or provision of the 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.

100.06 Payment Into City Treasury of Fines and Penalties. The City's portion of 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 receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

100.07 Meanings. As used in this code, words of the male gender shall include the female and neuter, and the singular shall included the plural and the plural shall include the singular.

100.08 Citation. This codification of the ordinances of the City of Montgomery shall henceforth be known as the City Code and cited thus: "CITY CODE, Sec.____."

100.09 Penalties for Each Offense. A penalty or forfeiture is provided as a result of the violation of a chapter, section, subdivision, paragraph or provision of this Code; the penalty or forfeiture shall be construed to be for each violation.