101. ADOPTION OF CODE

The Council of the City of Birchwood Village does ordain:

101.010. ADOPTION OF CODE. The substantive general ordinances of The City of Birchwood Village, Minnesota, are hereby codified in book form entitled "Municipal Code of The City of Birchwood Village, Minnesota", consisting of its Chapters and its Cross Reference Table and Appendices.

101.020. SHORT TITLE. For brevity herein the Municipal Code of The City of Birchwood Village, Minnesota, will sometimes be referred to as "the Code" or "this Code", and any use of "the Code" or "this Code" shall be construed to mean the Municipal Code of City of Birchwood Village, unless the context clearly requires some other meaning.

101.030. REPEAL OF ORDINANCES. All Ordinances passed by the City of Birchwood Village, from Ordinance No. 1 through Ordinance No. 41, are hereby repealed.

101.040. SUBSEQUENT ORDINANCES. Ordinances passed after the effective date of this Code shall be passed as amendments or additions to this Code (unless they are of limited or special application, or are otherwise deemed to be not a part of this Code). Such ordinances shall be incorporated into this Code as hereinafter provided and as directed by the City Council

101.060. REVISIONS. This code is printed in loose-leaf form so that it may be kept current by the insertion of revised or additional pages. The City Council, with the advice of the City Attorney, shall make arrangements for the editorial work and printing necessary to prepare revised and additional pages so as to keep the volume current.

101.070. PRESERVATION OF EXISTING RIGHTS. The repeal of any ordinance or portion thereof by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any case before such repeal takes effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed.

101.090 SEPARABILITY. If any chapter, section, sentence, clause or other part of this Code should be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other portions of this Code.

101.095 CONFLICT BETWEEN CODE PROVISIONS. If any provision of this code is in conflict with any other provision of this code, the provision that establishes a higher standard or requirement for the promotion and protection of the health and safety of the people shall prevail.

"AMENDED BY ORDINANCE 2004-2; JANUARY 13, 2004".

101.100. PENALTY. Every person convicted of a violation of any provision of this Code shall be guilty of a misdemeanor.

101.110. VARIANCES. Where there are practical difficulties or provisions of this Code, the Council shall have the power to vary the requirements of this Code in harmony with the general purpose and intent thereof, so that the public health, safety and general welfare may be secured and substantial justice done. Nothing in this section shall be construed to conflict with or supersede Chapter 304.

101.120. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

101.130. CODE PERMANENTLY ON FILE. A copy of the Code shall be permanently on file and open to public inspection in the office of the City Clerk after its adoption. A copy shall also be on file at the Washington County Law Library.

102. RULES OF CONSTRUCTION FOR THIS CODE BOOK

102.010. GENERAL. Words and phrases shall be construed in their plain, ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

102.020. MASCULINE, FEMININE OR NEUTER. Unless the context clearly requires otherwise, the use of either masculine, feminine or neuter gender shall include the other genders.

102.030. SINGULAR OR PLURAL. Unless the context clearly requires otherwise, the use of either singular or plural number shall include the other number.

102.040. PAST, PRESENT OR FUTURE. Unless the context clearly requires otherwise, the use of either past, present or future tense shall include the other tenses.

102.050. JOINT AUTHORITY. Words importing joint authority to 3 or more persons shall be construed as authority to a majority of such persons.

102.060. COMPUTATION OF TIME. The time within which an act shall be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, such day shall be excluded.

102.070. DEPUTIES. Whenever this Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

102.080. FILING, PAYMENT, NOTIFICATION. Whenever this Code requires filing with, payment to, or notification of any certain City official or department, the requirement shall be satisfied by filing, payment or notification at the regular office of such City official or department during business hours at the City office.

102.090. CONJUNCTIONS. The words "or" and "and" may be read interchangeably in situations where the context requires it.

102.100. CATCH LINES. The bold print catch lines of the various sections of this Municipal Code of The City of Birchwood, Minnesota, are intended to indicate the contents of the section for the convenience of the reader, but shall not be construed as a part of the section.

103. DEFINITIONS

103.010. CERTAIN TERMS DEFINED. As used in this Code, unless the particular context shall clearly require some other meaning, the following words shall mean:

103.020. CITY. The City of Birchwood Village, a City of the 4th Class.

103.030. CITY COUNCIL. The Council of the City of Birchwood Village.

l03.040. COUNTY. The County of Washington, Stillwater, Minnesota.

103.050. CODE. The Municipal Code of the City of Birchwood, Minnesota.

103.060. PERSON. Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed by law. Whenever the word "person" is used in any section prescribing a penalty or fine, it shall include the partners or members of any partnership or corporation, and, as to corporations, the officers, agents or members thereof who are responsible for the violation.

103.070. PROPERTY. Tangible or intangible, real, personal or mixed property.

103.080. STATE. The State of Minnesota.

103.090. STREET Any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of said words shall include the others, and, if the context permits, shall also include "sidewalks".

103.100. OTHER DEFINITIONS. Certain chapters of this Code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in Section 103 and such other definitions, the other definitions shall prevail in the chapters where applicable.

103.110. MINNESOTA DEFINITIONS TO APPLY. Unless clearly in conflict with definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by Statutes or case law shall apply to this Code.