

**SUB-ANALYSIS**

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## 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 Hibbing City Code, and the Hibbing City Code shall apply to all persons and property within the City of Hibbing, Minnesota, and within such adjacent area as may be stated in specific provisions.

**SEC. 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.** The terms "City" and "Village" mean the City of Hibbing, Minnesota, acting by or through its duly authorized representative.

**Subd. 2.** The terms "Council", "Village Council and "City Council" mean the City Council of the City of Hibbing, Minnesota.

**Subd. 3.** The terms "City Clerk", "City Treasurer" and "City Clerk-Treasurer" mean the person duly elected and acting in such capacity.

**Subd. 4.** The term "person" includes all firms, partnerships, associations, corporations and natural persons.

**Subd. 5.** The words "written" and "in writing" mean any mode of representing words and letters in the English language.

**Subd. 6.** The term "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**Subd. 7.** (Repealed by Ordinance No. 114, 2nd Series, adopted 7-16-84.)

**Subd. 8.** The term "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. 9.** The term "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. 10.** The terms "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.

Source: City Code  
Effective Date: 9-1-75

**Subd. 11.** The term "misdemeanor" means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000.00, or both may be imposed.

Source: Ordinance No. 263, 2nd Series  
Effective Date: 9-23-00

**Subd. 12.** The term "petty misdemeanor" means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$300.00 may be imposed.

Source: Ordinance No. 263, 2nd Series  
Effective Date: 9-23-00

**Subd. 13.** The term "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. 14.** The term "crime" means conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

**Subd. 15.** The term "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/her discretion) to speak to any question coming before the board, commission or other deliberative body of which he/she is such member.

**Subd. 16.** The term "ordinance" means an ordinance duly adopted by the City Council of Hibbing, Minnesota.

**Subd. 17.** The term "may" is permissive.

**Subd. 18.** The term "shall" is mandatory.

**Subd. 19.** The term "violate" includes failure to comply with.

**Subd. 20.** The term "premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

Source: City Code  
Effective Date: 9-1-75

**Subd. 21.** The terms "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. 22.** The term "private property" means all property not included within the definition of public property or public place.

Source: Ordinance No. 81, 2nd Series  
Effective Date: 5-23-81

**Subd. 23.** The term "City Administrator" means the person duly appointed by the City Council and acting in such capacity.

Source: Ordinance No. 176, 2nd Series  
Effective Date: 4-20-90

**SEC. 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR OR AN ADMINISTRATIVE OFFENSE.**

**Subd. 1. General Offense.** Unless otherwise provided, any person violating any provision of the City Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed ninety (90) days, or both, or any different amounts adopted by statute. In either case, the costs of prosecution may be added.

**Subd. 2. Petty Offense.** A petty offense is an offense which is prohibited by statute which does not constitute a crime and is classified as a petty misdemeanor for which a sentence of a fine of not more than three hundred dollars (\$300.00) or any different amounts adopted by statute may be imposed.

Source: Ordinance No. 408, 2nd Series  
Effective Date: 06-27-2012

**Subd. 3. Administrative Offense.**

**A. Purpose.** Administrative offense procedures established pursuant to this Section are intended to provide the public and the City with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

**B. Administrative Offense Defined.** An administrative offense is a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in subsection I. hereafter.

**C. Notice.** Any officer of the Police Department or any other person employed by the City, authorized in writing by the City Administrator, and having authority to enforce this Code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice and the amount of the scheduled penalty.

**D. Payment.** Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail and payment shall be deemed to be an admission of the violation.

**E. Hearing.** Any person contesting an administrative offense pursuant to this Section may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed.

**F. Hearing Officer.** A City employee designated in writing by the City Administrator shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section.

**G. Failure to Pay.** In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation.

**H. Disposition of Penalties.** All penalties collected pursuant to this Section shall be paid to the City Clerk or his designee and may be deposited in the City's general fund.

**I. Offenses and Penalties.** Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Administrator.

**J. Subsequent Offenses.** In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty-five percent (25%) above the previous administrative penalty.

**Subd. 4. Issuance of Ordinance Violation Summons.** The persons hereinafter named, as employees or agents of the City, shall have the power to issue summons with complaints incorporated therein (citations) in the form adopted by rule by the Municipal Court, but such issuance by those named shall relate only to offenses involving the City Code; building construction, operation or maintenance; fire and fire prevention; public health and sanitation; and zoning. No such employee or agent hereinafter authorized to issue said summons shall be authorized to arrest or otherwise take a violator into custody or to secure a promise to appear in court in lieu of arrest.

Those authorized are employees or agents of the City specifically designated, in writing, by the City Administrator.

Source: Ordinance No. 248, 2nd Series  
Effective Date: 6-1-98

**SEC. 1.04. OTHERWISE UNLAWFUL.** The City Code does not authorize an act or omission otherwise prohibited by law.

**SEC. 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.

**SEC. 1.06. 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.

**CODIFIER'S NOTE:** Wherever possible, gender neutral language has been substituted in the City Code. (7/1997)

**SEC. 1.07. CITATION.** This codification of the ordinances of the City of Hibbing shall henceforth be known as the Hibbing City Code and cited thus: "HIBBING CITY CODE, SEC. \_\_\_\_\_. "

**SEC. 1.08. 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.

Source: City Code  
Effective Date: 9-1-74

**SEC. 1.09. 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.

Source: Ordinance No. 144, 2nd Series  
Effective Date: 5-20-86

**SEC. 1.10. 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/her designee.

Source: Ordinance No. 152, 2nd Series  
Effective Date: 8-29-87

(Sections 1.11 through 1.99, inclusive, reserved for future expansion.)

(Pages 7 through 9 reserved)