

Appendix III

MODEL ORDINANCE ADOPTING THE MINNESOTA BASIC CODE OF ORDINANCES

This model ordinance is provided as a general guide in drafting an ordinance for statutory cities adopting the Minnesota Basic Code of Ordinances. This adopting ordinance is for sample purposes and your city attorney should tailor this sample ordinance to conform to any specific local requirements related to ordinance adoption. (An electronic version of this ordinance can be found on the League's website or by contacting American Legal Publishing.)

THE MBC AND ANY SUPPLEMENT TO IT MUST BE ADOPTED BY ORDINANCE BEFORE IT IS EFFECTIVE.

*An ordinance adopting the city code must be adopted at a meeting of the City Council in the same manner as an ordinance on a specific subject is adopted. All publication requirements must be met. **THE ENTIRE MBC IS NOT PUBLISHED, ONLY THE ORDINANCE ADOPTING THE MBC***

Published notice is not required for statutory cities to adopt the MBC. Some city charters, city by-laws or rules of procedure will require notice of the hearing to be published.

Once the ordinance adopting the code has been passed, it must be published in the manner required by law for statutory cities and by the city charter if a charter city. The ordinance, for statutory cities, takes effect on the date of publication.

ORDINANCE NO. 005 - 2018
CITY OF Hayward
COUNTY OF Freedom
STATE OF MINNESOTA

AN ORDINANCE ENACTING THE CODE OF ORDINANCES FOR THE CITY OF
Hayward MINNESOTA,
 ADOPTING THE MINNESOTA BASIC CODE OF ORDINANCES, 2014 EDITION AND
 AMENDING, RESTATING, REVISING, UPDATING, CODIFYING AND COMPILING
 CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED
 IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE
 VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS Minnesota Statutes Section 471.62 authorizes the city to adopt the Minnesota Basic Code of Ordinances by reference, and Sections 415.02 and 415.021 authorize the city to cause its ordinances to be codified and printed in a book,

NOW THEREFORE the City Council of the City of Hayward, Minnesota, ordains:

Section 1. The Minnesota Basic Code of Ordinances, 2014 Edition, together with amendments and supplements contained therein, is hereby adopted and shall constitute the "Code of Ordinances of the City of Hayward." This Code of Ordinances also adopts by reference certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future amendments and supplements are hereby adopted as if they had been in existence at the time this Ordinance was enacted, unless there is clear intention expressed in the Code to the contrary.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles and those existing city ordinances also listed in Section 3. *(The city may choose not to adopt some sections of the MBC by crossing them off or omitting them from the list below. However, please note that the decision to exclude MBC sections should be made only with the advice of the City Attorney. Certain MBC sections contain provisions mandated for cities by state law. These sections are marked with an (*) below and should not be crossed off or omitted from the list below. Other provisions are not mandated by state law, but are highly recommended for promoting the public health and welfare within the city. These highly recommended provisions are marked by a (**) below.)*

TITLE I: GENERAL PROVISIONS

10. General Provisions (*)

TITLE III: ADMINISTRATION

30. General Provisions (*)
31. Departments, Boards and Commissions (*)
32. Emergency Management (*)

TITLE V: PUBLIC WORKS

50. Garbage and Rubbish
51. Sewer Regulations
52. Water Regulations
53. Storm Water Drainage Utility
54. Rates and Charges

TITLE VII: TRAFFIC CODE

70. Traffic Regulations
71. Parking Regulations
72. Snowmobiles
73. Recreational Vehicles
74. Bicycles, Roller Blades, Roller Skates, Roller Skis and Skateboards

TITLE IX: GENERAL REGULATIONS

- 90. Abandoned Property
- 91. Animals (*)
- 92. Health and Safety; Nuisances (**)
- 93. Streets and Sidewalks (*)

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions
- 111. Commercial Amusements
- 112. Liquor Regulations
- 113. Peddlers and Solicitors
- 114. Reserved
- 115. Reserved
- 116. Regulating Lawful Gambling
- 117. Garage and Rummage Sales
- 118. Regulation of Public Dances and Special Events
- 119. Sexually Oriented Businesses (**)

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

TITLE XV: LAND USAGE

- 150. General Provisions (**)
- 151. Zoning (**)
- 152. Subdivision Control (**)
- 153. Anti-Blight Regulations (**)

TITLE XVII: GENERAL AND ADDITIONAL PROVISIONS

Section 3. All prior ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are listed in this section; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances. All fees and charges established in ordinances or resolutions adopted prior to the adoption of this city code shall remain in effect unless amended in this code or until an ordinance adopting a schedule of fees and charges is adopted or amended.

These are the prior ordinances that shall remain in effect:

(List ordinances here).

Section 4. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the city's official newspaper. The Clerk of the city shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and kept in the office of the City Clerk.

Section 5. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances and any supplements or additions to it, that all existing and future amendments to any state or federal rules and statutes adopted by reference or referenced in the Minnesota Basic Code of Ordinances and any supplements or additions to it are hereby adopted by reference or referenced as if they had been in existence at the time the Minnesota Basic Code of Ordinances and any supplements or additions to it was, are or may be in the future adopted, unless there is clear intention expressed in the Code to the contrary.

Section 6. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this code was enacted, unless there is clear intention expressed in the code to the contrary.

Section 7. The Code of Ordinances is declared to be prima facie evidence of the law of the city and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota. A copy of the Code of Ordinances marked "Official Copy" shall be filed as part of the official records of the city in the office of City Clerk. The City Clerk shall provide a copy of the Code of Ordinances to any person who requests a copy and shall charge that person the cost to the city of the copy of the Code of Ordinances.

Section 8. This ordinance adopting the Code of Ordinances, and the Code itself, shall take effect upon publication of this ordinance in the city's official newspaper.

Section 9. Any amendments to a statute or rule adopted in this Code or any former code or ordinance which continues to be in effect, shall be included by reference as if the amended statute or rule had been in existence at the time the Code or ordinance was adopted.

PASSED BY THE CITY COUNCIL OF THE CITY OF Hayward, MINNESOTA
THIS 12th DAY OF March, 2018.

APPROVED: Michael D. Hanson MAYOR

ATTEST:
Kathryn Case CITY CLERK