



To: MAYOR & COUNCIL

Agenda Item #: VIII. D.

From: Debra Mangen
City Clerk

Action

Discussion

Date: December 17, 2013

Information

Subject: Ordinance No. 2013-14 Enacting New Code For City of Edina

Action Requested:

Adopt Ordinance No. 2013-14 enacting new City Code including waiver of second reading

Information / Background:

During 2012, the city entertained proposals from several codifiers of municipal ordinances. We selected Municipal Code Corporation from Florida as the best fit for Edina. All of our ordinances were sent to Municipal Code for re-codification. Municipal Code conducted a legal review looking for outdated provisions and language and provided us with a draft during the latter part of 2012. The draft reorganized our code into an encyclopedic format, updated statutory citations, but no substantive changes to Edina ordinances were made. Staff reviewed the draft and offered suggestions. In March of 2013, Municipal Code had a staff attorney meet with the City Clerk and City Attorney to review all the marked questions from the review of the draft.

Following the legal conference, Municipal Code produced a proof which again was distributed to staff for review and comment. The new code has a detailed table of contents preceding each section as well as a comprehensive table of contents. In addition, the code has comprehensive index, state law reference table and a land development regulation index. Finally to help navigate the new code there is a code comparative table.

Future updates (supplements) to the code will be available both in paper form (about 2-3 times a year) and online (almost immediately following the adoption of any amendment).

In order to put this new code into use the attached enacting ordinance has been prepared for adoption by the Council. Following its adoption and publication, we will be placing the link to the online version on our website and distributing the paper document to all current subscribers of our paper document. This includes the Edina School Reference Library, Hennepin County Library, the court system, all staff, our attorneys and some other people who had subscribed for the paper version of our code. Staff recommends adoption of the attached ordinance, including waiver of second reading.

Attachments:

Ordinance No. 2013-14

ORDINANCE NO. 2013-14

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF EDINA, MINNESOTA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA ORDAINS:

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Section 1. The Code entitled "Edina City Code," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 14, 2013, except Ordinance No. 2013-09 and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished as follows:

(1) Petty Misdemeanors. Whenever an act or omission is declared in this Code to be a petty misdemeanor, any person violating the provision will, upon conviction, be subject to a fine of not more than \$300. The cost of prosecution may be added to the penalty imposed on every person convicted of violating any provision of this Code.

(2) Misdemeanors. In any case other than those in which a violation is expressly stated to be a petty misdemeanor in this Code, any person violating any provision of this Code, or any rule or regulation adopted under this Code will, upon conviction, be guilty of a misdemeanor, and be subject to a fine of not more than \$1,000 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the cost of prosecution. The cost of prosecution may be added to the penalty imposed on every person convicted of violating any provision of this Code.

(3) Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues, constitutes a separate offense.

(4) Other Remedies. In addition to the remedies set out above in this section, the City may exercise, with or separately, from such remedies and at the same or separate times, all and any legal and equitable remedies then available to the City by this Code or State Law to enforce this Code, or to recover any fees, charges or expenses owed to City pursuant to this Code, including, without limitation, injunction and the penalties and remedies in any provision incorporated into this Code by reference as provided in this Code.

(5) Permits, Licenses and Registrations. In addition to other remedies available to the City, the City may revoke or suspend, pursuant to the provisions of the Code, any permit, license or registration when the holder has violated or failed to comply with any provision of this Code which applies to the permit, license or registration which is the subject of the suspension or revocation.

(6) Incorporated Law. Any code, statute, or other provision, incorporated into and made a part of this Code by reference, shall also include and incorporate any penalties and remedies for violations which are a part of such incorporated provision, and the City may enforce such penalties and pursue such remedies in addition to the other penalties and remedies set out or referenced in this Code.

The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, administrative adjudication, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after October 14, 2013 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective after its adoption and publication according to law

First Reading: December 17, 2013

Second Reading: Waived

Published: December 26, 2013

Attest

Debra A. Mangan, City Clerk

James B. Hovland, Mayor