

ORDINANCE NO. 1

AN ORDINANCE CODIFYING THE GENERAL ORDINANCES OF THE CITY OF EDINA, MINNESOTA; ADOPTING A NEW CITY CODE; RETAINING CERTAIN ORDINANCES; AND REPEALING CERTAIN ORDINANCES

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

Section 1. Codification; Authority; Evidence. The ordinances of a general and permanent nature of the City of Edina, Minnesota, including provisions not heretofore adopted, are hereby codified into the Edina City Code, consisting of Chapters 1 through 14, together with all tables, maps, indices and charts made a part of such Chapters, are hereby adopted and declared to constitute a single, original and comprehensive codification of the ordinances of the City. This codification is done by the authority of Minnesota Statutes, 1990, Section 415.02 and 415.021. This codification is hereby declared to be prima fade evidence of the law of the City of Edina.

Section 2. Title. The codification may be cited as the "Edina City Code," and is sometimes referred to herein and in the Edina City Code as "this Code" or "the Code."

Section 3. Repeal of Prior Ordinances; Retained Ordinances. All ordinances and parts of ordinances of a general or permanent nature passed, adopted and approved prior to the effective date of this ordinance and not included in the Code or recognized and continued in force by reference in the Code, are hereby repealed; provided, that, in construing the provisions of this ordinance, the following ordinances shall not be deemed to be repealed but are hereby retained and preserved and shall continue in full force and effect even though not included in the Code and notwithstanding adoption of the Edina City Code:

A. Any ordinance promising or guaranteeing the payment of money by the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or authorizing any contract or obligation entered into or assumed by the City.

B. Any ordinance appropriating funds, levying or imposing taxes, or relating to an annual budget.

C. Any ordinance relating to salaries of City officers and employees or to compensation or pay plans or classification plans for City officers or employees.

D. Any ordinance annexing territory to, or detaching territory from, the City, or extending or contracting the boundaries of the City, including, without limitation, Ordinances No. 15 and 15-1.

E. Any ordinance authorizing, providing for or otherwise relating to any public improvement or the acquisition by the City of any property or property right.

F. Any ordinance making or levying assessments for public improvements.

G. Any ordinance approving any special law applicable to the City.

H. Any ordinance making a street name change, including, without limitation, Ordinances No. 164, 164-1 through 164-20 and 164-22 through 164-44.

I. The following ordinances granting or amending franchises in the City of Edina:

Ordinance No. 245-A1

Ordinance No. 1116

Ordinance No. 1120

J. Any ordinance imposing or amending a moratorium which moratorium is still in effect as of the effective date of this ordinance.

K. Ordinance No. 112, as amended, creating the staggered terms for Council Members, and the four year terms for Council Members, including the Mayor.

Section 4. Effect of Repeal; Licenses and Permits. The repeal of any ordinance by the preceding Section shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution, all of which shall remain in full force and effect as if such repealed ordinance had remained in force. No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the effective date of this ordinance, shall be discharged or affected by the repeal or alteration of any ordinance by this ordinance or the Code. The repeal of any ordinance under the preceding Section shall not be construed to revive any ordinance or part of an ordinance which was previously repealed by any ordinance repealed by this ordinance. Licenses and permits issued by the City in accordance with ordinances then applicable shall not be deemed revoked by the repeal of such ordinances, but shall continue, unless suspended or revoked, for the period for which they were issued. From and after the date on which the Edina City Code becomes effective, every existing license and licensee shall be subject to the provisions of the Edina City Code under which a license for the same purpose would be issued, or the holder of a license would be regulated. Permits and permittees now existing shall likewise be subject to the provisions of the Edina City Code under which a permit for the same purpose would be issued, or the holder of such permit would be regulated.

Section 5. Subsequent Ordinances. Ordinances passed after the effective date of this ordinance shall be passed as amendments or additions to the Code unless they are of limited or special application, or are otherwise deemed not to be a part of the Code in which event such ordinances shall be retained by the City Clerk but separate from the Code. Ordinances of limited or special application, or otherwise deemed not to be a part of the Code, nevertheless shall be enforceable as other ordinances which are a part of the Code. Amendments or additions to the Code shall be a part of the Code from and after their effective date and shall be incorporated into the Code in the manner provided in Section 6 hereof. Reference or citation to the Code shall be deemed to mean and include all amendments and additions then a part of the Code.

Section 6. Revisions. The Code has been prepared in loose-leaf form so that it may be kept up to date regularly by the insertion of revised or additional pages. The City Clerk or City Attorney shall prepare revised and additional pages after the adoption of any amending or additional ordinance so as to keep the Code up to date at all times.

Section 7. Severability. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of the Code is, for any reason, held to be invalid or unenforceable as to any person or circumstance, the application of such section, subsection, paragraph, subparagraph, sentence, clause or phrase to persons or circumstances other than those as to which it shall be held invalid or unenforceable, shall not be affected thereby, and all other provisions of the Code, in all other respects, shall be and remain valid and enforceable.

Section 8. **Part of Code.** This ordinance shall be, and is, a part of the Code.

Section 9. **Publication and Distribution.** A copy of the Code, marked "Official Copy," shall be kept on file in the office of the City Clerk and shall be available for all persons desiring to examine the Code. A substantial quantity of the Code shall be printed or otherwise reproduced for general distribution to the public. Copies of the Code, or any portion thereof, shall be available to any person upon payment of such copying or other reproduction charges as have been established by the Council.

Section 10. **Effective Date.** This ordinance and the Edina City Code shall be in full force, and shall take effect, from and after the adoption and publication of this ordinance.

First Reading: June 1, 1992

Second Reading: August 3, 1992

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/S/ FREDERICK S. RICHARDS

Mayor

ATTEST:

/S/ MARCELLA M. DAEHN

Clerk