

**CHAPTER 1.
GENERAL PROVISIONS**

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1.01. **Adoption.** This Code containing Chapters 1 to 20 inclusive is a complete and comprehensive revision and compilation of the ordinances not previously published, and shall be known and may be cited as "the Tyler City Code." all previously passed ordinances not included herein are

hereby repealed.

1.02. **Amendments.** Any additions or amendments to this Code are incorporated herein so that a reference to the Tyler City Code includes such additions and amendments.

1.03. **Ordinances.** All general ordinances hereafter enacted shall contain before the enacting clause a designation of the chapter and section numbers added, repealed, or amended, and each paragraph thereof shall be numbered in conformity with this Code.

1.04. **Separability.** Each section, paragraph, sentence, clause and provision of this Code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code.

1.05. **Interpretation.** Provisions of this Code shall be liberally construed to affect the well-being of the City and to promote good government at a minimum of expense.

1.06. **Preservation of Rights.** The repeal of any ordinance or portion thereof shall not affect or impair any proceeding suit or prosecution had or commenced in any cause before such repeal shall take 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or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. 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or forfeiture either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by the City of Tyler shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities,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shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

1.07. **Publication of Code and Effective Date.** This ordinance, the Tyler City Code, together with such indexes, supplements, appendices or other material as the council may designate shall be published in book form and a substantial quantity of copies shall be printed and available at the office of the clerk for general distribution to the public. The Tyler City Code shall become operative and effective upon its passage and as soon as the clerk shall publish a notice for two (2) successive weeks in the official newspaper of the City of Tyler, stating that the printed copies of the Tyler City Code are available at the office of the clerk for general distribution.

1.08. **Citation and Purpose**

1.08.1. **Citation.** This Code, which represents a revision and codification of the ordinances of the City of Tyler, Minnesota, shall be known as the "Tyler City Code" and may be referred to by that name in all proceedings and actions. Reference to a portion thereof may be by chapter, section or subsection by using the following

symbols:

for chapter: “ch.@plus the chapter number

for section: “sec.@plus the section number

for subsection: indicating section as above,
immediately followed by subsection
number in parentheses.

1.09. **Purpose** it is the intention of the council that this Code will serve as a modernized and streamlined version of the ordinances of the City, presented in an orderly manner, with obsolete and unneeded ordinances and portions thereof deleted.

1.10. **Effect of Organization and Identifying Designations**

1.10.1. **Organization and designation a part of Code .** The organization of this Code is an integral part thereof, and chapters, subchapters and portions thereof, section numbers and section headnotes are hereby made a part of this Code, and may be amended and revised in the same manner as are the provisions of this Code.

1.10.2. **Effect of organization and designation.** The organization of this Code and chapter, portions thereof, section numbers and section headnotes may be considered in ascertaining the intent of the City council in enacting provisions of this Code, but in case of conflict the provisions of any section control over organization and designation, and specific designation control over general designation.

1.10.3. **Table of contents, appendix and index.** The table of contents, all appendices, and other supplemental materials not expressly made a part of this Code are not a part of the Code and do not form any part of it.

1.11. **Construction of Provisions.**

1.11.1. **Construction of words and phrases.** In construing this Code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City council, or be repugnant to the context of the relevant provisions of this Code:

1.11.2. Words and phrases are construed according to rules of grammar and

according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this Code are construed according to such special meaning or definition;

1.11.3 the singular includes the plural, and the plural includes the singular;

1.11.4. Words in the masculine, feminine or neuter gender include all other genders;

1.11.5. Words used in the past or present tense include the future;

1.11.5. General words are restricted in meaning by particular words.

1.12. **Construction of May and Shall.** As used in this Code, “shall” is always mandatory and “may” is permissive.

1.13. **Grammar and punctuation.** Grammatical errors shall not vitiate any provision of this Code. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Punctuation shall not control over the intention of the City council in the enactment of a provision. Words and phrases which do not conflict with the obvious purpose and intent of a provision nor in any way affect its scope and operation may be added when necessary to the proper interpretation of the provision.

1.14. **Special provisions.**

1.14.1 If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the general provision has been enacted later and shows a manifest intention of the council that the general provision shall prevail.

1.14.2 If enacted at different times, the latest in date of enactment will prevail.

1.14.3 If part of the same provision or set of provisions, the provision or portion or clause thereof last in position shall prevail.

1.15. **Definitions of Words and Phrases.**

1.15.1. **Definitions.** When used in this Code, the following words, terms and phrases shall have the meaning given to them in this section, except as further defined in relation to

specific provisions of this Code, or unless another intention clearly appears.

1.15.1.1. **City** means the City of Tyler, Lincoln County, Minnesota. (A village@ if so described).

1.15.1.2. **Code** means the Tyler City Code, as amended.

1.15.1.3. **Administrator** means the administrator of the City of Tyler, Lincoln County, Minnesota.

1.15.1.4. **Treasurer** means the treasurer of the City of Tyler, Lincoln County, Minnesota.

1.15.1.5. **Council** means the City council of the City of Tyler, Lincoln County, Minnesota.

1.15.1.6. **Person** means any natural person of either sex, a co-partnership, a corporation, association of persons, and an agent or manager of any of the aforesaid.

1.16. **Form of Government**

1.16.1. **Optional Plan in Effect.** In accordance with Minnesota statutes 1971, sections 412.541 to 412.511 and other applicable provisions of law, and an election had as required thereunder, the City shall be governed under the plan of government known in such statutes as optional plan "A". As provided by the statutes, the City shall be governed by a City council composed of a mayor and four members of the council, elected as required by law.

1.17. **Severability: Effect of Repeals.**

1.17.1. **Severability of provisions.** Every chapter, subchapter, or part thereof of this Code shall be severable. If any part of any chapter, subchapter, or part thereof is found by a court of competent jurisdiction to be unconstitutional and void, the remaining parts shall remain valid, unless the court finds the valid parts of the chapter, subchapter, or part thereof to be so essentially and inseparably connected with and so dependent upon the void parts that the court cannot presume the council would have enacted the remaining valid parts without the void ones, or unless the court finds the remaining valid parts, standing alone, are incomplete and are incapable of being executed in accordance with the intent of the council. (Based on Minnesota Statutes, 1974, "

645.20)