

CHAPTER I
GENERAL PROVISIONSSection 100 - Title; citation; statutory reference

100.01. Title. This codification of the ordinances of the City of Richfield may be referred to and cited as: "The Richfield City Code of 1987" or "this code."

100.03. Citation; reference; numbering system. For the purposes of internal references in this code and citation by its users, the following terms shall be used:

code	The Richfield City Code
chapter	Roman numerals (e.g. Chapter XI)
section	Arabic numerals (e.g. Section 100)
subsection	Arabic numerals for section and subsection separated by decimal (e.g. subsection 1100.01)
clause	Arabic letters, lower case, in parenthesis (e.g. (a))

Reference or citations made in a form other than the foregoing shall not defeat the intent of the council in enacting an ordinance or the intent of a user in citing the code when such intent is otherwise clear. This code is to be construed liberally to carry out its purposes.

100.05. Adoption by reference. Statutes or administrative rules or regulations of the State of Minnesota and codes and ordinances adopted by reference in this code are adopted pursuant to authority granted by Minnesota Statute, Section 471.62. At least one copy of any item so adopted, but not less than the number of copies required by law, shall be kept in the office of the city clerk for use by the public.

100.07. Official statutes, codes, regulations, and ordinances. References in this code to Minnesota Statutes are to Minnesota Statutes 2008, Minnesota Statutes, 2009 Supplement and Laws of Minnesota 2009, unless otherwise provided in this code. References in this code to rules and regulations of state agencies, codes, and ordinances of other municipalities are to those documents in effect on July 1, 2009, unless otherwise provided in this code. (Amended, Bill No. 1989-8; Bill No. 2003-19; Bill No. 2005-12; Bill No. 2007-15, Bill No. 2009-15)

100.09. Relation to state law. It is the intent of the Richfield city council that the provisions of this code are the fullest exercise of the regulatory and other powers granted to it by State law and the city charter. When this code imposes a more stringent rule or standard of conduct that contained in similar provisions of state law, rule or regulation, it is the intent of the council that the provisions of this code prevail over such State law, rule or regulation to the extent permitted by law. Where the provisions of the charter conflict with any provision of this code the charter shall prevail.

100.11. Severability of provisions. If any provision of this code or in any code, statute or ordinance adopted by reference in this code is found to be unconstitutional or invalid for any reason, the remaining provision of this code shall remain valid, unless the valid provisions of the law are so essentially and inseparably connected with, and so dependent upon, the void provisions that it cannot be reasonably presumed that the council would have enacted the remaining provisions without the invalid one, or unless it appears that the remaining provisions are incomplete and are incapable of being executed in accordance with the intention of the council.

Section 105 - Definition of terms;
interpretation; conflicts

105.01. Definitions; common terms. Subdivision 1. For purposes of this code the terms defined in this subsection have the meanings given them.

Subd. 2. "Charter" means the charter of the city.

Subd. 3. "City" means the City of Richfield and all the territory lying within its boundaries or over which it has jurisdiction.

Subd. 4. "Code", "this code", or "code of ordinances" means the Richfield City Code adopted by ordinance in 1987, as organized, compiled and codified herein. The term "zoning code" means appendix B to this code.

Subd. 5. "Council" means the city council of the City.

Subd. 6. "Clerk" means the city clerk.

Subd. 7. "Manager" means the city manager.

Subd. 8. "Owner" means, in the case of personal property, a person, other than a lienholder, having the property in or title to personal property; in the case of real property, the term means the fee owner of land, or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership; the term includes, but it's not limited to, vendees under a contract for deed and mortgagors.

Subd. 9. "Person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 10. "Health authority" or "health officer" means the director of public safety.

Subd. 11. A reference to an elected or appointed city officer, department head or division head, includes the duly authorized representative of that person.

105.03. Definitions; statutory. For purposes of this code the terms defined in Minnesota Statutes, sections 645.44 and 645.45 have the meanings given them by those sections; and terms defined by statutes, rules or regulations, and ordinances adopted by reference have the meanings given them therein.

105.05. Definition; internal. Terms defined in other sections of this code have the meanings given them by those sections.

105.07. Interpretation; conflicts. Subdivision 1. Common usage. Words and phrases used in this Code shall be interpreted and understood in accordance with common and accepted usage, but any technical words or phrases or such others as have acquired a specific or peculiar meaning shall be interpreted and understood in accordance with such meaning.

Subd. 2. Statutory rules. It is the intent of the city council that the rules and canons of construction, presumptions and miscellaneous provisions relating to statutory construction contained in Minnesota Statutes, chapter 645, apply to this code and govern its interpretation, and that all questions of meaning, construction and interpretation of this code be resolved by application of the rules contained in chapter 645. The provisions of Minnesota Statutes, chapter 645, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

105.09. Equal rights, terminology. Whenever the term "man", "men" or their related pronouns appear in this code, either in words or parts of words, they have been used for grammatical, editorial, and literary purposes, and the terms are to be construed in their generic sense, that is, to include all humankind, both male and female. Amendments to this code and other ordinances of the city shall be prepared in a manner to eliminate gender specific references in the manner prescribed by Laws of Minnesota, chapter 1984, c. 480, section 21.

105.11. Special definitions. Subdivision 1. Public safety department or director. Wherever the term "public safety department" appears in this city code, it shall mean either the public safety department or the fire department as determined by the city manager. Wherever the term "public safety director" appears in the city code it shall mean the city manager or city manager's designee. (Amended, Bill No. 2000-18)

Subd. 2. Community services department or director. Wherever the term community services appears in this city code, it shall mean either public works or recreation services as determined by the city manager. Wherever the term community services director appears in the city code it shall mean city manager or city manager's designee. (Added, Bill No. 1997-5; Amended, Bill No. 2000-18)

Section 110 - Legislative procedure

110.01. Ordinances enactment. Ordinances shall be enacted in accordance with the procedure set forth in the city charter. Ordinances shall be integrated into this code in accordance with this section.

110.03. Form of amendments and new ordinances. An ordinance amending this code shall specify the section, subsection, subdivision, or clause, as the case may be, to be amended. Language to be added shall be underlined; language to be repealed shall be stricken; but newspaper publication may conform to section 3.10 of the charter. An ordinance repealing an entire chapter, section, subsection, subdivision or clause need refer only to that chapter, section, subsection, subdivision or clause, and the text need not be reproduced. An ordinance adding only new provisions to this code need not be underlined.

110.05. Headnotes, titles. Chapter, section, subsection, subdivision and clause headnotes, titles and cross references are not substantive parts of this code but merely matters to expedite and simplify its use.

110.07. Integration of ordinances into code. Subdivision 1. Duties of manager and attorney. The manager and city attorney shall recommend to the council a system for integrating ordinances into this code in an expeditious manner. They shall recommend to the council rules consistent with this section for the preparation, editing and format of ordinances to be presented to the council.

Subd. 2. Matters omitted. When an ordinance is integrated into this code, the following matters may be omitted:

- (a) title;
- (b) enacting clause;
- (c) section numbers;
- (d) definition of terms identical to those contained in this code;
- (e) validation and repealing clauses;
- (f) validating signatures and dates;
- (g) punctuation and other matters not an integral part of the text of the ordinance; and
- (h) penalty provisions.

Subd. 3. Errors. When integrating ordinances into this code, the manager and attorney may correct manifest grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, subsections, chapters and ordinances; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 4. Source notes. When an ordinance is integrated into this code, a source note shall be added at the end of each new or amended chapter, section, subsection, subdivision or clause indicating the ordinance number and section from which the same was derived.

110.09. Ordinance records, transitory ordinances. The city clerk is responsible for the safe and orderly keeping of all ordinances in a manner directed by the council. An ordinance not included in this code by council direction is a transitory ordinance. The clerk shall maintain an up-to-date, indexed record of all transitory ordinances. The council may direct that transitory ordinances and other ordinances be included in appendices to this code.

110.11. Effective date of ordinance. Ordinances are effective on the dates specified in the city charter.

Section 115 - Penalties

115.01. General rule. A person who violates a provision of this code is guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than \$700 and imprisonment for a term not to exceed 90 days, or both. Each act of violation and every day on which a violation occurs or continues is a separate violation. (Amended, Bill No. 1987-26)

115.03. Exceptions. Where a provision of this code or a statute adopted by reference therein sets a lesser penalty or a different period constituting a violation then set in subsection 115.01 such code or statutory provision shall prevail.

115.05. Applicability. It is the intention of the council that the penalty provided by this section or any other section of this code applies to an amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance unless otherwise provided in the amendatory ordinance.

115.07. Failure of officers to perform duties. The penalty imposed by this section does not apply to the failure of an officer or employee of the city to perform a duty imposed by this code unless a penalty is specifically provided for such failure.

115.09. Misdemeanor defined. For purposes of this code the term "misdemeanor" means (i) penal offense or crime which the council is empowered to punish with fine or imprisonment and (ii) a petty misdemeanor as defined by law.

115.11. Enforcement. Subdivision 1. By peace officers. Peace officers appointed by the city shall have the authority to enforce the provisions of this code, the violation of which constitutes a misdemeanor, petty misdemeanor or gross misdemeanor. In connection with such authority, peace officers may make arrests and issue citations in lieu of arrest in the manner provided by law.

Subd. 2. By community service officers and police reserve officers. Community service officers and police reserve officers appointed by the city may, in the performance of their duties, and under the direction of the director of public safety, issue notices of violation and citations in lieu of arrest, but may not take persons into custody for refusal to sign such citations.

Subd. 3. Employees of fire division. Employees of the fire division of the department of public safety may issue notices of violations which the fire division and its employees are, by this code, designated to administer and enforce.

Subd. 4. Employees and agents of inspections division. Employees and agents of the inspections division of the department of public safety may issue notices of violations and citations in lieu of arrest for alleged violations of code provisions which the inspections division and its employees are, by this code, designated to administer and enforce. Employees and agents of the inspections division may not take persons into custody for refusal to sign such citations. (Amended, Bill No. 1988-6)

Subd. 5. Full time employees of public works department. Full time employees of the public works department as designated by the public works director may issue notices of violation for violations of subsection 1305.13 of this code. (Amended, Bill No. 2004-7)

Subd. 6. Youth Resource Specialist. A person holding the position of Youth Resource Specialist in the Police Division may, under the direction of the Public Safety Director, issue citations in lieu of arrest for juvenile status offenses and petty misdemeanors, but may not take persons into custody for refusal to sign such citations. (Added, Bill No. 1990-8)

Section 120 – Domestic Partnerships120.01 Purpose.

The City of Richfield authorizes and establishes a voluntary program of registration of domestic partners. The domestic partnership registry is a means by which unmarried, committed couples who reside or work in Richfield and who share a life and home together may document their relationship.

Richfield's domestic partnership ordinance is a City ordinance and does not create rights, privileges, or responsibilities that are available to married couples under state or federal law. The City of Richfield cannot provide legal advice concerning domestic partnerships. Applicants and registrants may wish to consult with an attorney for such advice including, but not limited to: wills, medical matters, finances and powers of attorney, children and dependents, medical, health care and employment benefits.

120.03 Definitions. Subdivision 1. The following words and phrases used in this Code have the meanings given in this section.

Subd. 2. Domestic Partner. The term “domestic partner” means any two adults who meet all the following:

- a. Are not related by blood closer than permitted under marriage laws of the state.
- b. Are not married under the laws of this state.
- c. Are competent to enter into a contract.
- d. Are jointly responsible to each other for the necessities of life.
- e. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.
- f. Do not have any other domestic partner(s).
- g. Are both at least 18 years of age.
- h. At least one of whom resides in Richfield or is employed in Richfield.

Subd. 3. Domestic Partnership. The term “domestic partnership” shall include, upon production of valid, government-issued documentation, in addition to domestic partnerships registered with the City of Richfield, and regardless of whether partners in either circumstance have sought further registration with the City of Richfield:

- a. Any persons who have a currently-registered domestic partnership with a governmental body pursuant to state, local or other law authorizing such registration. The term domestic partnership shall be construed liberally to include unions, regardless of title, in which two individuals are committed to one another as married persons are traditionally committed, except for the traditional marital status and solemnities.
- b. Marriages that would be legally recognized as a contract of lawful marriage in another local, state or foreign jurisdiction, but for the operation of Minnesota law.

120.05 Registration of Domestic Partnerships. Subdivision 1. Application. The city clerk shall accept an application in a form provided by the City to register domestic partners who state in such application that they meet the definition of domestic partners.

Subd. 2. Application fee. The city clerk shall charge an application fee for the registration of domestic partners and shall charge a fee for providing certified copies of registrations, amendments, or notices of termination. The fees required by this subsection shall be established from time to time by resolution of the City Council and set forth in Appendix D to this code.

Subd. 3. Certificate. The city clerk shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of the application.

Subd. 4. This application and certificate may be used as evidence of the existence of a domestic partner relationship.

Subd. 5. Records. The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.

Subd. 6. Data. The application and amendments thereto, the registration certificate, and termination notices shall constitute government data and will be subject to disclosure pursuant to the terms of the Minnesota Government Data Practices Act.

120.07 Amendments. The city clerk may accept amendments for filing from persons who have domestic partnership registrations on file, except amendments that would replace one of the registered partners with another individual.

120.09 Termination of Domestic Partnership. Domestic partnership registration terminates when the earliest of the following occurs:

- a. One of the partners dies; or
- b. Forty-five days after one partner: 1) sends the other partner written notice, on a form provided by the City, that he or she is terminating the partnership; and 2) files the notice of termination and an affidavit of service of the notice on the other partner with the city clerk.

120.11 Benefits. Subdivision 1. This section does not create any rights, privileges, or responsibilities for domestic partners other than those expressly provided in this section.

Subd. 2. City Fees for Services. If the City offers a family fee, family membership or family registration for any City-provided program or service, domestic partners are entitled to the same family fee, family membership or family registration.

Subd. 3. Other code provisions. Domestic partners shall be entitled to rights or benefits as expressly provided by this code for registered domestic partners.