

CHAPTER 1. GENERAL PROVISIONS.Article 1: In General.**Section 1-1. Title and Scope of Ordinance.**

Repeal of Prior Ordinances. This ordinance containing Chapters 1 to 20 inclusive shall be known as the Town Code of Bridgewater Township, Minnesota and shall supersede all other general ordinances passed by the Town Board prior to December 12, 2018 except such as are by reference expressly saved from repeal or continued in force and effect for any purpose. Prior ordinances that are now incorporated herein shall be deemed to be recodified and not repealed.

Section 1-2. Relation to the Town Comprehensive Plan.

It is the policy of the Town of Bridgewater that the enforcement, amendment, and administration of this Code be accomplished incorporating recommendations contained in the Comprehensive Plan as developed and amended from time to time by the Planning Commission and Town Board. The Town Board recognizes the Comprehensive Plan as the Policy for responsibility to regulate land use and development in accordance with the policies and purpose herein set forth.

Section 1-3. Interpretation and Rules of Construction.

- a. In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed unless such construction would be inconsistent with the manifest intent of the Town Board. The words and phrases used in this Code shall be construed in their plain, ordinary and usual sense, except that technical works and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- b. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such section or which may be absurd, unreasonable or impossible to execute.
- c. All general provisions, terms, phrases and expressions in this code shall be liberally construed in order that the true intent and meaning of the Town Board may be fully carried out. In the interpretation and application of any provision of this Code, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction shall be deemed to be controlling.

- d. No provision of this Code shall be deemed ineffective by failure to use or enforce it.

Section 1-4. **Definitions.**

Agent. One who acts for or in the place of another by authority from him or her, as a substitute, a deputy, appointed by principal with power to do the things which a principal may do.

Clerk. The work “clerk” or “town clerk” refers to the individual who acts as Clerk of the Town Board and has duties as enumerated in Minnesota Statute 367.11.

Code. The word “Code” means the Town of Bridgewater Town Code as herein designated.

Conjunctions. In a provision featuring two or more items, conditions, provisions, or events, which items, conditions, provisions or events are connected by conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows, except that when appropriate from the context, the terms “and” and “or” are interchangeable:

- (a) “And” indicates that all the connected terms, conditions, provisions or events apply;
- (b) “Or” indicates that the connected terms, conditions provisions or events apply singly or in any combination; and
- (c) “Either ,, or” indicates that the connected terms, conditions, provisions or events apply singly gut not in combination.

Computation of Time. The time, where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for the performance or doing thereof is prescribed and fixed by law or ordinance, shall be computed so as to exclude the first and include the last day of the prescribed period or duration of time. When the last day of the period falls on a Saturday, Sunday or a legal holiday, that day shall be omitted from the computation. Unless they are clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, the rules of construction established for the State of Minnesota by statute or case law apply in the construction of this Code.

County. The County of Rice, Minnesota.

Distance. All measured distances expressed in feet shall be rounded to the nearest tenth of a foot.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Generally. When provisions of this code conflict, the specific shall prevail over the general. All provisions shall be generally construed so that the intent of the Town Board may be effectuated. Words and phrases shall be construed according to the common and approved usage of language, but technical works, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

May. The term “may” is to be construed as being permissive and not mandatory.

May Not. The term “may not” states a prohibition.

Minn. Stats. The abbreviation “Minn Stats” or “M.S.” means the Minnesota Statutes, as amended.

Minnesota Rules of Construction. Unless clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statute or case law shall apply in the construction of this Code.

Month. The term “month” means a calendar month.

Must. The term “must” shall be construed as being mandatory.

Number. Words in the singular include the plural. Words in the plural include the singular.

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for another, and in such cases the word “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

Officials, employees, boards, commissions, etc. Whenever reference is made to officials, employees, boards, commissions or other agencies of the Town by title only, i.e., “chairman”, “town clerk”, etc., they shall be deemed to refer to the officials, employees, boards, commissions or other agencies of this Town.

Ordinance or town ordinance. The unqualified use of the term “ordinance” or “town ordinance” shall be constructed to be followed by the phrase “of the Town of Bridgewater, Rice County, Minnesota” and shall refer also to the Town or Bridgewater Code.

Owner. When applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships, and bodies public and corporate as well as individuals. For the purpose of imposing penalties or fines for violation of a section of this Code and whenever the word “person” is used in such section for which a penalty is imposed, “person” shall partners or members of an association and as to corporations, shall include the officers, agents or members thereof, who are responsible for any such violation.

Personal property. Every species of property except real property.

Planning Commission. The words “Planning Commission” includes those persons appointed by the Town Board to serve as Planning Commission members.

Property. Real, personal and mixed property.

Public Place. Any place subject to the primary control of any public agency, including but not limited to, any park, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

Real property, Real Estate, Land, Lands. The terms “real property,” “real estate,” “land,” and “lands include lands, buildings, tenements and hereditaments and all rights and interests therein except chattel interests.

Shall. The term “shall” is to be construed as being mandatory.

Singular or Plural. Unless the context clearly requires otherwise, the use of either singular or plural numbers shall include the other number.

State. The State of Minnesota.

Street. A way, public or private, for the conveyance principally of vehicular traffic, whether designated as a street, avenue, parkway, road, alley, lane, throughway, expressway, highway, road, place or however otherwise designated.

Tenant; occupant; lessee. When applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. “Town” means Bridgewater Township, Rice County, Minnesota.

Town Board. The words “Town Board” or “Town Board of Supervisors” mean the Town Board of Supervisors of the Town of Bridgewater, Rice County, Minnesota.

Treasurer. The words “treasurer” or “town treasurer” refer to the individual who acts as Treasurer for the Town and has duties as enumerated in Minnesota Statute 367.16.

UrbanTown. The Town shall have the powers conferred upon it by Minnesota Statute 36

Written and in writing. The words “written” and “in writing” shall include any representation of words, letters or figures, whether by printing or otherwise.

Year. Unless otherwise designated, the word “year” means a calendar year.

Zoning Administrator. The person, regardless of title, designated to administer the provisions of relevant chapters of this Code.

Section 1-5. Catchlines of Sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the sections and shall not be deemed or taken to be titles of such sections, or as part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-6. Computation of Time.

- a. Weeks. When the term “successive weeks” is used in any code or ordinance providing for the publishing of notices, the word “weeks” shall be construed as calendar weeks. The publication upon any day of such weeks shall be sufficient publication for that week, but at least five (5) days shall elapse between each publication. At least the number of weeks specified in “successive weeks” shall elapse between the first publication and the day for the happening of the event for which the publication is made.
- b. Months. When, in any code or ordinance, the lapse of a number of months before or after a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and including the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made, unless there be not so many days in the last month so

counted, in which case the period computer shall expire with the last day of the month so counted.

- c. **Period of Time.** Where the performance or doing of any act, duty, matter, payment, or thing is ordered or directed, and the period of time or duration for the performance or doing thereof is prescribed and fixed by law, the time, except as otherwise provided in subsection (a) and (b) of this section, shall be computed so as to exclude the first and include the last day or the prescribed or fixed period or duration of time. When the last day of the period falls on Saturday, Sunday or a legal holiday, that day shall be omitted from the computation.
- d. **Weekends and Holidays.** When an application, payment, return, claim, statement or other document is to be delivered to or filed with a department, agency or instrumentality of this Town on or before a prescribed date and the prescribed date falls on a Saturday, Sunday or legal holiday, it is timely delivered or filed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

Section 1-7. References to Chapters or Sections.

All references to chapters or sections are to the chapter and sections of this Code unless otherwise specified

Section 1-8. Code does not affect Prior Offenses, Penalties and Rights.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Section 1-9. Effect of Repeals.

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

Section 1-10. Certain Ordinances Not Affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- a. Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code.

- b. Any ordinance or resolution promising or guaranteeing the payment of money for the Town, or authorizing the issue of any bonds of the town, or any evidence of the Town's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation by the Town.
- c. Any administrative ordinances of the Town not in conflict or inconsistent with the provisions of this Code.
- d. Any right or franchise granted by any ordinance.
- e. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way.
- f. Any appropriation ordinance.
- g. Any ordinance levying or imposing taxes.
- h. Any ordinance prescribing fee, fines, charges, rates, or other specific monetary values; however, ordinances establishing fees may be amended by the Town Board as deemed necessary.
- i. Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the Town.
- j. Any ordinance establishing traffic or parking regulations on any street or public way, including traffic schedules.
- k. Any temporary or special ordinances.

All such ordinances are hereby recognized as continuing in full force and effect to same extent as if set out at length in this Code. All ordinances are on file in the office of the Town Clerk.

Section 1-11. Amendments to Code.

- a. Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Town Board of Supervisors to make such additions or amendments a part of this Code, shall be deemed to be incorporated in this Code so that reference to the Code shall be understood and intended to include each addition(s) and amendment(s).
- b. All ordinances passed subsequent to the adoption of this Code that amend, repeal, or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein., When subsequent ordinances repeal any chapter, section or subsection or any portion

thereof such repealed portions may be excluded from the Code by the omission thereof from reprinted pages.

- c. Amendments to any provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: “That section _____ of the Town Code of Bridgewater Township, Rice County, Minnesota, is hereby amended to read as follows: ...”. The new provisions shall then be set out in full.
- d. If a new section not then existing in the Code is to be added, the following language may be used: “That the Town Code of Bridgewater Township, Rice County, Minnesota, is hereby amended by adding a section to be numbered _____, which section shall read as follows: ...”. The new section may then be set out in full.
- e. All sections or chapters desired to be repealed must be specifically repealed by section or chapter number, as may be the case.

Section 1-12. **Supplementation of Code.**

- a. By contract or by Town personnel, supplements to the Code shall be prepared and printed whenever authorized or directed by the Town Board. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Town Board or adopted by referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted the code will be current through the date of adoption of the latest ordinance included in the supplement.
- b. In preparing a supplement to this Code, all portions of the Code that have been repealed shall then be excluded from the code by the omission thereof from reprinted pages.
- c. When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make format, nonsubstantive changes in the ordinances and parts of ordinances included in the supplement insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate subdivisions;

2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles;
3. Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
4. Change the words “this ordinance” or words of the same meaning to “this chapter” or “this section” as the case may be, or to “sections _____ through _____.” The inserted section numbers will indicate the sections of the code which embody substantive sections of the ordinance incorporated into the Code; and
5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case shall the codifier make any change in meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Section 1-13. Severability of the Parts of Code.

It is hereby declared to be the intention of the Town Board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid, or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences paragraphs and sections of this Code.

Section 1-14. Separability.

Every section, provision or part of this Code or any permit issued pursuant to this Code is declared separable from every other section, provision or part thereto to the extent that if any section, provision or part of this Code or any permit issued pursuant to this Code shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

Section 1-15. Supremacy.

- a. **More Restrictive Provision to Apply.** When any condition imposed by any provision of this Code on the use of land or buildings or on the bulk of buildings is either more restrictive or less restrictive than similar conditions imposed by any provision of any other community Code or regulation, the more restrictive provisions shall prevail.

- b. Relationship to Private Agreements. This Code is not intended to abrogate any easements, restrictions or covenants relating to the use of land or imposed on lands with the township by private declaration or agreement, but where the provisions of this Code are more restrictive than any such easement, restriction or covenant of any private agreement, the provisions of this Code shall prevail.

Section 1-16. **General Penalty.**

- a. Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful, an offense or misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision of this code or Town ordinance shall be punished as a misdemeanor, with a fine and/or imprisonment as set forth in M. S. A. §609.02. The term “misdemeanor” shall be as defined in M. S. A. § 609.02, Subd. 3. The term “petty misdemeanor” shall be as defined in M. S. A. § 609.02, Subd. 4a. Each day that any violation of any provision of this Code or of any town ordinance shall continue shall constitute a separate offense.
- b. In case of the amendment by the Town Board of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection 1.11 (a) of this section shall apply to the section, as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed therein.

Sections 1-17 through 1-20. **Reserved.**