



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

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**Agenda
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Title: AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

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Drafter: shanke@duluthmn.gov

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Text of Legislative File 16-067-O

AN ORDINANCE AMENDING THE DEFINITION OF SIGNATURE IN THE DULUTH CITY CODE, 1959, TO ALLOW FOR ELECTRONIC SIGNATURES

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 1-2 of the Duluth City Code, 1959, be amended to read as

follows:

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances of the city, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or context clearly requires otherwise:

Building official. Unless otherwise provided in this Code, whenever the words "building official" are used in this Code, they shall mean the person, or the person's designee, having supervisory authority of the administrative division of the city responsible for administering the specified powers or duties.

City. The words "the city" or "this city" shall be construed as if followed by the words "of Duluth."

City assessor. Whenever the words "city assessor" are used in this Code, they shall mean the persons, which may include city employees, or entity retained to perform property assessment functions on behalf of the city.

Code. The words "the code" or "this code" shall mean "The Legislative Code of the city of Duluth, Minnesota, 1959."

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a Sunday or a holiday and then it is also excluded.

Council. Whenever the word "council" is used in this Code, it shall be construed to mean the city council of the city of Duluth. **County.** The words "the county" or "this county" shall mean the county of St. Louis.

Day. A day is the period of time between any midnight and the midnight following.

Daytime, nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Electronic signature. An "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Gender. The masculine gender includes the feminine and neuter.

In the city. The words "in the city" shall mean and include all territory over which the city now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Month. The word "month" shall mean a calendar month.

Number. The singular number includes the plural, and the plural the singular.

Oath. "Oath" includes an affirmation.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the city of Duluth, unless the context clearly indicates otherwise.

Official time. Whenever certain hours are named in this Code, they shall mean Central Standard Time or Daylight Saving Time, as may be in current use in the city.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner," 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 of a part of such building or land.

Person. "Person" includes bodies politic and corporate, trustees, receivers, assignees, personal representatives and partnerships and other unincorporated associations.

Personal property. Includes every species of property, except real property, as defined in this Section.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Process. Includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. The word "property" shall include real and personal property. Real property. Shall include lands, tenements and hereditaments.

Shall, may. "Shall" is mandatory and "may" is permissive.

Signature or subscription by mark. The signature of a person, when required by law, (1) must be in the handwriting of the person, or (2) if the person is unable to write (i) the person's mark or name written by another at the request and in the presence of the person, or (ii) by a rubber stamp facsimile of the person's actual signature, mark, or a signature of the person's name or a mark made by another and adopted for all purposes of signature by the person with a motor disability and affixed in the person's presence. Unless a handwritten signature is required by this Code or other applicable law, a person may utilize an electronic signature.

~~The signature of a person, when required by law, shall be in the handwriting of~~

~~the person or, if he is unable to write, he may make his mark or his name may be written by pencil or by pen and ink, but shall be by pen and ink when so required by law by some person at his request and in his presence.~~

State. The words "the state" or "this state" shall be construed to mean the state of Minnesota.

Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A week consists of seven consecutive days.

Writing. Writing includes any form of recorded message capable of comprehension by ordinary visual means.

Whenever any notice, report, statement or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.

Year. The word "year" shall mean a calendar year, except where otherwise provided.

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance amends the definition of "signature" to match the Minnesota legal definition (Minn. Stat.645.44, Subd. 14) and incorporates legal recognition of electronic signatures pursuant to the Minnesota Uniform Electronic Transactions Act (UETA) (Minn. Stat., Chapter 325L). Handwritten signatures are still required by the Charter, Code, and other law in some circumstances.