



1 Day.<sup>3</sup> A day is the period of time between any midnight and the midnight following.  
2 Daytime, nighttime. "Daytime"<sup>4</sup> is the period of time between sunrise and sunset. "Nighttime"<sup>5</sup> is  
3 the period of time between sunset and sunrise.  
4 Electronic signature. An "electronic signature" means an electronic sound, symbol, or process  
5 attached to or logically associated with the record and executed or adopted by a person with the intent to  
6 sign the record.  
7 Gender.<sup>6</sup> ~~The masculine gender includes the feminine and neuter.~~ Words of one gender include  
8 the other genders.  
9 In the city. The words "in the city" shall mean and include all territory over which the city now has,  
10 or shall hereafter acquire, jurisdiction for the exercise of its police powers or other regulatory powers.  
11 Joint authority.<sup>7</sup> All words giving a joint authority to three or more persons or officers shall be  
12 construed as giving such authority to a majority of such persons or officers.  
13 Month.<sup>8</sup> The word "month" shall mean a calendar month.  
14 Number.<sup>9</sup> The singular number includes the plural, and the plural the singular.  
15 Oath.<sup>10</sup> "Oath" includes an affirmation.  
16 Officers, departments, etc. Officers, departments, boards, commissions and employees referred  
17 to in this Code shall mean officers, departments, boards, commissions and employees of the city of Duluth,  
18 unless the context clearly indicates otherwise.  
19 Official time.<sup>11</sup> Whenever certain hours are named in this Code, they shall mean Central Standard  
20 Time or Daylight Saving Time, as may be in current use in the city.  
21 Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.  
22 Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner,  
23 tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of  
24 such building or land.  
25 Person.<sup>12</sup> "Person" includes bodies politic and corporate, trustees, receivers, assignees, personal  
26 representatives and partnerships and other unincorporated associations.  
27 Personal property. ~~Includes every species of~~ All property, except real property, ~~as defined in this~~  
28 ~~Section.~~  
29 Preceding, following. The words "preceding" and "following" mean next before and next after,  
30 respectively.  
31 Process. Includes a writ or summons issued in the course of judicial proceedings of either a civil  
32 or criminal nature.  
33 Property. The word "property" shall include real and personal property.  
34 Real property. Shall include lands, tenements and hereditaments.

---

<sup>3</sup>For state law definition of holiday, see M.S.A., ' 645.44.

<sup>4</sup>For similar state law, see M.S.A. ' 645.45.

<sup>5</sup>For similar state law, see M.S.A. ' 645.45.

<sup>6</sup>For similar state law, see M.S.A., ' 645.08.

<sup>7</sup>For similar state law, see M.S.A., ' 645.08.

<sup>8</sup>For similar state law, see M.S.A., ' 645.44.

<sup>9</sup>For similar state law, see M.S.A., ' 645.08.

<sup>10</sup>For similar state law, see M.S.A., ' 645.44.

<sup>11</sup>For state law as to standard of time, see Extra Session Laws of Minnesota, 1959, Chap. 46, (M.S.A., ' 645.071).

<sup>12</sup>For similar state law, see M.S.A., ' 645.44.

1        Shall, may.<sup>13</sup> "Shall" is mandatory and "may" is permissive.  
2        Signature or subscription by mark.<sup>14</sup> The signature of a person, when required by law, (1) must be  
3 in the handwriting of the person, or (2) if the person is unable to write (i) the person's mark or name written  
4 by another at the request and in the presence of the person, or (ii) by a rubber stamp facsimile of the  
5 person's actual signature, mark, or a signature of the person's name or a mark made by another and  
6 adopted for all purposes of signature by the person with a motor disability and affixed in the person's  
7 presence. Unless a handwritten signature is required by this Code or other applicable law, a person may  
8 utilize an electronic signature.

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

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

13        Tenses.<sup>15</sup> The present tense includes the past and future tenses, and the future includes the pre-  
14 sent.

15        Week. A week consists of seven consecutive days.

16        Writing.<sup>16</sup> Writing includes any form of recorded message capable of comprehension by ordinary  
17 visual means. Whenever any notice, report, statement or record is required or authorized by this Code, it  
18 shall be made in writing in the English language, unless it is expressly provided otherwise.

19        Year. The word "year" shall mean a calendar year, except where otherwise provided. (As amended  
20 by Ord. No. 9941, 10-27-2008, ' 1; Ord. No. 10253, 10-14-2013, ' 1. Ord. No 10479, 12-5-2016, §1)

### 21 22 **Sec. 1-3.        Provisions considered as continuations of existing ordinances.**

23  
24        The provisions appearing in this Code, so far as they are the same as those of ordinances existing  
25 at the time of the effective date of this Code, shall be considered as continuations thereof and not as new  
26 enactments.

### 27 28 **Sec. 1-4.        Effect of repeal of ordinances.<sup>17</sup>**

29  
30        The repeal of an ordinance shall not revive any ordinances in force before or at the time the  
31 ordinance repealed took effect.

32        The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal  
33 took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense  
34 committed under the ordinance repealed.

### 35 36 **Sec. 1-5.        Severability of parts of Code.**

37  
38        It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences,  
39 clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section  
40 of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a  
41 court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining  
42 phrases, clauses, sentences, paragraphs and sections of this Code.  
43

---

<sup>13</sup>For similar state law, see M.S.A., ' 645.44.

<sup>14</sup>For similar state law, see M.S.A., ' 645.44.

<sup>15</sup>For similar state law, see M.S.A., ' 645.08.

<sup>16</sup>For similar state law, see M.S.A., ' 645.44.

<sup>17</sup>For similar state law, see M.S.A., ' 645.34.

1   **Sec. 1-6.           Catchlines of sections.**

2  
3           The catchlines of the several sections of this Code printed in boldface type are intended as mere  
4 catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such  
5 sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when  
6 any of such sections, including the catchlines, are amended or re-enacted.  
7

8   **Sec. 1-7.           General penalty; continuing violations.**

9  
10           Whenever in this Code or in any other ordinance of the city any act is prohibited or is made or  
11 declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is  
12 declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of  
13 any such provision of this Code or any other ordinance of the city shall be punished by a fine not to exceed  
14 \$1,000, or less if specifically set in accordance with Section 31-8 of this Code.

15           Every day any violation of this Code or any other ordinance of the city shall continue shall constitute  
16 a separate offense. (Ord. No. 643, 10-4-1915, " 1, 2; Ord. No. 6141, 7-25-1938, ' 1; Ord. No. 7718,  
17 7-21-1969, ' 1; Ord. No. 7825, 11-23-1970, ' 1; Ord. No. 8188, 11-24-1975, ' 1; Ord. No. 8342, 7-25-1977,  
18 ' 1; Ord. No. 8688, 1-23-1984, ' 1; Ord. No. 9611, 7-28-2003, ' 1; Ord. No. 10155, 5-29-2012, ' 1; Ord. No.  
19 10239, 8-26-2013, ' 1.)  
20