

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
ORDINANCE NO. 2023-01**

**AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-2 AND
CHAPTER 2, ARTICLE IV, SECTION 2-71
OF THE EAST BETHEL CODE OF ORDINANCES
REGULATING BOARDS, COMMITTEES AND COMMISSIONS
IN THE CITY OF EAST BETHEL**

The City Council of East Bethel, Minnesota ordains:

Section 1. Chapter 1, Section 1-2 of the East Bethel Code of Ordinances is hereby amended to read as follows:

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

The words and phrases used in this Code shall be construed in their plain, ordinary, and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import. Unless otherwise provided, 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 city council:

Agent or employee. Whenever this Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

Boards, committees, commissions, officers, employees, departments. Whenever in this Code a reference is made to a board, committee, commission, officer, employee or department, it shall mean and refer to that of the City of East Bethel, Minnesota.

City. The term "city" means the City of East Bethel, Minnesota.

City council and council. The terms "city council" and "council" mean the city council of the City of East Bethel, Minnesota.

Code. The term "Code" means the Code of Ordinances, City of East Bethel, Minnesota, as designated in section 1-1.

County. The term "county" means the County of Anoka, Minnesota.

Delegation of authority. Unless otherwise prohibited, whenever by the provisions of this Code, any officer, employee, department, board, commission, or other agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission, or other agency means and includes such officer or any designee or authorized subordinate and shall also include the successor in function to such officer, employee, department, board, commission or agency.

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.

Highway. The term "highway" includes any street, alley, avenue, way or public thoroughfare, bridge, viaduct, tunnel, underpass, overpass or causeway in the city dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

Keeper and proprietor. The terms "keeper" and "proprietor" mean and include persons, firms, associations, corporations, clubs, limited liability companies and all partnerships, whether acting by themselves or through a servant, agent, or employee.

Minn. Stats. The abbreviation "Minn. Stats." means and refers to the latest edition or supplement of the Minnesota Statutes.

Number. A word importing the singular may extend and be applied to the plural, and vice versa.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officer, employee, department, board, commission, or other agency. Whenever any officer, employee, department, board, commission, or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the City of East Bethel, Minnesota."

Owner. The term "owner," when applied to a building or land, includes 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. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships, companies and bodies politic and corporate as well as to individuals. For the purpose of imposing penalties or fines for violation of any section of this Code and whenever the term "person" is used in such section for which a penalty is imposed, the term shall include partners or members of an association, and as to corporations and limited liability companies shall include its officers, agents, or members who are responsible for any such violation.

Personal property. The term "personal property" includes every species of property except real property.

Property. The term "property" includes real, personal, and mixed property.

Public place. The term "public place" means any place subject to the primary control of any public agency, including but not limited to any park, highway, street, public way, cemetery, schoolyard, or adjacent open space, and any lake or stream.

Real property. The term "real property" includes lands, tenements, and hereditaments.

Resident, resident of the City. Where permanent residency needs to be established under City code or otherwise as a matter of law, the terms "resident" and "resident of the City" shall mean a person who maintains a home, residence or dwelling on a property within the City and resides in that home, residence or dwelling for at least 183 days out of each year (may be non-consecutive), with proof of the residency determined by:

1.) Valid unexpired Minnesota driver's license or instruction permit or a valid unexpired Minnesota ID card with a City of East Bethel address; or

2.) A home utility services bill issued no more than 12 months before presentation; or

3.) A signed statement by the person, either notarized or sworn under oath before a City Administrator or City Clerk, that the person is a permanent resident of the City as defined above. The signed statement shall set forth the residency address.

Sidewalk. The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians.

State. The term "state" means the State of Minnesota.

Street. The term "street" embraces streets, avenues, boulevards, roads, highways, alleys, lanes, viaducts, and all other public ways in the city.

Tenant, occupant, lessee. The terms "tenant," "occupant," and "lessee," when applied to a building or land, 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.

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

Section 2. Chapter 2, Article IV, Section 2-71 of the East Bethel Code of Ordinances is hereby amended to read as follows:

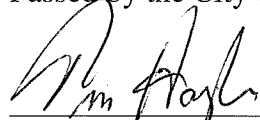
Sec. 2-71. Advisory bodies.

All board, committee, authority and commission members shall serve in an advisory capacity to the council. Appointments shall be offered to the council by the relevant body after public posting of the vacancy and interviews of all applicants, including verification of their permanent residency, after which the council will approve or reject the proposed appointment, at its discretion. In the event of rejection of a recommended appointment, the council may return the matter to the relevant body for further consideration and recommendation, or may appointment one of the applicants who was interviewed, or appoint another if there are no applicants remaining from the interview pool, at its discretion.

Commission members shall serve staggered terms of three years and may be removed by a majority vote of the full city council. On committees composed of two councilpersons, those councilpersons shall serve terms of one year. New appointees shall assume office at the first meeting following appointment. Every appointed commission member and committee members that serve on a committee composed of more than two councilpersons shall take an oath of office that he/she will faithfully execute the duties of that office. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term.

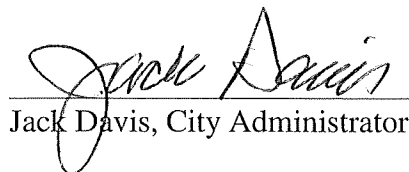
Section 3. The ordinance amendments herein become effective from and after its passage and publication.

Passed by the City Council of East Bethel, Minnesota this 27th day of March, 2023.



Tim Harrington, Mayor

Attested:



Jack Davis, City Administrator