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ARTICLE 1 - GENERAL PROVISIONS

1-100 Title and Scope of Ordinance

1-110 Repeal of Prior Ordinances

This ordinance containing Chapter 1 to 12 inclusive shall be known as the City Code of the City of Ham Lake, Minnesota, 1990, and shall be treated and considered as a new and comprehensive ordinance and shall supersede all other general ordinances passed by the Council prior to the 7th day of May 1990, except such as are by reference expressly saved from repeal or continued in force and effect for any purpose.

1-200 Definitions

1-210 Person

“Person” means any natural individual, organization, firm, partnership, association, or corporation, or other group acting as a unit. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

1-220 Street

“Street” means any public way, which includes highway, street, avenue, boulevard, alley or public thoroughfare.

1-230 City

“City” means the City of Ham Lake.

1-240 Council

“Council” or “City Council means the City Council of the City of Ham Lake.

1-250 Code

“Code” means the City Code of the City of Ham Lake. Where the word “Ordinance” may be found, said word may be interchangeable with the word “Code: if not inconsistent therewith.

1-260 Zoning Officer

“Zoning Officer” shall be that person designated by Article 9-220 of this Code.

1-300 Penal Provision

Any person guilty of violating any provision of the Code of the City of Ham Lake shall be deemed to have committed a misdemeanor, and subject to the misdemeanor penalties imposed by then existing Minnesota statutory provisions.

1-400 Rules of Construction

1-410 Plain Meaning

All words and phrases in this code are used and shall be construed in their plain, ordinary and usual sense, and except where the context clearly requires otherwise in accordance with this Chapter and any definitions, general or special contained in this code, technical words and phrases having

a peculiar and appropriate meaning in law are to be understood according to their technical import.

1-420 Gender

The use of either masculine, feminine, or neuter gender includes the other genders.

1-430 Singular or Plural

The use of either the singular or plural includes the other.

1-440 Tense

The use of either past, present, or future tense includes the other tenses.

1-450 Computation of Time

The time within which an act is to be done is computed by excluding the first day and including the last day. When the last day is a Sunday or legal holiday, such day is excluded and the last day is the next following business day.

1-460 Minnesota Rules of Construction

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.

1-500 Payment of Real Estate Taxes

Whenever any individual or entity applies for any type of permit, license, zoning approval, subdivision approval or other action for which municipal consent is required, the application shall automatically be rejected if at the time of application there are any delinquent taxes owing on the property affected by the application, unless the applicant is able to demonstrate a financial hardship, and that the approval requested will or is likely to result in the ability to pay the delinquent taxes.

The following conditions and limitations shall apply to such hardship requests:

- a) In no case will payment of the delinquent tax amount extend beyond six months from the date that payment was due; and
- b) In a request for extension of time, the applicant shall clearly document the reasons that applicant is unable to pay the taxes in a timely manner, supplying such level of detail as may be requested by City staff; and
- c) No more than three such extensions shall be granted within any ten-year period of time.

Notwithstanding the foregoing, real estate taxes shall not be considered delinquent if the owner of the property has entered into a confession of judgment agreement with Anoka County and is current in all payments required by such agreement, or if the owner of the property has otherwise entered into a contractual agreement with Anoka County under which arrangements to pay the unpaid taxes are present, and in which the

owner is current under all such obligations. It shall be the responsibility of the property owner to document the existence of such arrangements, and to provide written evidence from appropriate County officials that the owner is current in all obligations under such arrangements.

1-600 Real Estate Tax Delinquencies at Certain Licensed Facilities

Notwithstanding the provisions of Article 1-500, the City Council may grant additional grace periods to the license holders of licenses issued under Articles 7-700 and 7-800 where the following circumstances are present:

- a) The license holder and the owner of the real estate on which taxes are delinquent are either the same entity or person or have some commonality of ownership; and
- b) The property does not qualify for the confession of judgment provisions noted in Article 1-500 by reason of insufficient property value; and
- c) The City Council is satisfied that the reasons for the delinquency are related to the national economic downturn that commenced circa 2008, and not due to mismanagement or any deliberate attempt to evade taxes; and
- d) The taxpayer demonstrates to the satisfaction of the City Council that an overall plan is in place to remedy the situation, such as placing the property for sale;

The grace period extensions contemplated herein are at the sole discretion of the City Council and there shall be no vested right to any such extension. The extensions are permitted solely in recognition of the severity of the 21st century recession, and the devastating effect on a business of this nature upon the loss of licensure.

Sunset clause: This Article 1-600 shall automatically be repealed as of July 2, 2017 unless renewed by replacement ordinance.

1-700 Severability

If any section, subsection, sentence, clause or phrase of any ordinance in this Code is for any reason held to be invalid; that decision shall not affect the remaining portions of this Code.

Updated through Ordinance 13-11