

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**ORDINANCE NO. 08-253**

**AN ORDINANCE ADOPTING THE RECODIFICATION OF THE LAKE ELMO  
CITY CODE**

**Section 1. Authority.** Minnesota Statutes Sections 415.02, 415.021, and 599.13 (collectively the “Act”) authorize the City of Lake Elmo (the “City”) to adopt and codify ordinances. The Act also provides that any ordinance included in a new city code, but not previously published, is sufficiently published if a substantial quantity of the code is printed for general distribution to the public.

**Section 2. Background.** At the direction of the City Council, City staff and Municode undertook an extensive process to review and update the Lake Elmo City Code with the understanding that once all the amendments were finalized, they would be incorporated into a new code book, which would be reformatted and readopted as a single unified Lake Elmo City Code. The purpose of the recodification is not to implement or incorporate substantive revisions to local laws and policies, but rather to remove outdated and unnecessary code language, reformat the code, update staff titles, and modernize the code to conform to current City practices and state law, as necessary. The updated code has been prepared and it is the intent of this Ordinance to adopt the recodification, which is entitled The City of Lake Elmo Municipal Code (the “Code”). A complete copy of the Code was presented to the City Council and the public together with this Ordinance and is further on file with the City Clerk and available on the City’s website.

**Section 3. Adoption.** Pursuant to the City’s authority contained in the Act, the Code is hereby adopted.

**Section 4. Copies.** The City Clerk is authorized and directed to prepare sufficient copies of the Code for use by the City Council and City staff and for general distribution to the public in accordance with City policies regarding the distribution and availability of City documents. The City Clerk shall also keep an official copy of the Code in the office of the City Clerk and ensure that a copy is available through the City’s website.

**Section 5. Effect.** The Code shall be controlling and shall supersede and replace previously adopted ordinances pertaining to the same subjects contained within the Code, which are hereby repealed as of the effective date of this Ordinance. Such repeal shall not affect: (i) any offense committed or penalty incurred under the previous code; (ii) any rights vested prior to the effective date of this Ordinance; or (iii) the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication

of land to public use; or vacating or setting the boundaries of streets or other public places. Furthermore, nothing in this Ordinance or the Code is to be construed to modify, abrogate or abridge: (i) the rights, duties, liabilities, privileges or immunities of the City; (ii) the qualifications or terms of office of City officers as they existed prior to adoption; or (iii) any special ordinance or franchise not embodied in the Code. The Code is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the courts of the State of Minnesota.

**Section 6. General Penalty.** Unless another penalty is expressly provided in the Code, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to the maximum permitted or required by law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided herein, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City Council may pursue other remedies, including without limitation, abatement of nuisances, injunctive relief and revocation of licenses or permits.

**Section 7. Amendments.** Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make the same part of the Code shall be deemed to be incorporated in the Code, so that reference to the Lake Elmo Municipal Code includes such additions and amendments.

**Section 8. Corrections.** Given the size of this project and refinements made as part of the Code, the City Council recognizes the Code may contain certain errors, such as cross-references to changed subsections, typographical errors, and other non-substantive matters that may be discovered once the Code is placed in use. The City Council hereby authorizes the City Clerk to work with the City Attorney and Municode, as necessary, to make any non-substantive corrections to the Code as may be needed upon discovery. Such corrected provisions shall be incorporated in and made part of the official Code without further action by the City Council.

**Section 9. Summary Publication.** The City Council determines that publication of the title and a summary of this Ordinance would clearly inform the public of its intent and effect, and so City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On November 3, 2021, the City Council of the City of Lake Elmo adopted Ordinance No. 08-253 which adopted a recodification of the City's ordinances. City staff and Municode undertook an extensive process to review and update the Lake Elmo City Code so that the City's ordinances could be incorporated into a new code book, which was reformatted as a single unified Lake Elmo Municipal Code. The purpose of the recodification was not to implement substantive revisions to local laws and policies, but rather to remove outdated and unnecessary code language, reformat the code, update staff titles, and modernize the

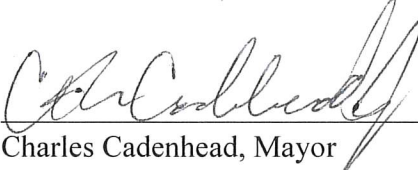
code to conform to current City practices and state law, as necessary. Prior to adoption, a complete copy of the new City of Lake Elmo Municipal Code was presented to the City Council and the public and was further on file with the City Clerk and made available for viewing on the City's website.

Printed copies of the new Lake Elmo Municipal Code, as adopted by Ordinance No. 08-253, are available for inspection and general distribution to the public during regular business hours at City Hall. It can also be viewed online through the City's website: [www.lakeelmo.org](http://www.lakeelmo.org).

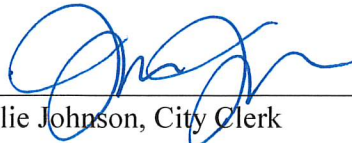
**Section 10. Effective Date.** This Ordinance and the Code, as presented to the City Council and the public and made available for inspection in accordance with law, shall take effect and be in force after its passage and publication. Ordinances adopted after the Effective Date that amend or refer to the Code shall be construed as if they amend or refer to like provisions of said Code.

**Section 11. Adoption Date.** This Ordinance 08-253 was adopted on this 3rd day of November, 2021, by a vote of 5 Ayes and 0 Nays.

**LAKE ELMO CITY COUNCIL**

  
\_\_\_\_\_  
Charles Cadenhead, Mayor

ATTEST:

  
\_\_\_\_\_  
Julie Johnson, City Clerk

This Ordinance 08-253 was published on the 12<sup>th</sup> day of November, 2021