

PREFACE TO THE MINNESOTA BASIC CODE OF ORDINANCES, 2023 EDITION

The Minnesota Basic Code of Ordinances

This League of Minnesota Cities/American Legal Publishing (LMC/ALP) Minnesota Basic Code of Ordinances (MBC) is an effort to provide a modern and comprehensive code of ordinances for smaller Minnesota cities without the expense of a customized code of ordinances. Its provisions are also useful to all Minnesota cities that wish to have models for the basic city ordinances on the subjects contained in the code. The code reflects current state statutes, case law and rules through December, 2022.

The MBC will be supplemented periodically to reflect legislative enactments and new case law and rules. The supplements will consist of new pages which will replace or be in addition to the pages contained in this edition. In addition, the supplements will contain new model ordinances that will be included into the MBC unless the city decides not to incorporate them into their code.

Authors and Editors

This Minnesota Basic Code of Ordinances is partly based on the *Model Ordinance Code for Minnesota Cities, Revised Edition 1980*, prepared by Orville C. Peterson, former Executive Director of the League of Minnesota Cities, and the *1989 Model Ordinance Code* prepared by Thomas L. Grundhoefer, former Staff Attorney and General Counsel for the League. The 2000 Minnesota Basic Code was prepared by Kent Sulem, who was the League's Codification Attorney, and by Special Counsel Duke Addicks, who also prepared the 2004 Minnesota Basic Code. The 2010 Minnesota Basic Code was prepared by Special Counsel Duke Addicks and Staff Attorney Rachel Carlson. The 2014 Minnesota Basic Code of Ordinances was prepared by Special Counsel Duke Addicks and Staff Attorney James Mongé. The 2019 Minnesota Basic Code of Ordinances was prepared by Staff Attorney Amber Eisenschenk. The 2023 Minnesota Basic Code of Ordinances was prepared by Staff Attorney Aisia Davis.

All the authors are licensed attorneys in the state of Minnesota.

The editorial review and formatting of the Minnesota Basic Code of Ordinances was done by the staff of American Legal Publishing Corporation, LLC.

Use of the Minnesota Basic Code of Ordinances

The code is intended to be used in four ways.

First, it can be adopted by reference by any Minnesota city. It would then replace the existing city ordinances. Ordinances on topics not contained in the MBC will continue in effect if listed in the ordinance adopting the Basic Code of Ordinances with the exception of franchises and annexation ordinances, which continue in effect without being listed. The code can be amended or supplemented by additional ordinances. Amendments should be codified and contained in Title XVII of the code. New ordinances on topics not contained in the MBC can be either included in Title XVII or kept in the city's ordinance book. Instructions concerning the adoption and amendment of the MBC are contained in the User's Guide.

Second, a customized MBC can be tailored to take into account those city ordinances a city might wish to incorporate directly into the MBC.

Third, when a city uses the League of Minnesota Cities and its consultant American Legal Publishing to codify its existing ordinances, various parts of the MBC may be used as the basis for any changes in already existing ordinances, or specific provisions can be included in the new city code.

Fourth, it can be used as a reference book by city attorneys and city staff who wish to have models of ordinances available which they can modify and recommend to their city for adoption, with appropriate acknowledgment to the city that the LMC/ALP'S MBC is being used. Use by non-attorneys as the basis for city ordinances is discouraged unless the draft is reviewed by a city attorney before adoption, as the drafting of ordinances is a legal matter and knowledge of the existing statutes and other laws upon which an ordinance is based is imperative.

Availability of the Code

In addition to this printed version of the MBC, which has been printed on recycled paper, the MBC is available on CD in a word processing format or in a search and retrieval format.

For ordering information, contact the publisher, American Legal Publishing Corporation, at 1-800-445-5588 or email rbollhauer@amlegal.com.

We hope the Minnesota Basic Code of Ordinances, as it is supplemented, will serve the needs of Minnesota Cities for many years.

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