

## **CHAPTER 2: GENERAL PROVISIONS**

### **SECTION 2.1 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

### **SECTION 2.2 SEVERABILITY**

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **SECTION 2.3 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, morals and general welfare of all Dodge County residents and shall be liberally construed in favor of the County.

The provisions of this Ordinance shall not be deemed a limitation or repeal of any other power granted by State Statute. Where the provisions of this Ordinance impose greater restrictions than those of any statute, rule, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, rule, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, rule, other ordinance or regulation shall be controlling. Where the provisions of this Ordinance conflict, the more restrictive provision shall apply.

#### **2.3.1 RULES OF ORDINANCE PROVISION INTERPRETATION**

- A. This section shall be construed to give effect to all the Ordinance provisions. When the words of this Ordinance are ambiguous, the following shall be considered;
  - I. The reason and necessity for the Ordinance or specific provision,
  - II. The circumstances under which this Ordinance or any

provision was enacted,

- III. The harm or damage to be remedied,
  - IV. The goal or purpose to be attained,
  - V. The objectives of the Comprehensive Plan,
  - VI. The previous versions of the Dodge County Zoning Ordinance,
  - VII. The consequences of a particular interpretation, and/or
  - VIII. Administrative interpretations of this Ordinance and interpretations concurred upon by the Dodge County Attorney's Office or outside counsel (if necessary), Dodge County Staff and the Planning Commission, Board of Adjustment or County Board, where appropriate.
- B. All stated and measured distances shall be taken to the nearest integral unit of measure. If a measured distance is one-half (1/2) unit or less, the unit next below shall be taken. All distances, unless otherwise specified, shall be measured horizontally.

#### 2.3.2 RULES OF LANGUAGE INTERPREATION

- A. For the purpose of this Ordinance, words used in the present tense shall include the future.
- B. Words in the singular shall include the plural, and the plural the singular
- C. Unless otherwise defined in this Ordinance, words or phrases used in this Ordinance shall have the meaning given in their common usage, if not otherwise defined in Minnesota Statutes and Rules, and other federal laws.
- D. The word "person" shall include any individual, firm, association, joint stock association, organization, partnership, trust, company, corporation, or body politic.
- E. The words "must", "should" and "shall" are mandatory and not discretionary.

- F. The words "may" and "could" are permissive.

#### **SECTION 2.4 USES NOT LISTED ARE PROHIBITED**

Whenever in any Primary or Overlay Zoning District a *Use* is not specifically listed as a permitted, conditional or interim use, the *Use* shall be considered prohibited.

#### **SECTION 2.5 EXISTING GOVERNMENT OWNED LANDS AND PUBLIC FACILITIES**

Existing *Government Owned Lands and Public Facilities*, as defined in Chapter 4, are allowed to continue in all zoning districts, subject to any performance standards of this Ordinance. All lands, *Uses* and any structures serving the land or *Use* shall comply with all applicable Federal, State and County laws rules and regulations, as well as the provisions of any permit issued there under. In addition, all *Government Owned Lands and Public Facility* uses, including any structures serving the *Use*, shall obtain appropriate licenses.

New *Government Owned Lands and Public Facilities* or the expansion of the boundaries of an existing *Government Owned Lands and Public Facilities* shall meet the permitting requirements for the specific *Use* in the Primary or Overlay District in which it is located.