

## **CODE OF ORDINANCES**

### **Chapter 1**

#### **GENERAL PROVISIONS**

- Sec. 1-1. Code designated and cited.**
- Sec. 1-2. Definitions and rules of construction.**
- Sec. 1-3. Interpretation per state acts.**
- Sec. 1-4. Captions.**
- Sec. 1-5. References and notes.**
- Sec. 1-6. Application to future legislation.**
- Sec. 1-7. Reference to other sections.**
- Sec. 1-8. Reference to offices.**
- Sec. 1-9. Certain provisions saved from repeal.**
- Sec. 1-10. Amendment procedure.**
- Sec. 1-11. Supplementation of Code.**
- Sec. 1-12. Severability.**
- Sec. 1-13. General penalty.**





**Sec. 1-1. Code designated and cited.**

This Code may be known and cited as the "Code of Ordinances, Village of Elsie, Michigan."

**State Law References:** Codification authority, MCL 78.24a, MSA 5.1534(1).

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

The following words and phrases, when used in this Code and any amendment thereto shall, for the purposes of this Code, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

*Charter.* The word "Charter" shall mean the Charter of Elsie, Michigan, and shall include any amendment to such Charter.

*Code.* The words "this Code" or "Code" shall mean the Code of Ordinances, Village of Elsie, Michigan, as designated in section 1-1.

*Computation of time.* The time within which an act is to be done, as provided in this Code or in any order issued pursuant to this Code when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

*Council.* The word "council" shall mean the Village Council of Elsie, Michigan.

*County.* The words "the county" or "this county" shall mean the County of Clinton in the State of Michigan, as the case may be.

*Gender.* A word importing gender shall extend and be applied to both genders and to firms, partnerships and corporations as well.

*MCL, MSA.* The abbreviations "MCL" and "MSA" shall mean respectively the Michigan Compiled Laws and Michigan Statutes Annotated, as amended.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

*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 Village of Elsie, Michigan." Whenever by the provisions of this Code any officer, employee, department, board, commission or other agency of the village is assigned any duty or empowered to perform any act or duty, reference to such officer, employee, department, board, commission or agency shall mean and include such officer, employee, department, board,

commission or agency or deputy or authorized subordinate.

*Person.* The word "person" and its derivatives and the word "whoever" shall include a natural person, partnership, association, legal entity or a corporate body or any body of persons corporate or incorporate. Whenever used in any clause prescribing and imposing a penalty, the term "person" or "whoever," as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

*Shall/may.* The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

*State.* The words "the state" or "this state" shall be construed to mean the State of Michigan.

*Tense.* Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made therein, either as a power, immunity, requirement or prohibition.

*Village.* The word "village" shall mean the Village of Elsie, Michigan.

**State Law References:** Rules of construction, MCL 8.3 et seq., MSA 2.212 et seq.

### **Sec. 1-3. Interpretation per state acts.**

Unless otherwise provided in this Code, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as those governing the interpretation of the Public Acts of Michigan.

### **Sec. 1-4. Captions.**

Headings and captions used in this Code following the chapter, article, division and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

### **Sec. 1-5. References and notes.**

Charter references, cross references, state law references and editor's notes are by way of explanation only and should not be deemed a part of the text of any section.

### **Sec. 1-6. Application to future legislation.**

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

**Sec. 1-7. Reference to other sections.**

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

**Sec. 1-8. Reference to offices.**

Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the village, exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer or functions or change in the official title of the functionary.

**Sec. 1-9. Certain provisions saved from repeal.**

Nothing in this Code or the ordinance adopting this Code shall affect the following when not inconsistent with this Code:

- (1) Any offense committed or penalty incurred or any right established prior to the effective date of the Code;
- (2) Any ordinance levying annual taxes;
- (3) Any ordinance appropriating money;
- (4) Any ordinance authorizing the issuance of bonds or borrowing of money;
- (5) Any ordinance establishing utility rates;
- (6) Any ordinance establishing franchises or granting special rights to certain persons;
- (7) Any ordinance authorizing public improvements;
- (8) Any ordinance authorizing the purchase or sale of real or personal property;
- (9) Any ordinance annexing or detaching territory;
- (10) Any ordinance granting or accepting easements, plats or dedication of land to public use;
- (11) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the village;

- (12) Any ordinance establishing or prescribing grades in the village;
- (13) Any ordinance prescribing the number, classification or compensation of any village officers or employees;
- (14) Any ordinance prescribing traffic and parking restrictions pertaining to specific streets;
- (15) Any ordinance pertaining to rezoning;
- (16) Any other ordinance, or part thereof, which is not of a general and permanent nature;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the village clerk's office.

**Sec. 1-10. Amendment procedure.**

This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

- (1) To amend any section:

An ordinance to amend section \_\_\_\_\_ (or sections \_\_\_\_\_ and \_\_\_\_\_) of the Code of Ordinances, Village of Elsie, Michigan.

- (2) To insert a new section or chapter:

An ordinance to amend the Code of Ordinances, Village of Elsie, Michigan, by adding a new section (\_\_\_\_\_ new sections or a new chapter, as the case may be) which new section (sections or chapter) shall be designated as section \_\_\_\_\_ (sections \_\_\_\_\_ and \_\_\_\_\_) (or proper designation if a chapter is added) of the Code.

- (3) To repeal a section or chapter:

An ordinance to repeal section \_\_\_\_\_ (sections \_\_\_\_\_ and \_\_\_\_\_, chapter \_\_\_\_\_, as the case may be) of the Code of Ordinances, Village of Elsie, Michigan.

**Sec. 1-11. Supplementation of Code.**

- (a) By contract or by village personnel, supplements to this Code shall be

prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

#### **Sec. 1-12. Severability.**

(a) It is the legislative intent of the council in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the village and should any provision or section of this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being



the intent that this Code shall stand, notwithstanding the invalidity of any provision or section thereof.

(b) The provisions of this section shall apply to the amendment of any section of this Code whether or not the wording of this section is set forth in the amendatory ordinance.

**Sec. 1-13. General penalty.**

(a) Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of a violation of any provision of this Code, or any rule, regulation or order adopted or issued in pursuance thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) and costs of prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment in the discretion of the court. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(b) The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this Code whether or not such penalty is reenacted in the amendatory ordinance.

(c) The penalty shall be in addition to the abatement of the violating condition, any injunctive relief, or the revocation of any permit or license.

(d) This section shall not apply to the failure of officers and employees of the village to perform municipal duties required by this Code.

**State Law References:** Limitation on penalties, MCL 78.24(b), MSA 5.1534(b).

[the next page is 57]