**TITLE I: GENERAL PROVISIONS**

Chapter

 **10.** **RULES OF CONSTRUCTION; GENERAL PENALTY**

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**10.01 HOW CODE DESIGNATED AND CITED; PUBLICATION; DISTRIBUTION OF CODE.**

(A) This code shall constitute and be designated as the The Lake Linden Village Code, for which designation code of ordinances, codified ordinances, this code or code may be substituted.

(Prior Code, Ch. 1001,  4)

(B) (1) The within ordinance code is hereby adopted as an ordinance of the village. Eleven copies of this code shall be published in loose-leaf form and shall be distributed as follows:

| ***Officer*** | ***No. of Copies*** |
| --- | --- |
| Attorney | 1 |
| Chief of Police | 2 |
| Clerk | 2 |
| Each Trustee | 1 |
| Other officers | 2 |
| President | 1 |
| Superintendent of Public Works | 1 |
| Treasurer | 1 |

(2) The Clerk shall keep one of the copies of the code assigned to him or her available for public inspection during office hours.

(Prior Code, Ch. 1001,  1)

**10.02 DEFINITIONS.**

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACT.*** Public Act 236 of 1961, being M.C.L.A. 600.101 et seq., as amended.

***ALLEY.*** Any such way or place providing a secondary means of ingress and egress from a property.

***AUTHORIZED VILLAGE OFFICIAL.*** A police officer, building inspector or other designated official or employee of the village authorized by this code to issue municipal civil infraction citations or municipal civil infraction violation notices.

***CHARTER.*** Public Act 3 of 1895, in its application to the village.

***CIVIL INFRACTION.*** An act or omission that is prohibited by this code or any ordinance of the village, but which is not a crime under this code or any other ordinance of the village, and for which civil sanctions including, without limitation, fines, damages, expenses and costs may be ordered, as authorized by Public Act 236 of 1961, being M.C.L.A.  600.8701 through 600.8735, as amended. A municipal ***CIVIL INFRACTION*** is not a lesser included offense of any criminal offense in this code.

***CODE.*** The Village of Lake Linden Code, as designated in  10.01 of this chapter.

***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 Village Council of Lake Linden, Michigan.

***COUNTY.*** The County of Houghton, Michigan.

***JUVENILE.*** Any person under 17 years of age.

***MINOR.*** A person under 21 years of age.

***MUNICIPAL CIVIL INFRACTION.*** An act or omission that is prohibited by this code of the village, but which is not a crime under this code or any code, and for which civil sanctions including, without limitation, fines, damages, expenses and costs may be ordered, as authorized by Public Act 236 of 1961, being M.C.L.A. 600.8701 through 600.8735, as amended. A ***MUNICIPAL CIVIL INFRACTION*** is not a lesser included offense of a violation of this code that is a criminal offense.

***MUNICIPAL CIVIL INFRACTION ACTION.*** A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

***MUNICIPAL CIVIL INFRACTION CITATION.*** A written complaint or notice prepared by an authorized village official directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

***MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE.*** A written notice prepared by an authorized village official directing a person to appear and to pay the fine and costs, if any, prescribed for the violation by the schedule of fines adopted by the village, as authorized under Public Act 236 of 1961, being M.C.L.A. 600.8701 and 600.8707(6), as amended.

***OFFICER, DEPARTMENT, BOARD AND THE LIKE.*** Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words of the Village of Lake Linden, Michigan. Whenever, by the provisions of this code, any officer of the village is assigned any duty or empowered to perform any act or duty, reference to the ***OFFICER*** shall mean and include the officer or his or her deputy or authorized subordinate.

***ORDINANCES.*** The ordinances of the village and all amendments thereto.

***PERSON.*** Any natural individual, firm, trust, partnership, association or corporation. Whenever the word ***PERSON*** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof and, as applied to corporations, the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

***PUBLIC PLACE.*** Any place to or upon which the public resorts or travels, whether such place is owned or controlled by the village or any agency of the state, or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.

***SIDEWALK.*** The portion of a street between the curb lines or lateral lines and the right-of-way lines which is intended for the use of pedestrians.

***STATE, THE STATE*** or ***THIS STATE.*** The State of Michigan.

***STREET*** or ***HIGHWAY.*** The entire width subject to an easement for public right-of-way, or owned in fee by the village, county or state, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right for purposes of public travel.

***VILLAGE.*** The Village of Lake Linden, Michigan.

(Prior Code, Ch. 1001, 5)

**10.03 SECTION CATCHLINES AND OTHER HEADINGS.**

(A) The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted.

(B) No provision of this code shall be held invalid by reason of deficiency in any catchline or in any heading or title to any chapter, subchapter or division.

**10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.**

Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code:

(A) Promising or guaranteeing the payment of money for the village, authorizing the issuance of any bonds of the village, any evidence of the villages indebtedness, any contract or obligations assumed by the village;

(B) Containing any administrative provisions of the Village Council;

(C) Granting any right or franchise;

(D) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like, any street or public way in the village;

(E) Making any appropriation;

(F) Levying or imposing taxes;

(G) Establishing or prescribing grades in the village;

(H) Providing for local improvements and assessing taxes therefor;

(I) Dedicating or accepting any plat or subdivision in the village;

(J) Extending or contracting the boundaries of the village;

(K) Prescribing the number, classification or compensation of any village officers or employees;

(L) Prescribing specific parking restrictions, no parking zones, specific speed zones, parking meter zones and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;

 (M) Pertaining to rezoning; and

(N) (1) Any other ordinance, or part thereof, which is not of a general and permanent nature; and all ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code.

(2) The ordinances are on file in the village offices.

**10.05 CONTINUATION OF ORDINANCES.**

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of these ordinances and not as new enactments.

**10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.**

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code, shall not be affected by the adoption, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the adoption had not been effected.

**10.07 ORDINANCES REPEALED NOT REENACTED.**

(A) No ordinance or part of any ordinance heretofore repealed shall be considered re‑ordained or reenacted by virtue of this code, unless specifically reenacted.

(B) The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

**10.08 AMENDMENTS TO CODE.**

(A) (1) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section number of this code in the following language: That section \_\_\_\_\_ of the Village of Lake Linden Code, is hereby amended to read as follows:....

(2) The new provisions shall then be set out in full as desired.

(B) (1) If a new section not heretofore existing in the code is to be added, the following language shall be used: That the Village of Lake Linden Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads as follows:....

(2) The new section shall then be set out in full as desired.

**10.09 SUPPLEMENTATION OF CODE.**

(A) (1) By contract or by village personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Village 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.

(2) 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.

(3) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non‑substantive 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:

(a) Organize the ordinance material into appropriate divisions;

(b) Provide appropriate catchlines, headings and titles for sections and other divisions of the code printed in the supplement, and make changes in catchlines, headings and titles;

(c) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary, to accommodate new material, change existing section or other subdivision numbers;

(d) Change the words this ordinance or words of the same meaning to this chapter, this subchapter, this division and the like, as the case may be, or to \_\_\_\_\_ through \_\_\_\_\_ (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(e) Make other non‑substantive 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.

(B) (1) Amendments to the code shall be published as required by  4, Ch. VI, of the Village Charter, and not less than 11 copies of each amendment shall be published in form suitable for insertion in this code.

(2) The Clerk shall distribute such copies to the officers of the village having copies of the code assigned to them. Each officer assigned a copy of the code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each copy of said code shall remain the property of the village and shall be turned over by each officer having custody thereof upon expiration of his or her term of office to his or her successor or to the Village Clerk, in case he or she shall have no successor.

(Prior Code, Ch. 1001,  7)

**10.10 APPEARANCE TICKETS; NOTICE.**

(A) The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the village, as provided by Public Act 147 of 1968, being M.C.L.A.  764.9a through 764.9e, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a village ordinance:

(1) Building Inspector;

(2) Fire Marshal; and

(3) Fire Chief.

(B) (1) Notice regarding sidewalk construction or repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the village may be assessed against the premises under the provisions of this code, shall, except as otherwise provided by the Village Charter, be served:

(a) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;

(b) By mailing said notice by registered or certified mail to such owner at his or her last known address; or

(c) If the owner is unknown, by posting said notice in some conspicuous place on the premises for five days.

(2) No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any village office unless permission is given by said officer to remove said notice.

(Prior Code, Ch. 1001,  12) Penalty, see  10.99

**10.11 SEPARABILITY OF PROVISIONS.**

It is the legislative intent of the Village 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 ordinance code shall stand, notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section or chapter of this code and to any chapter added hereto, whether or not the wording of this section is set forth in the amendatory ordinance.

(Prior Code, Ch. 1001, 14)

 **10.12 RESPONSIBILITY; TITLES OF OFFICERS.**

(A) Whenever any act is prohibited by this code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act.

(Prior Code, Ch. 1001, 8)

(B) Whenever, by the provisions of this code, any officer of the village is assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer or his or her deputy or authorized subordinate.

(Prior Code, Ch. 1001, 10)

**10.99 GENERAL PENALTY.**

Unless another penalty is expressly provided in this code for any particular chapter or section, every person convicted of a violation of any provision of this ordinance code shall be punished by a fine of not more than $500 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each act of violation, and every day upon which any such violation shall occur, shall constitute a separate offense. 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.

(Prior Code, Ch. 1001,  13)