

SERIES 1000 - ADMINISTRATION

CHAPTER 1001 – Contents, Interpretation and Effect of Village Code

An ordinance to provide for the exercise of certain municipal powers of the Village of Lake Linden and for the health, safety and welfare of persons and property in the Village, and to provide penalties for the violation of the provisions thereof.

THE VILLAGE OF LAKE LINDEN ORDAINS:

1. Publication and Distribution of Code. The within Ordinance Code is hereby adopted as an ordinance of the Village of Lake Linden. Seventeen copies of this Code shall be published in loose leaf form and shall be distributed as follows:

<u>Officer</u>	<u>No. of Copies</u>
President	1
Each Trustee	1
Clerk	2
Attorney	1
Treasurer	1
Superintendent of Public Works	1
Chief of Police	2
Other Officers	2

The Clerk shall keep one of the copies of the Code assigned to him available for public inspection during office hours.

2. Effective Date. This Ordinance Code shall take effect twenty (20) days after its passage.
3. Contents of Code. This Code contains all ordinances of a general and permanent nature of the Village. Excluded from the contents of this Code are special or temporary ordinances such as ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or other public works, ordinances authorizing the borrowing of money or the issuance of bonds and ordinances establishing salaries for village officers and employees. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the record of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the Village in effect on the effective date of this Code. All ordinances of a general and permanent nature in effect on the effective date of this Code are hereby repealed.
4. Short Title. This ordinance shall be known and cited as the “Lake Linden Village Code.”

5. Definitions. The following words and phrases, when used in this Code and any amendment thereof or addition thereto, shall for the purposes of this Code, have the meanings respectively ascribed to them in this section, except as otherwise specifically provided or where the context clearly indicates a different meaning:

- (a) "Village" shall mean the Village of Lake Linden.
- (b) "Person" shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (c) "Public place" shall mean 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 of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.
- (d) "Street" or "highway" shall mean 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. "Alley" shall mean any such way or place providing a secondary means of ingress and egress from a property.
- (e) "Sidewalk" shall mean that 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.
- (f) "Charter" shall mean Act 3 of the Public Acts of 1895, State of Michigan, in its application to the Village.

6. 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:

- (a) To amend any section:

AN ORDINANCE TO AMEND SECTION _____ (OR SECTIONS _____ AND _____) OF CHAPTER _____ OF THE VILLAGE CODE.

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

AN ORDINANCE TO AMEND THE VILLAGE CODE 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 _____)

_____ OF CHAPTER _____ (or proper designation if a chapter is added) OF SAID CODE.

(c) To repeal a section or chapter:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____ OR CHAPTER _____ CHAPTER _____, (as the case may be) OF THE VILLAGE CODE.

7. Publication and Distribution of Amendments. Amendments to the Code shall be published as required by section 4, Chapter VI of the Village Charter, and not less than seventeen (17) copies of each amendment shall be published in form suitable for insertion in this Code. 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 term of office to his successor or to the Village Clerk, in case he shall have no successor.
8. Responsibility. 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.
9. Headings. No provision of this Code shall be held invalid by reason of deficiency in any chapter or section heading.
10. Title of Officer to Include Deputy or Subordinate. 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 deputy or authorized subordinate.
11. 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.
12. Notice. 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 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 last known address, or
- (c) If the owner is unknown, by posting said notice in some conspicuous place on the premises for five (5) days. 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.

13. 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 one hundred (\$100.00) dollars and costs of prosecution or by imprisonment for not more than ninety (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 re—enacted in the amendatory ordinance.

14. Severability. 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.

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF HOUGHTON)

I, Susan A. Haralson, Clerk of the Village of Lake Linden, do hereby certify that within fifteen (15) days after the passage of Series 1000 — Administration, Chapter 1050 — Compensation of Officers, of the Code of the Village of Lake Linden, a copy of the Ordinance was published in the Daily Mining Gazette, a News- paper circulated within the Village of Lake Linden, County of Houghton, Michigan; and that this amendment to the Code was published in said Newspaper on the 17th day of May, 1990, as more particularly appears in the attached Publisher's Affidavit.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May, 1990.

Susan A. Haralson, Village Clerk

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