

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Code designated and cited.

This codification of ordinances shall be known and cited as the "Code of Ordinances, City of East Jordan, Michigan."

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

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the intent of the commission or the context clearly requires otherwise:

Administrator. The word "administrator" shall mean the City Administrator for the City of East Jordan, Michigan

Charter. The word "Charter" shall mean the Charter of the City of East Jordan, Michigan, adopted April 24, 1995, and shall include any amendment to such Charter.

City. The word "city" shall denote the City of East Jordan, Michigan.

Code. The expressions "Code" or "this Code" shall mean the Code of Ordinances, City of East Jordan, Michigan, as designated in section 1-1, and as hereinafter modified by amendment, revision and by the adoption of new chapters, articles, divisions or sections.

Commission. The word "commission" shall mean the commission of the City of East Jordan.

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 be 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.

County. The term "the county" or "this county" shall mean the County of Charlevoix in the State of Michigan.

Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

General terms. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Joint authority. All words purporting to give joint authority to three (3) or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise expressly declared in the ordinance granting the authority.

MCL, MSA. The abbreviations ``MCL" and ``MSA" refer to the Michigan Compiled Laws and Michigan Statutes Annotated respectively, as amended.

Month. The word ``month" shall mean a calendar month.

Number. Words in the singular shall include the plural, and words in the plural shall include the singular.

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 City of East Jordan, Michigan." Whenever, by the provisions of this Code, any officer, employee, department, board, commission or other city agency of the city 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 any 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. Whenever the word ``shall" appears in this Code it shall be considered mandatory and not directory, except as otherwise provided. ``May" is permissive.

State. The term ``the state" or ``this state" shall be construed to mean the State of Michigan.

Tense. Words used in the present or past tense include the future as well as the present and past.

Sec. 1-3. Interpretation per state acts.

Unless otherwise provided herein, 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. Application to territorial boundaries.

All provisions of this Code are limited in application to the territorial boundaries of the municipal corporation and any territory over which the municipal corporation shall have legal jurisdiction.

Sec. 1-5. Captions.

Headings and captions used in this Code such as 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 and do not limit the subject matter.

Sec. 1-6. 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. 1-7. 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. 1-8. Rules of severability.

Each chapter, article, division or section or, whenever divisible, subsection of this Code, is hereby declared to be severable, and the invalidity of any chapter, article, division, section or divisible subsection, shall not be construed to affect the validity of any other chapter, article, division, section or subsection of this Code.

Sec. 1-9. 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. 1-10. Reference to offices.

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

Sec. 1-11. 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 city;
- (12) Any ordinance establishing or prescribing grades in the city;
- (13) Any ordinance prescribing the number, classification or compensation of any city officers or employees;
- (14) Any ordinance prescribing traffic and parking restrictions pertaining to specific streets;
- (15) Any ordinance pertaining to zoning;
- (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 city clerk's office.

Sec. 1-12. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the commission. 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, agency or organization 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 appropriation 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. 1-13. Enforcement official/agent.

If sections of this Code do not directly name a city official who is responsible for carrying out enforcement provisions, the city administrator may direct any employee, officer or other agency to perform any one or more stated enforcement provisions.

Sec. 1-14. Conflicting regulations.

Where there is a difference or conflict between other provisions of this Code, or those contained in lawfully adopted county, state, city, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

Sec. 1-15. 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, costs 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 revocation of any permit or license.

Roll Call Vote:

Ayes: Klooster, Norton, Gee, Etcher, Chappuies, Sweet & Mayor Peck

Nays: Nays

Absent: None

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97

Kathy

O'Rear, City Clerk