

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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Sec. 1-1. Designation and citation of Code.

This Code shall be known and cited as the "Code of Ordinances, Village of Unionville, Michigan."

(Code 1959, § 11.004)

State law reference—Codification authority, MCL 66.3a.

Sec. 1-2. 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:

Charter. The term "Charter" shall mean Public Act No. 3 of 1895 (MCL 61.1 et seq.), in its application to the village.

Code. The terms "this Code" and "Code" shall mean the Code of Ordinances, Village of Unionville, Michigan, as designated in section 1-1.

Council, village council. The terms "council" and "village council" shall mean the village council of the Village of Unionville, Michigan.

County. The terms "the county" and "this county" shall mean the County of Tuscola in the State of Michigan.

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

MCL. The abbreviation "MCL" shall mean the Michigan Compiled Laws, as amended.

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 phrase "of the Village of Unionville, 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 means and includes such officer, employee, department, board, commission or agency or any deputy or authorized subordinate.

Person. The term "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.

Public Act. The term "Public Act" shall mean Public Acts of Michigan, as amended.

Public place. The term "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.

Sidewalk. The term "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.

Street or highway. The term "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.

State. The terms "the state" and "this state" shall be construed to mean the State of Michigan.

Tense. Except as otherwise specifically provided or indicated by the context, all terms 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 term "village" shall mean the Village of Unionville, Michigan.
(Code 1959, §§ 11.005, 11.010, 11.011)

State law reference—Rules of construction, MCL 8.3 et seq.

Sec. 1-3. Publication and distribution of Code.

(a) *Publication and distribution.* The Code is hereby adopted as an ordinance of the Village of Unionville. Twelve copies of this Code shall be published in looseleaf form and shall be distributed as follows:

<i>Officer</i>	<i>Number of Copies</i>
President	1
Each trustee	6
Clerk	2
Attorney	1
Chief of police	2

(b) *Public inspection.* The clerk shall keep one of the copies of the Code assigned to him available for public inspection during office hours.

(Code 1959, § 11.001)

Sec. 1-4. 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 CHAPTER _____ OF THE CODE
 OF ORDINANCES, VILLAGE OF UNIONVILLE, MICHIGAN.

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

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, VILLAGE OF UNIONVILLE, 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 _____) OF CHAPTER _____ (or proper designation if a chapter is added) OF SAID CODE.

- (3) To repeal a section or chapter:

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

(Code 1959, § 11.006)

Sec. 1-5. Publication and distribution of amendments.

Amendments to the Code shall be published as required by section 4, Chapter VI of the Village Charter (MCL 66.4), and not less than 12 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.

(Code 1959, § 11.007)

Sec. 1-6. 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.

(Code 1959, § 11.008)

Sec. 1-7. 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. 1-8. Headings.

No provision of this Code shall be held invalid by reason of deficiency in any chapter, article, division, subdivision or section heading.

(Code 1959, § 11.009)

Sec. 1-9. 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. 1-10. 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. 1-11. 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 is changed or materially altered by the amendment or revision.

Sec. 1-12. 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. 1-13. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-14. Provisions considered as continuations of existing ordinances.

The provisions appearing in this and the following chapters and sections, so far as they are the same as ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Sec. 1-15. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-16. Code does not affect prior offenses or rights.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

(b) 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 date of adoption of this Code.

Sec. 1-17. 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 ordinance relating to sewage treatment or industrial waste control;
- (17) 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. 1-18. Notice.

(a) 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:

- (1) 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;
- (2) By mailing said notice by registered or certified mail to such owner at his last known address; or
- (3) If the owner is unknown, by posting said notice in some conspicuous place on the premises for five days.

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

(Code 1959, § 11.012)

Sec. 1-19. General penalty.

(a) Except as specifically provided otherwise by state law or village ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 90 days or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days or by both such fine and imprisonment.

(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, and/or a 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.

(Code 1959, § 11.013)

State law reference—Limitation on penalties, MCL 66.2.

Sec. 1-20. 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 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.

(Code 1959, § 11.014)