

TITLE I: GENERAL PROVISIONS
CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of Lake City shall be designated as the Code of Lake City and may be so cited.

§ 10.02 INTERPRETATION.

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 state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of Lake City, Michigan.

CITY COUNCIL or COUNCIL. The legislative body of the city.

CLERK. The Clerk of the City of Lake City. ('69 Code, § 1102.7)

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

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COUNTY. Missaukee County, Michigan.

LAW or *GENERAL LAWS OF THE STATE.* The Constitution and Public Acts of Michigan in effect at the time the provision of the code containing the reference is to be applied. ('69 Code, § 1102.6)

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or *FOLLOWING.* Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or *SUBSCRIPTION.* Includes a mark when the person cannot write.

STATE. The State of Michigan.

STATUTE. The Public Acts of Michigan in effect at the time the provisions of the code containing the references to be applied are enacted. All references to specific Public Acts shall be to such acts as are in effect at the time reference to such act is to be applied. ('69 Code, § 1102.5)

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

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SUPERINTENDENT. The City Superintendent of the City of Lake City. ('69 Code, § 1102.8)

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) *AND* or *OR*. Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal; such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

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

§ 10.07 SEVERABILITY.

(A) If any provision, section, or clause of this code or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portion or application of the code which can be given effect without the invalid portion or application, and to this end this code is declared to be severable.

(B) The provisions of this section shall apply to any amendment of this code whether or not the wording of this section is set forth in amendatory ordinance.
(‘69 Code, §§1107.1-1107.2)

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§ 10.08 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.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality 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.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state and/or federal laws, shall be the official time within this city for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

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This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the City Council requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in anyway be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall

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indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 PROCEDURE TO AMEND CODE.

(A) This code shall be amended only by ordinance. The title of each amendatory ordinance adopted to the particular circumstances and purposes of the amendments shall be substantially as follows:

(1) To amend any section:

"An ordinance to amend § _____ (or §§ _____ and _____) of Chapter _____ of the Code of

Ordinances of Lake City.

THE CITY OF LAKE CITY ORDAINS: [. . .]

(2) To insert a new section, chapter, or title:

An ordinance to amend the Code of Ordinances of the Lake City Code, by adding a new section (or new sections, a new chapter, a new title as the case may be) which new section (sections, chapter, title) shall be designated as § _____ of Chapter _____ (or proper designation if a chapter or title is added) of said code.

THE CITY OF LAKE CITY ORDAINS: [. . .]

(3) To repeal a section, article, or chapter:

An ordinance to repeal § _____ (§§ _____ and _____ or Chapter _____ as the case may be) of the

Code of Ordinances of Lake City.

THE CITY OF LAKE CITY ORDAINS: [. . .]

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(B) Each such amendatory ordinance shall be given a distinctive designation.

(C) All other ordinances not related to the amendment of this code shall be given a distinctive designation other than that provided in division (B) of this section.
(‘69 Code, §§1203.1-1203.3)

§ 10.19 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (M.C.L.A. § 750.493d) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§39.02 PUBLIC RECORDS AVAILABLE.

The city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see M.C.L.A. §§ 15.231

§ 10.20 NOTICE.

(A) Notice regarding removal of shrubs or noxious weeds, sidewalk repairs, dangerous structures, abating nuisances, or any other act required by this code, the expense of which if performed by the city, may be collected from the property owner, shall be served:

(1) 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;

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

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or

(3) If the owner is unknown, by posting the notice in some conspicuous place on the premises five days prior to the date set therein for compliance.

(B) No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by the city unless permission is given to remove the notice.

(C) The City Clerk shall maintain a separate file of notices given hereunder, including a record of the date upon which such notice was delivered, mailed, or posted.
(‘69 Code, §§1201.1-1201.3)

§ 10.21 RULES AND REGULATIONS.

(A) All rules and regulations promulgated pursuant to authority granted in this code including amendments hereof and any additional ordinance that may be adopted (as to publishing) shall be published by the Clerk in the manner provided in the General Law of the State for the publication of ordinances. No such rule or regulation shall be effective until so published. Publication and distribution thereof shall be as stated in § 10.22.

(B) Copies of all such rules and regulations shall be kept in the office of the Clerk for public inspection and distribution. The Clerk shall establish a numbering system for rules and regulations and each such rule and regulation shall be assigned a distinctive number.
(‘69 Code, §§1202.1-1202.2)

§ 10.22 PUBLICATION OF THE CODE.

(A) (1) Pursuant to the provisions of § 33 of the Charter of the City of Lake City, a general revision and compilation of the ordinances of the city is directed as constituted in the codification of said ordinances.

(2) Twenty five copies of the code shall be published in looseleaf form and shall be distributed as follows:

<i>Officer</i>	<i>No.of Copies</i>
Mayor	1

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Each Councilman	1
Superintendent.....	1
Clerk	2
Attorney	1
Treasurer.....	1
Assessor	1
Chief of Police	2
Fire Chief	1
Justice of Peace.....	1
Superintendent of Water	1
Health Officer	1
Building Inspector	1
Reserve	5

(3) One hundred copies of the original printing of this code shall be published and made available to the public at a reasonable charge. In addition, the Clerk shall keep one of the copies of the code assigned to him or her available for public inspection during office hours.

(B) The Clerk shall maintain a record of the disposition of each copy of this code.

(C) The Clerk shall cause to be printed amendments to this code in a form suitable for looseleaf binding, once a year.

('69 Code, §§ 1204.1 -1204.3)

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or imprisonment for not more than 90 days, or both fine and imprisonment. The offender may also be required to pay court costs. A separate offense shall be deemed committed upon each day during which a violation occurs or continues. *Statutory reference:*

Authority, see M.C.L.A. §66.2(5)

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