TITLE I: GENERAL PROVISIONS

Chapter

10. 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 Wakefield shall be designated as the Code of Wakefield 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 Wakefield, Michigan.

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

COUNTY. Gogebic County, Michigan.

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, copartnership, 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.

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.

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

YEAR. A calendar year, unless otherwise expressed; equivalent to the words ***YEAR OF OUR LORD.***

§ 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 City Council 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.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 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/federal laws, shall be the official time within this municipality 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.

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 any way 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; PUBLICATION AND DISTRIBUTION OF AMENDMENTS.

(A) 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 TITLE _____ OF THE CODE OF THE CITY OF WAKEFIELD."

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

"AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAKEFIELD BY ADDING A NEW SECTION (_____ NEW SECTIONS, A NEW CHAPTER, or A NEW TITLE, as the case may be) WHICH NEW SECTION (SECTIONS, CHAPTER or TITLE) SHALL BE DESIGNATED AS SECTION __ __ (SECTIONS _____ AND _____) OF CHAPTER _____ OF TITLE _____ (or proper designation if a chapter or title is added) OF SAID CODE."

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

"AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____), CHAPTER _____, TITLE _____ (as the case may be) OF THE CODE OF THE CITY OF WAKEFIELD." ('75 Code, § 1.2)

(B) Publication and distribution of amendments. Amendments to the code shall be published as required by law and not less than 25 copies of each amendment shall be published in loose-leaf form suitable for insertion in the loose-leaf copies of the code. The City Clerk shall distribute these copies to the officers of the city 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 the code shall remain the property of the city and shall be turned over by each officer having custody thereof upon expiration of his term of office to his successor or to the City

Clerk, in case he shall have no successor. ('75 Code, § 1.3)

§ 10.18 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. § **551.271** (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:

§ 31.10 MAYOR.

The Mayor shall preside at all Council meetings.
(Ord. 10, passed 1-1-80)
Statutory reference:
For the powers and duties of the Mayor, see M.C.L.A. § 551.271

§ 10.19 CONTENTS OF CODE.

This code contains all ordinances of a general and permanent nature of the city and includes ordinances dealing with municipal administration, utilities and services, parks and public grounds, streets and sidewalks, zoning and planning, food and health, businesses and trades, building, electrical, heating and plumbing regulations, police regulations and traffic regulations, and excludes ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or for the improvement thereof, or for the construction and improvement of other public works, authorizing the borrowing of money or the issuance of bonds. 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 city in effect on the date of adoption of this code. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this code, nor be deemed a part hereof.
('75 Code, § 1.4)

§ 10.20 PUBLICATION AND DISTRIBUTION OF CODE.

(A) Publication of the this codification of the ordinances of the city is hereby directed.

(B) Twenty-five copies of the code shall be published in loose-leaf form and shall be distributed as follows:

Officer	*Number of Copies*
Mayor	1
Each Council member	1
Manager	1
Clerk	2
Attorney	1
Treasurer	1
Assessor	1
Chief of Police and Fire	2
City Library	2
Superintendent of Public Works	1
Superintendent of Water	1
Superintendent of the Electric Utility	1
Reserved	7

(C) One hundred copies of the original printing of this code may be published and made available to the public at a reasonable charge. In addition, the Clerk shall keep one copy of the Code assigned to him available for public inspection during office hours.
('75 Code, § 1.1)

§ 10.21 APPROVAL OF LEGAL DOCUMENTS.

The Mayor shall sign, the City Clerk shall attest to, the City Manager shall approve as to substance, and the City Attorney shall approve as to form, all contracts and agreements requiring the assent of the city, unless otherwise provided for by law, the Charter, ordinances or the provisions of this code.
('75 Code, § 1.37)

§ 10.22 NOTIFICATION PROCEDURE.

(A) Unless otherwise specifically provided by ordinance of the city or by state statute, notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the city, may be assessed against the premises under the provisions of this code shall 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 the notice by certified or registered mail to that owner at his last known address; or

(3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five days before the act or action concerning which the notice is given. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city officer, unless permission is given by that officer to remove the notice.
('75 Code, § 1.11)

§ 10.99 GENERAL PENALTY.

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 or regulation adopted or issued in pursuance thereof, 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 a fine and imprisonment. Each act of violation and every day upon which any 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.
('75 Code, § 1.12)