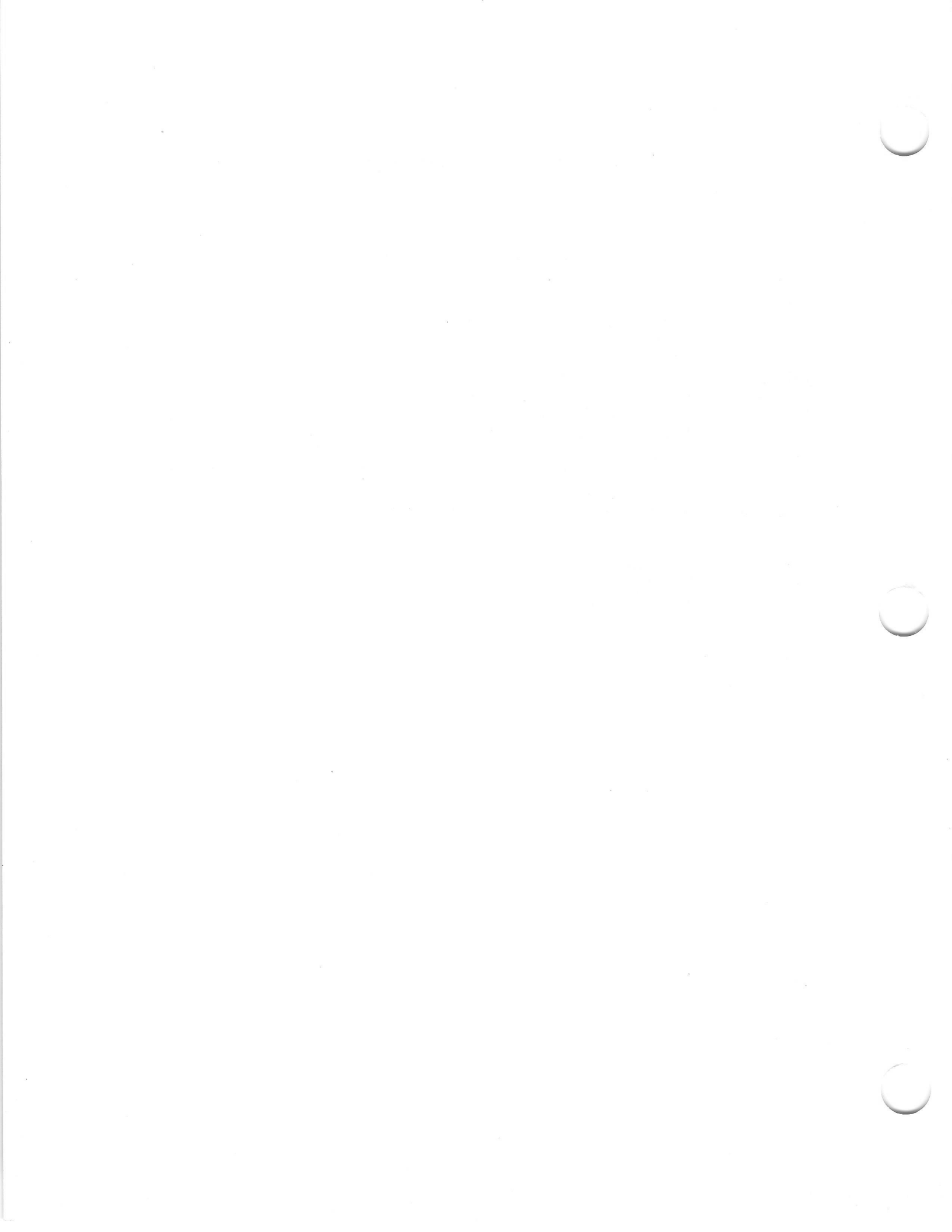


CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

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

This Code may be known and cited as the "Code of Ordinances, Village of Climax, Michigan."

State law reference—Codification authority, MCL 66.3a.

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

The following words, terms and phrases, when used in this Code or in any amendment to this Code, shall, for the purpose of this Code, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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, provided that if the last day is Sunday or a legal holiday it shall be excluded. When the time is expressed in hours, the whole of Sunday or a legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded.

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

County. The terms "the county" and "this county" mean the County of Kalamazoo 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" means the Michigan Compiled Laws, as amended.

Number. A term importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

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 Climax, 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" and its derivatives and the term "whoever" 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 terms "person" and "whoever," as applied to any unincorporated entity, mean the partners or members thereof and, as applied to corporations, the officers thereof.

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

Shall, may. The term "shall" is always mandatory and not discretionary. The term "may" is permissive.

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" means the Village of Climax, Michigan.
(Code 1988, § 1.040)

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

Sec. 1-3. 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. 1-4. Catchlines.

Headings and catchlines used in this Code following 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.

Sec. 1-5. References and notes.

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. 1-6. Application to future legislation.

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances adopted amending or supplementing this Code, unless otherwise specifically provided.

Sec. 1-7. Reference to other sections.

Whenever in one section reference is made to another section of this Code, 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. 1-8. 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 of functions or change in the official title of the functionary.

Sec. 1-9. 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. 1-10. Continuation 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. 1-11. 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.

(Code 1988, § 1.037)

Sec. 1-12. Prior offenses or rights not affected by Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, 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. 1-13. Certain provisions saved from repeal.

(a) Nothing in this Code or the ordinance adopting this Code shall affect the following when not inconsistent with this Code:

- (1) Any ordinance levying annual taxes.
- (2) Any ordinance appropriating money.
- (3) Any ordinance authorizing the issuance of bonds or the borrowing of money.
- (4) Any ordinance establishing utility rates.
- (5) Any ordinance establishing franchises or granting special rights to certain persons.

- (6) Any ordinance authorizing public improvements.
- (7) Any ordinance authorizing the purchase or sale of real or personal property.
- (8) Any ordinance annexing or detaching territory.
- (9) Any ordinance granting or accepting easements, plats or dedications of land to public use.
- (10) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the village.
- (11) Any ordinance establishing or prescribing grades in the village.
- (12) Any ordinance prescribing the number, classification or compensation of any village officers or employees.
- (13) Any ordinance prescribing traffic and parking restrictions pertaining to specific streets.
- (14) Any ordinance pertaining to rezoning.
- (15) Any ordinance relating to sewage treatment or industrial waste control.
- (16) Any other ordinance or part thereof which is not of a general and permanent nature.

(b) 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. 1-14. Amendment procedure.

Amendments to this Code shall be 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 THE CODE OF ORDINANCES, VILLAGE OF CLIMAX, MICHIGAN.
- (2) To insert a new section or chapter:
 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, VILLAGE OF CLIMAX, 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 _____) (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 _____, CHAPTER _____, as the case may be) OF THE CODE OF ORDINANCES, VILLAGE OF CLIMAX, MICHIGAN.

Sec. 1-15. Supplementation of Code.

(a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the village council. 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 appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make such 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. 1-16. Severability.

(a) 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. 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.

(b) The provisions of this section shall apply to the amendment of any section of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

(Code 1988, § 1.090)

Sec. 1-17. 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, 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, by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment. Municipal civil infraction fines are established in chapter 2, article VI.

(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 1988, §§ 1.038, 1.039)

State law reference—Limitation on penalties, MCL 66.2.