

## CODE OF ORDINANCES

### Chapter 1

#### GENERAL PROVISIONS

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Section catchlines and other headings.
- Sec. 1-4. History notes.
- Sec. 1-5. References and editor's notes.
- Sec. 1-6. Certain provisions saved from repeal.
- Sec. 1-7. Effect of repeal of ordinances.
- Sec. 1-8. Severability.
- Sec. 1-9. Amendments to Code.
- Sec. 1-10. Supplementation of Code.
- Sec. 1-11. Altering Code.
- Sec. 1-12. General penalty for violation of Code.

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

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Village of Capac, Michigan," and may be so cited. Such Code may also be cited as the "Capac Village Code."

**State Law References:** Authority to codify ordinances, MCL 66.3a, MSA 5.1273(1).

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

(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. In the construction of this Code and any amendment thereto, the following rules and definitions shall be observed, unless the context clearly indicates otherwise:

*Code.* The term "this Code" or "Code" shall mean the Code of Ordinances, Village of Capac, 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, except that if the last day is 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 if the time period expires on a Sunday or legal holiday.

*County.* The term "the county" or "this county" shall mean the County of St. Clair in the State of Michigan.

*Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations and to all neuter objects as well as to males.

*MCL/MSA.* The abbreviation "MCL" shall mean the Michigan Compiled Laws, as amended. The abbreviation "MSA" shall mean the Michigan Statutes Annotated, as amended.

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

*Oath, affirmation, sworn, affirmed.* The word "oath" shall be construed to include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases, the word "sworn" shall be construed to include the word "affirmed."

*Officer, department, board, commission or other agency.* Whenever any officer, 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 Village of Capac, Michigan." Whenever by the provisions of this Code any officer of the village is assigned any duty or empowered to perform any act or duty, reference to such officer shall mean and include such officer or his deputy or authorized subordinate.

*Person.* The word "person" includes firms, joint ventures, partnerships, corporations, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and all federal, state and local agencies of government, as well as natural persons, and includes all legal representatives, heirs, successors and assigns thereof.

*Public Acts.* All references to "Public Acts" are references to Michigan Public Acts. For example, a reference to Public Act No. 279 of 1909 is a reference to Act No. 279 of the Public Acts of Michigan of 1909.

*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, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.

*Shall, may.* The term "shall" is mandatory and the term "may" is permissive.

*Sidewalk.* The word "sidewalk" shall mean that portion of a street between the curblines or lateral lines and the right-of-way lines which are intended for the use of pedestrians.

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

*Street, highway or alley.* The words "street," "highway" and "alley" shall mean the entire width subject to an easement for public right-of-way, or owned in fee by the village, county or state, or every way or place, of whatever nature, whenever any part thereof is open to the use of the traveling public. The word "alley" shall mean any such way or place providing a secondary means of ingress and egress from a property.

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

*Village.* The word "village" shall mean the Village of Capac, Michigan.

*Village council.* The term "village council" or "council" shall mean the Village Council of the Village of Capac.

(b) Any word or term not defined in this Code shall be considered to be defined in accordance with its common or standard definition.

**Sec. 1-3. Section catchlines and other headings.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division.

**Sec. 1-4. 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. 1-5. References and editor's notes.**

The references and editor's notes following certain sections of the Code are inserted as an aid and guide to the reader and are not controlling or meant to have any legal effect.

**Sec. 1-6. Certain provisions saved from repeal.**

Nothing in this Code or the ordinance adopting this Code, when not inconsistent with this Code, shall affect any ordinance:

- (1) Affecting the boundaries of the village.
- (2) Relating to any specific local improvements.
- (3) Authorizing, directing or ratifying any purchase or sale.
- (4) Approving or accepting any subdivision or plat.
- (5) Authorizing or directing the issuance of any bonds or other evidence of indebtedness.
- (6) Authorizing or directing the making of any investment.
- (7) Making or otherwise affecting any appropriations.
- (8) Levying or otherwise affecting any taxes, not inconsistent herewith.
- (9) Relating to franchises.

- (10) Prescribing traffic regulations, including through streets, speed limits, one-way traffic, limitations on load of vehicles or loading zones.
- (11) Regarding special districts.
- (12) Pertaining to rezoning.
- (13) Adopting regulations pertaining to personnel.
- (14) Which is temporary or special in its effect.
- (15) Of an administrative nature which is not in conflict with or inconsistent with this Code.

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 office of the village clerk. No offense committed or penalty incurred or any right established prior to the effective date of the Code shall be affected.

**Sec. 1-7. 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 or cause of action arising under the ordinance repealed.

**Sec. 1-8. Severability.**

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 of the Code, it being the intent of the village council 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 of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

**Sec. 1-9. Amendments to Code.**

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Code of Ordinances, Village of Capac, Michigan (or Capac Village Code), is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.

(b) If a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Code of Ordinances, Village of Capac, Michigan (or Capac Village Code), is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads as follows: . . . ." The new section shall then be set out in full as desired.

(c) If a section is to be repealed, the following language shall be used: "That the Code of Ordinances, Village of Capac, Michigan (or Capac Village Code), is hereby amended by deleting a section, numbered \_\_\_\_\_."

### **Sec. 1-10. 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 that 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 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).
- (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. 1-11. Altering Code.**

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the Code to be misrepresented thereby. Any person violating this section shall be

punished as provided in section 1-12.

**Sec. 1-12. General penalty for violation of Code.**

(a) *Generally.* All violations of this Code shall be civil infractions, and any person, upon conviction thereof, shall be punished by a fine of not more than \$500.00.

(b) *Exception.* The penalty provisions as stated in subsection (a) shall not apply to the following sections of the Village of Capac Code of Ordinances but shall be misdemeanors and punishable as follows:

Subject	Section	Penalty
(1) Trespass	16-1	Up to 30 days in jail and/or \$100.00 fine.
(2) Use or possession of marijuana	16-14	Up to 90 days in jail and/or up to a \$500.00 fine with licensing sanctions pursuant to state law.
(3) Motor Vehicle Code	26-1	As provided by the Michigan Motor Vehicle Code.
(4) Disorderly person	16-2	Up to 90 days in jail and/or up to a \$500.00 fine.
(5) Minor in possession of alcohol		Punishable pursuant to provisions of section 16-8.

(c) *No exemption from compliance.* The imposition of any sentence shall not exempt an offender from compliance with the provisions of this section.

(d) *Other appropriate relief.* The village shall also be entitled to other appropriate relief:

(1) *Injunctive relief.* The district court may issue a writ mandating compliance with this section within a specified time, and require continued compliance with the ordinance on a permanent basis.

(2) *Costs.* Costs will be imposed for all violations. These amounts will be summarily determined by the court and will include all direct and indirect expenses to the village in connection with the case, up to the entry of judgment. The court must order at least \$9.00 in costs, but cannot order more than \$500.00 in costs.

(3) *Additional relief.* The foregoing penalties shall not prohibit the village from seeking other appropriate relief as may be provided by law.

(e) *Each day a separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(f) *Rights and remedies are cumulative.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. No. 95-5, § 2, 12-18-1994; Ord. No. 2003-01, § 2, 2-3-2003)

**State Law References:** Limitation on penalties, MCL 66.2.