

CODE OF ORDINANCES

Chapter 1

General Provisions

Sec. 1-1. How Code designated and cited.

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

State law reference—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 hereto, the following rules shall be observed, unless the context clearly indicates otherwise:

Code. The term “this Code” or “Code” shall mean the Code of Ordinances, Village of Millington, 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 a 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 Tuscola 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.

Municipal civil infraction. The words “municipal civil infraction” mean an act or omission that is prohibited by this Code or any ordinance of the village, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by

Chapter 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one (1) 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 Millington, 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 representative, heirs, successors and assigns thereof.

Public Acts. All references to “Public Acts” are references to Michigan Public Acts.

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.

Sidewalk. The word “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, highway, alley. “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.

State. The term “the state” or “this state” shall be construed to mean the State of Michigan.

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 Millington, Michigan.

Village council. The term “village council” or “ council” shall mean the Village Council of the Village of Millington.

(b) Any word or term not defined in this Code shall be considered to be defined in accordance with its common or standard definition.
(Ord. No. 59 & 1, 8-12-96)

Sec. 1-3. Section catch lines, other headings.

The catch lines 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 catch lines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catch line or in any heading or title to any chapter, article or division.

Sec. 1-4. Code does not affect prior offenses, rights, etc.

(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. 1-5. 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 Millington, Michigan (or Millington 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 Millington, Michigan (or Millington 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 Millington, Michigan (or Millington Village Code), is hereby amended by deleting a section, numbered_____.”

Sec. 1-6. 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 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 catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, 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 number;
- (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. 1-7. 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, 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. 1-8. Notice.

Unless otherwise provided herein, notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act performed by the village the expense of which may be assessed against the premises under the provision of this Code shall be served as follows:

- (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 the 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 (5) 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 village officer, unless permission is given by the officer to remove the notice.

Sec. 1-9. General penalties and sanctions for violations of Code and village ordinances; continuing violations; injunctive relief.

(a) Unless a violation of this Code or any ordinance of the village is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(b) The penalty for a misdemeanor violation shall be a fine not exceeding five hundred dollars (\$500.00) (plus costs of prosecution), or imprisonment not exceeding ninety (90) days, or both, unless a specific penalty is otherwise provided for the violation by this Code or any ordinance.

(c) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended, and other applicable laws.

- (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a

violation shall be not less than fifty dollars (\$50.00), plus costs and other sanctions, for each infraction.

- (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provisions of this Code or any ordinance. As used in this section, “repeat offense: means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any six-month period (unless some other period is specifically provided by the code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be no less than two hundred fifty dollars (\$250.00), plus costs.
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than five hundred dollars (\$500.00), plus costs.
 - c. A “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.
 - d. Each day on which any violation of this Code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
 - e. In addition to any remedies available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any village ordinance. (Ord. No. 59, & 2,8-12-96)