

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL CODE CONSTRUCTION; GENERAL PENALTY

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§ 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the “Gaines Village Code”.

Statutory reference:

Codification authority, see M.C.L.A. § 117.5b

§ 10.02 DEFINITIONS.

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

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

CODE. The Gaines Village Code, as designated in § 10.01.

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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 be 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.

COUNTY. County of Genesee, Michigan.

JUVENILE. Any person under 17 years of age.

MINOR. A person under 21 years of age.

MUNICIPAL CIVIL INFRACTION. 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 any other ordinance of the village, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Public Act 236 of 1961, Ch. 87, being M.C.L.A. §§ 600.81.1 to 600.193.20, as amended. A **MUNICIPAL CIVIL INFRACTION** is not a lesser included offense of any criminal offense in this code.

OFFICER, DEPARTMENT, BOARD AND THE LIKE. Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words “of the Village of Gaines, 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 the officer shall mean and include the officer or his or her deputy or authorized subordinate.

ORDINANCES. The ordinances of the Village of Gaines and all amendments thereto.

PERSON. Any natural individual, firm, trust, partnership, association or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners, or members thereof, and as applied to corporations the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE. The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

VILLAGE. The Village of Gaines, Michigan.

VILLAGE COUNCIL. The Village Council of the Village of Gaines, Michigan.

§ 10.03 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 the sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any catchline or in any heading or title to any chapter, subchapter or division.

§ 10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(A) Nothing in this code or the ordinance adopting this code shall affect any ordinance not in conflict with or inconsistent with this code:

- (1) Promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness or any contract or obligations assumed by the village;
- (2) Containing any administrative provisions of the Village Council;
- (3) Granting any right or franchise;
- (4) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like any street or public way in the village;
- (5) Making any appropriation;
- (6) Levying or imposing taxes;
- (7) Establishing or prescribing grades in the village;
- (8) Providing for local improvements and assessing taxes therefor;
- (9) Dedicating or accepting any plat or subdivision in the village;
- (10) Extending or contracting the boundaries of the village;
- (11) Prescribing the number, classification or compensation of any village officers or employees;
- (12) Prescribing specific parking restrictions, no-parking zones; specific speed zones; parking meter zones; and specific stop or yield intersections or other traffic ordinances pertaining to specific streets;

(13) Pertaining to rezoning; and

(14) Any other ordinance, or part thereof, which is not of a general and permanent nature.

(B) All the ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. The ordinances are on file in the Village Clerk's office.

§ 10.05 CONTINUATION OF ORDINANCES.

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of the ordinances and not as new enactments.

§ 10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.

Any act done, offense committed or right accruing, accrued or acquired; or liability, penalty, forfeiture or punishment incurred; prior to the time of adoption of this code shall not be affected by the adoption, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the adoption had not been effected.

§ 10.07 ORDINANCES REPEALED NOT REENACTED.

(A) No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted.

(B) The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

§ 10.08 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section number of this code in the following language: "That section ___ of the Gaines 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 Gaines Village Code is hereby amended by adding a section, to be numbered , which the section reads as follows: . . ." The new section shall then be set out in full as desired.

§ 10.09 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.

(1) 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.

(2) 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 divisions;

(2) Provide appropriate catchlines, headings and titles for sections and other divisions of the code printed in the supplement, and make changes in the catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other division numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this subchapter", "this division" and the like, as the case may be, or to "sections ____ through ____" (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.

§ 10.10 APPEARANCE TICKETS.

The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the village, as provided by Public Act 147 of 1968, being M.C.L.A. § 764.9c, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a village ordinance:

- (A) Health Officer;
- (B) Building Inspector;
- (C) Fire Marshal; and
- (D) Fire Chief.

§ 10.11 SEPARABILITY OF PROVISIONS.

Each section, division, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

§ 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 the fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, the greater penalty shall control. 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 the penalty is reenacted in the amendatory ordinance.