

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 DESIGNATION; CITATION; HEADINGS.

(A) This volume consists of all ordinances of a general and permanent nature of the municipality, as revised, codified, arranged, numbered, and consolidated into component codes, titles, chapters, and sections, and as such shall be known and designated as the Village of Pentwater, Michigan, Code of Ordinances, for which designation “codified ordinances” may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the codified ordinances.

(B) All references to codes, titles, chapters, and sections are to those components of the codified ordinances, unless otherwise specified. Any component code may be referred to and cited by its name, such as the “traffic code.” Sections may be referred to and cited by the designation “§” followed by the number, such as “§ 10.01.”
(Prior Code, § 202.01)

§ 10.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(A) The codified ordinances may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, the amendment or supplement shall be incorporated in, and deemed a part of, the codified ordinances, so that a reference to the codified ordinances shall be understood and construed as including the codified ordinances and any and all amendments and supplements.

(B) All amendments and supplements enacted as a part of the codified ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original codified ordinances as follows: each title shall be subdivided into chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the code numbering system.
(Prior Code, § 202.02)

§ 10.03 DEFINITIONS AND INTERPRETATION.

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

ADOPTING ORDINANCE. The ordinance of the municipality adopting the codified ordinances of the village.

COUNCIL. The legislative authority of the municipality.

COUNTY. The County of Oceana, Michigan.

KEEPER and PROPRIETOR.

Persons, firms, associations, corporations, clubs, and copartnerships, whether acting by themselves or as a servant, agent, or employee.

LAND and REAL ESTATE.

Include rights and easements of an incorporeal nature.

MONTH and YEAR. The calendar month or year.

MUNICIPALITY or VILLAGE.

The Village of Pentwater, Michigan.

OATH. Includes **AFFIRMATION.**

When an **OATH** is required or authorized by law, an **AFFIRMATION** in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An **AFFIRMATION** shall have the same force and effect as an **OATH**.

ORDINANCE. Any ordinance of the municipality, including any provision of these codified ordinances.

OWNER. When applied to property, includes a part owner, joint owner, or tenant in common of the whole or any part of the property.

PERSON. Includes any individual, copartnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting that group or unit.

PREMISES. When used as applicable to property, extends to and includes land and buildings.

PRESIDENT. A chief elected officer of the village and chairperson of the Village Counsel.

PROPERTY. Includes real and personal property, and any mixed and lesser estates or interests therein.

(a) **PERSONAL PROPERTY.** Includes every kind of property except real property.

(b) **REAL PROPERTY.** Includes lands, tenements, and hereditaments.

PUBLIC PLACE. Any place to or upon which the public resorts or travels, whether the 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.

PUBLISH. To print, in a newspaper of general circulation in the municipality, the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for inspection.

REASONABLE TIME. In all cases where provision is made for an act to be done or notice to be given within a **REASONABLE TIME**, it shall be deemed to mean such time only as may be necessary for the prompt performance of the act or the giving of the notice.

RESIDENCE. An abode in which a person permanently resides.

SHALL and **MAY.** **SHALL** is mandatory; **MAY** is permissive.

SIDEWALK. The 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.

STATE. The State of Michigan.

STREET, HIGHWAY, and ALLEY. The entire width, subject to an easement for public right-of-way, or owned in fee by the village, county, or state, of every way or place, of whatever nature,

whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The word **ALLEY** means any such way or place providing a secondary means of ingress and egress from a property.

TENANT and **OCCUPANT**. As applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.

VILLAGE MANAGER. The chief executive officer of the village.

(B) *Interpretation.*

(1) *Authority.* Whenever in the codified ordinances authority is given to an officer or an act is required to be performed, that authority may be exercised and that act may be performed, at the instance of the officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.

(2) *Joint authority.* Words giving authority to a board, commission, authority, or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.

(3) *Time.*

(a) 1. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday, in which case it shall be excluded.

2. If time is expressed in hours, the whole of Sunday shall be excluded.

(b) Whenever any time established in the codified ordinances for the taking of any action expires on a Sunday or a legal holiday,

that time shall not expire on that day, but shall expire on the next weekday.

(4) *Conjunctions.* “And” includes “or” and “or” includes “and,” if the sense so requires.

(5) *Number.* Words in the plural include the singular and words in the singular include the plural number.

(6) *Gender.* Words importing the masculine shall extend and be applied to the feminine and neuter genders.

(7) *Tenses.* The use of any verb in the present tense includes the future.

(8) *Responsibility.* Whenever any act is prohibited by a provision of these codified ordinances or by any rule or regulation adopted thereunder, the prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do the act.
(Prior Code, § 202.03)

§ 10.04 SEPARABILITY.

(A) (1) It is the legislative intent of Council in adopting these codified ordinances that all provisions and sections of these codified ordinances be liberally construed to protect and preserve the peace, health, safety, and welfare of the inhabitants of the village.

(2) Should any provision or section of these codified ordinances be held unconstitutional or invalid, the holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that these codified ordinances 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 these codified ordinances, whether or not the wording of this section is set forth in the amendatory ordinance.
(Prior Code, § 202.04)

§ 10.05 ORDINANCES REPEALED.

All ordinances, resolutions, rules, and regulations of the municipality, and parts of the same, in conflict with any of the provisions of these codified ordinances are hereby repealed. (Prior Code, § 202.05)

§ 10.06 EXEMPTIONS FROM REPEAL.

The repeal provided for in § 10.05 shall not affect:

(A) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the adoption of these codified ordinances;

(B) Any ordinance or resolution promising or guaranteeing the payment of money by or to the municipality, or authorizing the issuance of any bonds of the municipality, or any evidence of the municipality's indebtedness, or any contract or obligation assumed by the municipality;

(C) The administrative ordinances and resolutions of Council not in conflict or inconsistent with any provision of these codified ordinances;

(D) Any right, license, or franchise conferred by any ordinance or resolution of Council on any person;

(E) Any ordinance or resolution establishing, naming, relocating, or vacating any street or other public way;

(F) Any ordinance or resolution or part thereof providing for the establishment of positions, salaries, or compensation;

(G) Any prosecution, suit, or other proceeding pending, or any judgment rendered, on or prior to the adoption of these codified ordinances;

(H) Any ordinance or resolution levying or imposing taxes or assessments;

(I) Any ordinance or resolution establishing or changing the boundaries of the municipality; or

(J) Any ordinance or resolution adopted by Council after the adoption of these codified ordinances. (Prior Code, § 202.06)

§ 10.99 GENERAL PENALTY; EQUITABLE REMEDIES; COMPLICITY; MUNICIPAL CIVIL INFRACTIONS.

(A) *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 such 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.

(B) *Surcharges; equitable remedies.* The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these codified ordinances, or a provision of a technical or other code adopted by reference in these codified ordinances, or a rule, regulation, or order promulgated or made under authority of either, or of state law, and shall be in addition to any equitable remedy provided by a provision of these codified ordinances, or a provision of a technical or other code adopted by reference in these codified ordinances, or a rule, regulation, or order promulgated or made under authority of either, or of state law, including the enforced removal of prohibited conditions.

(C) *Complicity.* Every person concerned in the commission of an offense under these codified ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids, or abets in its commission, may be prosecuted, indicted, tried, and, on conviction, shall be punished as if he or she had directly committed the offense.

Ch. 112	B
Ch. 131	B
§§ 150.01 through 150.09	C

(D) *Municipal civil infractions.* A violation of any of the following provisions of these codified ordinances shall be deemed a municipal civil infraction, the monetary penalty for which is set forth in Chapter 34:

<i>Code Provisions Violated</i>	<i>Violation Class</i>
Ch. 50	B
§§ 70.01 through 70.03	A
§§ 70.15 through 70.18	C
§§ 70.30	B
§§ 70.45 through 70.47 (parking regulations contained in the Uniform Traffic Code, as amended)	A
§§ 70.45 through 70.47 (parking regulations regarding handicap zones, as contained in § 8.10 of the Uniform Traffic Code)	C
§ 71.01	A
Ch. 72, Sch. I	C
Ch. 72, Sch. II	A
§§ 90.01 through 90.08	B
§ 90.09	C
§ 90.10	B
Ch. 91	B
Ch. 92	C
§§ 93.01 through 93.11	B
Ch. 95	B

<i>Code Provisions Violated</i>	<i>Violation Class</i>
§§ 150.20 through 150.22	A
§§ 150.35 through 150.37	C
§ 151.25	C
Ch. 152	C

(Prior Code, § 202.99) (Ord. 99-5, passed 5-24-1999; Ord. 2000-4, passed 11-13-2000; Ord. 2007-7, passed 10-9-2007; Ord. 2009-2, passed 2-9-2009; Am. Ord. 2013-1, passed 9-9-2013)

