

PART II
CODE OF ORDINANCES
Chapter 1
GENERAL PROVISIONS

Sec. 1-1. Citing Code.

This Code shall be cited as the "Code of Ordinances of the City of Owosso, Michigan," or the "Owosso Code."

(Code 1977, § 1.5)

Charter References: Publication of ordinances, § 6.4.

State Law References: Certification authority, MCL 117.5b, MSA 4.2084(2).

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

The following words and phrases, when used in this Code, shall have the meanings respectively ascribed to them unless otherwise provided in this Code.

Charter. The word "Charter" means the Charter of the City of Owosso.

City. The word "city" means the City of Owosso, Michigan.

Code. The words "Code" or "this Code" shall mean the Code of Ordinances of the City of Owosso, 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 as prescribed by state statute.

State Law References: Computing period of days, MCL 8.6, MSA 2.217.

Council. The word "council" means the legislative body of the City of Owosso, Michigan.

County. The word "county" means the County of Shiawassee.

Gender. Words importing masculine gender shall apply to firms, associations, partnerships and corporations, and may apply to females if the intent of the ordinance or Code provision so requires.

Health officer. The phrase "health officer" shall mean the director of the county health department or his or her authorized representative, or any person hereinafter appointed to such position by the city council.

Joint authority. All words purporting to give joint authority to three (3) or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise expressly declared in the provision granting the authority.

MCL. The abbreviation "MCL" shall mean the Michigan Compiled Laws, as amended.

Month. The word "month" shall be construed to mean a calendar month.

MSA. 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 city, 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 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. Words in either the singular or plural numbers shall include either or both numbers and may apply in any instance to a particular person or persons.

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."

Officers, departments, divisions, boards, commissions, employees or agencies. The several titles of any officer, department, division, board, commission, employee or agency shall mean such officer, department, division, board, commission, employee or agency of the city, or any authorized subordinate or designee.

Owner. The word "owner," applied to a building or land, shall include any part-owner, land contract, vendee, joint-owner, tenant-in-common, tenant-in-partnership, joint tenant, or tenant-by-the-entirety, of the whole or of a part of such building or land.

Person. The word "person" includes firms, joint adventures, partnerships, corporations, clubs, and all associations or organizations of natural persons, either incorporated or unincorporated, however, operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

Preceding, following. The words "preceding" and "following," when used by way of reference to any title, chapter or section of any ordinance of the city, shall be construed to mean the title, chapter or section next preceding or next following that in which such reference is made, unless when some other title, chapter or section is expressly designated in such reference.

Property. The word "property" shall include real and personal property.

Public place. The words "public place" mean any street, alley, park, cemetery, public building, or any place of business or assembly, parking lot, parking area, or any other premises open to the public or frequented by the public.

References, history notes. The charter references, cross references, state law references, editor's notes and history notes are inserted for convenience and to facilitate the use of same, and such words shall not be

construed to limit or affect the meaning of any of the provisions of this Code.

Seal. In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to mean the impression of such seal on such paper alone, as well as the impression of such seal affixed thereto by means of a wafer or wax.

Shall, may. The word "shall" means imperative or mandatory; the word "may" means permissive.

Signature, subscription. The words "signature" and "subscription" includes a mark when the person cannot write.

State. The word "state" means the State of Michigan.

Sundays, legal holidays. Whenever any act required to be done pursuant to the provisions of any ordinance or Code section falls on a Sunday or legal holiday, that act shall be performed on the next succeeding business day.

Tense. Words used in the present or past tense shall be construed as including the future as well as the present or past.

Time. Whenever time is referred to, it means eastern standard time or the time officially in force in the city.

Titles, headings and catchlines. The key words used in the Code as headings, titles or catchlines for chapters, articles, divisions and sections are inserted for convenience and to facilitate the use of same, and such words shall not be construed to limit or affect the meaning of any of the provisions of this Code.

Week. The word "week" shall be construed to mean seven (7) days.

Written, in writing. The words "written" or "in writing" may include any form of reproduction or expression of language.

Year. The word "year" shall be construed to mean a calendar year; and the word "year," alone, shall be equivalent to the words "year of our Lord."

All ordinances of the city shall be interpreted and construed in accordance with the above provisions, unless such interpretation and construction would be inconsistent with the manifest intent of the city council. (Code 1977, §§ 1.6, 1.8, 1.9, 1.10; Ord. No. 528, § 1, 5-15-95)

State Law References: Rules of construction, MCL 8.3 et seq., MSA 2.212 et seq.

Sec. 1-3. Repeal of ordinances.

(a) Whenever an ordinance, or any part thereof, is repealed by a subsequent ordinance, such ordinance or any part thereof so repealed shall not be revived by the repeal of such subsequent repealing ordinance.

(b) Whenever an ordinance is adopted, all ordinances or parts of ordinances in conflict therewith,

shall to the extent of such conflict, be repealed.

(c) The repeal of any ordinance or part thereof shall not release or relinquish any penalty, forfeiture or liability incurred under such ordinance or any part thereof, unless the repealing act shall so expressly provide, and such ordinance and part thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

State Law References: Similar provisions, MCL 8.4, 8.4a, MSA 2.213, 2.214.

Sec. 1-4. 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 of the City of Owosso, Michigan, 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 of the City of Owosso, Michigan, is hereby amended by adding a section, to be numbered _____, which shall read 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 of the City of Owosso, Michigan, is hereby amended by deleting a section, numbered _____." (Code 1977, § 1.2)

Sec. 1-5. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive 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 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. 1-6. Certain ordinances not affected by Code.

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

- (1) Promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city;
- (2) Granting any right or franchise;
- (3) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city;
- (4) Making any appropriation;
- (5) Levying or imposing annual taxes;
- (6) Providing for local improvements and assessing taxes therefor;
- (7) Dedicating or accepting any plat or subdivision in the city;
- (8) Extending or contracting the boundaries of the city;
- (9) Prescribing traffic and parking restrictions pertaining to specific streets;
- (10) Affecting any specific urban renewal project;
- (11) Pertaining to rezoning;
- (12) Any other ordinance, or part thereof, which is not of a general and permanent nature;

and 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. The ordinances are on file in the city clerk's office.

Sec. 1-7. Severability.

If any part of this Code or the application thereof to any person or circumstance shall be found to be invalid by any court, such invalidity shall not affect the remaining parts or applications of this Code which can be given effect without the invalid part or application, provided such remaining parts are not determined by the court to be inoperable, and to this end all provisions of this Code are declared to be severable.

(Code 1977, § 1.13)

Sec. 1-8. General penalty.

(a) Unless a violation of this Code or any ordinance of the city 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 this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the 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 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 provision 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 twelve-month period, unless some other period is specifically provided by this 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 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 five hundred dollars (\$500.00), plus costs.

(d) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Code of any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.

(e) 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.

(f) In addition to any remedies available at law, the city may revoke licenses or permits and/or bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any city ordinance.

(Ord. No. 528, § 1, 5-15-95)

Charter References: Limitation on penalties, § 6-5.

State Law References: Limitation on penalties, MCL 117.4i, MSA 4.2082; juveniles and juvenile division, MCL 712A.1 et seq., MSA 27.3178(598.1) et seq.

Sec. 1-9. Notices.

Notices regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the city, may be assessed against the premises under the provisions of this Code, shall be served:

- (1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion; or
- (2) By mailing the notice by certified or registered mail to such owner at his or her 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 is required or is to occur.

(Code 1977, § 1.11)