

## Chapter 1 GENERAL PROVISIONS

### 1.01.00 How Code designated and cited

The ordinances embraced in the following chapters and sections shall constitute and be designated the “Code of Ordinances, City of Sandusky, Michigan,” and may be so cited. Such code may also be cited as the “Sandusky City Code,” (State law reference-codification of ordinances, MSA 5.1273(1), MCLA 66.3a, 18 PA 1979).

### 1.02.00 Rules of construction

It is the legislative intent of the City 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 City. In the construction of this Code and any amendment thereto, the following rules shall be observed, unless the context clearly indicates otherwise:

**1.02.01 Council.** The term “*City council*” or “*council*” shall mean the City Council of the City of Sandusky.

**1.02.02 Code.** The term “*this Code*” or “*Code*” shall mean the Code of Ordinances, City of Sandusky, Michigan as designated in Section 1.

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

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

**1.02.05 Officer.** Whenever any officer is referred to by title only, such reference shall be construed as if followed by the words “*of the City of Sandusky, Michigan.*” Whenever, by the provisions of this Code, any officer of the City 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.

**1.02.06 Or, and.** “*Or*” may be read “*and*” and “*and*” may be read “*or*” if the sense requires it.

**1.02.07 Person.** The word “*person*” shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

**1.02.08 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 city 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. The term “*public place*” shall include any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

**1.02.09 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.

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

**1.02.11 Street, highway and alley.** The word “*street*” or “*highway*” shall mean the entire width, subject to an easement for public right-of-way or owned in fee by the city, 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*” shall mean any such way or place providing secondary means of ingress and egress from a property.

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

**1.02.13 City.** The word “*city*” shall mean the City of Sandusky, Michigan.

**1.03.00 Section catch lines and 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 lines or in any heading or title to any chapter, article or division.

**1.04.00 Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance:

**1.04.01** Granting any **franchise** or **special privilege** or right;

**1.04.02** Establishing **sewer** and other **public improvement** districts;

**1.04.03** Providing for the construction of particular **sewer, streets or sidewalks**, or the **improvement thereof**, or for the construction and improvement of other **public works**;

**1.04.04** Authorizing the borrowing of money or the issuance of bonds or other evidence of indebtedness;

**1.04.05** Any other ordinance, or part thereof, which is not of a general and permanent nature;

**1.04.06** Approving the incorporation of the **economic development corporation** of the City of Sandusky.

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

**1.05.00 Code does not affect prior offenses, rights, etc.**

**1.05.01** 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.

**1.05.02** 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 City in effect on the date of adoption of this Code.

**1.05.00 General penalty for violation of Code or rules and regulations adopted under Code: continuing violations.**

**1.06.01** 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 responsible for a Grade A civil infraction. 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 such penalty is reenacted in the amendatory ordinance.

**1.06.02** In addition to the penalties provided in subsection (a), the City may enjoin or abate any violation of this Code by appropriate action.

**1.07.00 Amendments to Code.**

**1.07.01** 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: "*Section \_\_\_\_\_ of the Code of Ordinances, City of Sandusky, Michigan (or Sandusky City Code), is hereby amended to read as follows: \_\_\_\_\_*" The new provision shall then be set out in full as desired.

**1.07.02** In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "*The Code of Ordinance, City of Sandusky, Michigan (or Sandusky City Code), is hereby amended by adding a*

section, to be numbered \_\_\_\_\_, which said section read as follows: \_\_\_\_\_.”  
The new section shall then be set out in full as desired.

## **1.08.00 (Reserved)**

### **1.09.00 Supplementation of Code—Generally.**

**1.09.01** By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the City 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.

**1.09.02** 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.

**1.09.03** 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 in a unified code. For example, the codifier may:

- (A) Organize the ordinance material into appropriate subdivisions;
- (B) Provide appropriate catch lines, headings and titles for section and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, headings and titles;
- (C) 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;
- (D) 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
- (E) 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.

**1.09.04** The City Clerk shall maintain a record of all numbered volumes of this compilation. Any amendments hereto will be provided for entry into every volume.

**1.10.00 Amendments to Code-Exclusion of special or temporary ordinances.**

Ordinances hereinafter adopted which are not of general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the book of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.

**1.11.00 Responsibility of officers with respect to assigned copies of Code.**

Each City officer assigned a copy of this Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each such copy shall remain the property of the City and shall be turned over by the officer having custody thereof, upon expiration of his term of office, to his successor or to the City clerk, in case he shall have no successor.

**1.12.00 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 provision or sections, it being the intent of the City 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.