

**11.000 VILLAGE CODE; CONTENTS, INTERPRETATION AND EFFECT
VILLAGE OF MANCELONA, MICHIGAN
Chap. 1001 eff. May 23, 1960, amend ord. 118 eff March 24, 2023**

An ordinance to provide for the exercise of certain municipal powers of the Village of Mancelona and for the health, safety and welfare of persons and property in the Village, and to provide penalties for the violation of the provisions thereof.

THE VILLAGE OF MANCELONA ORDAINS:

11.001 Section 1. PUBLICATION AND DISTRIBUTION OF CODE.

The within Ordinance Code is hereby adopted as an ordinance of the Village of Mancelona. Ten (10) copies of this Code shall be published in loose leaf form and shall be distributed as follows:

<u>Officer</u>	<u>Number of Copies</u>
President	1
Each Trustee (4)	1
Clerk	1
Attorney	1
Treasurer	1
Chief of Police	1
County Prosecutor	1

The Clerk shall keep one printed copy of the Code available for public inspection during office hours. An updated copy of all ordinances shall also be published on the Village website. (chap. 1001 eff. May 23, 1960, amend ord. 118 eff. March 24, 2023)

11.002 Section 2. EFFECTIVE DATE.

This Ordinance Code shall take effect twenty (20) days after its passage.

11.003 Section 3. CONTENTS OF CODE.

This Code contains all ordinances of a general and permanent nature of the Village. Excluded from the contents of this Code are special or temporary ordinances such as ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or other public works, ordinances authorizing borrowing of money or the issuance of bonds and ordinances establishing salaries for the village officers and employees. Ordinances hereafter adopted which are not of a general or permanent nature shall be numbered consecutively, authenticated, published and recorded in the record of ordinances, but shall not be prepared of insertion in this Code, nor be deemed a part hereof. The adoption of this Code shall not be interpreted as authorizing and 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 effective date of this Code. All ordinances of a

general and permanent nature in effect on the effect date of this Code are hereby repealed expressly saving from repeal the following village ordinances:

Ordinance No.	Date	Subject	Included in Code As Chapter No.
47 (repealed by ord.no 73)	5/20/1947	Building Code	Not printed
(chap. 1001 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987)			

11.004 Section. 4. SHORT TITLE.

This ordinance shall be known and cited as the “Mancelona Village Code.”
(ord. no. chap. 1001 eff. May 23, 1960)

11.005 Section 5. DEFINITIONS.

The following words and phrases, when used in the Code and any amendment thereof or addition thereto, shall, for the purposes of this Code, have the meanings respectively ascribed to them in this section, except as otherwise specifically provided or where the context clearly indicates a different meaning:

- a. **“Charter”** shall mean Act 3 of the Public Acts of 1895, State of Michigan, in its application to the Village.
- b. **“Lot”** A piece of land under single ownership or control that is sufficient in size to meeting the minimum requirements for use, coverage, setbacks, access, and open space as required per Village of Mancelona Zoning Ordinance. Single Ownership may include ownership by and individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A lot shall have frontage on a dedicated road or an approved private road.
- c. **“Person”** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.
- d. **“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 of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.
- e. **“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.
- f. **“Street” or “highway”** 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

public as a matter of right for purposes of public travel. "Alley" shall mean any such way or place providing a secondary means of ingress and egress from a property.

g. **"Structure"** Anything constructed or erected, whether temporary or permanent, the use of which requires location on the ground or attachment to something having location on the ground and extending at least nine (9) inches above the ground surface. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, and signs.

h. **"Village"** shall mean the Village of Mancelona, Michigan (chap. 1001 eff. May 23, 1960, amend. ord. 101 eff. April 8, 2014, amend ord. 118 eff. March 24, 2023)

11.006 Section 6. AMENDMENT PROCEDURE.

This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

a. To amend and section:

AN ORDINANCE TO AMEND SECTION _____ (OR SECTIONS _____ AND _____) OF CHAPTER _____ OF THE VILLAGE CODE.

b. To insert a new section or chapter:

AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING A NEW SECTION (_____ NEW SECTIONS OR A NEW CHAPTER, as the case may be) WHICH NEW SECTION (SECTIONS OR CHAPTER) SHALL BE DESIGNATED AS SECTION _____ (SECTIONS _____ AND _____) OF CHAPTER _____ (or proper designation if a chapter is added) OF SAID CODE.

c. To repeal a section or chapter:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____ OR CHAPTER _____) CHAPTER _____, (as the case may be) OF THE VILLAGE CODE.
(chap.1001 eff. May 23, 1960)

11.007 Section 7. PUBLICATION AND DISTRIBUTION OF AMENDMENTS.

Amendments to the Code shall be published as required by section 4, Chapter VI of the Village Charter, and not less than ten (10) copies of each amendment shall be published in form suitable for insertion in this Code. The Clerk shall distribute such copies to the officers of the Village having copies of the Code assigned to them. Each officer assigned a copy of the Code shall be responsible for maintaining the same for the proper insertion

of amendatory pages as received. Each copy of said Code shall remain the property of the Village and shall be turned over by each officer having custody thereof upon expiration of his term of office having custody thereof upon expiration of his term of office to his successor or to the Village Clerk, in case he shall have no successor.
(chap. 1001 eff. May 23, 1960, amend ord. 118 eff. March 24, 2023)

11.008 Section 8. RESPONSIBILITY.

Whenever any act is prohibited by this Code, by an amendment thereof, or by rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act.
(chap. 1001 eff. May 23, 1960)

11.009 Section 9. HEADINGS.

No provision of the Code shall be held invalid by reason of deficiency in any chapter or section heading.
(chap. 1001 eff. May 23, 1960)

11.010 Section 10. TITLE OF OFFICER TO INCLUDE DEPUTY OR SUBORDINATE.

Whenever, by the provisions of this Code, any officer of the Village is assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer or his duty or authorized subordinate.
(chap. 1001 eff. May 23, 1960)

11.011 Section 11. TENSE.

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.
(chap. 1001 eff. May 23, 1960)

11.012 Section 12. NOTICE.

Notice regarding sidewalk construction or repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which is performed by the Village may be assessed against the premises under the provisions of the Code, shall, except as otherwise provided by the Village Charter, be served:

- a. 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, or
- b. By mailing said notice by registered or certified mail to such owner at his last known address, or

- c. If the owner is known, by posting said notice in some conspicuous place on the premises for five (5) days.

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 said officer to remove said notice.

(chap. 1001 eff. May 23, 1960)

11.013 Section 13. PENALTY.

Unless another penalty is expressly provided in this Code for any particular chapter or section, every person convicted of a violation of any provision of this Ordinance Code shall be issued a Municipal Civil infraction punishable as a first offense by a civil fine of not less than **\$150.00**, plus costs, expenses, damages and other sanctions authorized under Chapter 87 of Act No. 236 of Public Acts of 1961, as amended. Each day a violation continues shall constitute a separate and distinct violation under the provisions of this Ordinance Code. 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 re-enacted in the amendatory ordinance.

(chap. 1001 eff. May 23, 1960; ord. no. 73 eff. July 7, 1987, amend ord. 118 eff. March 24, 2023)

11.014 Section 14 SEVERABILITY

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 and 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 that this Ordinance 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 or chapter of this Code and to any Chapter added hereto, whether or not the wording of this section is set forth in the amendatory ordinance.

(chap. 1001 eff. May 23, 1960)

11.015 Section 15. OFFICIALS AUTHORIZED TO ISSUE MUNICIPAL CIVIL INFRACTIONS CITATIONS.

When any violation of this Code is deemed to be a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 – 600.9939 of the Michigan Compiled Laws, any police officer of the Village is hereby responsible, a municipal civil infraction citation for that violation.

(ord. eff. Sept. 7, 1995)