

TITLE I: GENERAL PROVISIONS

Chapter

10. RULES OF CONSTRUCTION; GENERAL PENALTY

CHAPTER 10: RULES OF CONSTRUCTION; GENERAL PENALTY

Section

- 10.01 How code designated and cited
- 10.02 Definitions
- 10.03 Section catchlines and other headings
- 10.04 Certain ordinances not affected by code
- 10.05 Continuation of ordinances
- 10.06 Prior rights, offenses and the like
- 10.07 Ordinances repealed not reenacted
- 10.08 Amendments to code
- 10.09 Supplementation of code
- 10.10 Appearance tickets
- 10.11 Civil infraction; local officials to issue citation
- 10.12 Separability of provisions

- 10.99 General penalty

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

CHARTER. The Charter of the City of the Village of Clarkston, adopted January 13, 1992, and shall include any amendment thereto, or any revision thereof.

CITY. The City of the Village of Clarkston, Michigan.

CITY COUNCIL or **COUNCIL.** The City Council of the City of the Village of Clarkston.

CODE. The City of the Village of Clarkston Code as designated in ' 10.01.

COMPUTING TIME.

(a) When computing a time period of days, exclude the first day and include the last day. But if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the next day that is not a Saturday, Sunday or legal holiday.

(b) When computing a period of hours, exclude from the period the whole of a Saturday, Sunday, or legal holiday from midnight to midnight.

COUNTY. County of Oakland, Michigan.

JUVENILE. Any person under 17 years of age.

' 10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the City of the Village of Clarkston Code.

Charter reference:

Codification, see ' 6.9

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.

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

ORDINANCES. The ordinances of the City of the Village of Clarkston and all amendments thereto.

PERSON.

(a) A natural individual, firm, trust, partnership, association, corporation or limited liability company. When the code prescribes a penalty or fine, the word **PERSON**,

1. As applied to partnerships, associations, or limited liability companies, includes the partners or members; and

2. As applied to corporations includes officers, agents, or employees who are responsible for a violation.

(b) 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.

' 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 these 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, article 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 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) Containing any administrative provisions of the City 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 city;

(5) Making any appropriation;

(6) Levying or imposing taxes;

(7) Establishing or prescribing grades in the city;

(8) Providing for local improvements and assessing taxes therefor;

(9) Dedicating or accepting any plat or subdivision in the city;

(10) Extending or contracting the

boundaries of the city;

(11) Prescribing the number, classification or compensation of any city officers or employees;

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

(B) All 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.

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 those 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.

No ordinance or part of any ordinance heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

(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

10.08 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall be made by amending those provisions by specific reference to the section number of this code in the following language: AThat section _____ of the City of the Village of Clarkston 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: AThe City of the Village of Clarkston ordains.....@ The new section shall then be set out in full as desired.

10.09 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 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.

(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.

Clarkston - General Provisions

(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

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement, and make changes in the 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 subchapter," "this division" and the like, 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.

' 10.10 APPEARANCE TICKETS.

(A) The following persons, being public servants of the city, shall be, and they are hereby, authorized to issue and serve upon persons appearance tickets with respect to alleged violations of ordinances and codes of the city in those cases as these public servants have reasonable cause to believe that the persons have committed violations of an ordinance or code of the city.

(B) The authorized public servants are:

(1) The Oakland County Sheriff and the Sheriff=s deputies;

(2) The Chief of the Independence Township fire departments and the Chief=s designees.

embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(Ord. 98, passed 4-22-1985)

' 10.11 CIVIL INFRACTION; LOCAL OFFICIALS TO ISSUE CITATION.

The following local officials are authorized to issue civil infraction violations:

(A) For parking violations:

(1) City Manager;

(2) Oakland County Sheriff; and

(3) Sheriff=s deputies.

(B) For zoning violations: The City Manager.

(C) For violations of the codes adopted in Chapter 150: The City Building Official.

(D) For Fire Prevention Code violations:

(1) The City Building Official; and

(2) The Independence Township Fire Chief, Fire Marshal, and the Fire Chief=s designees.

' 10.12 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, that decision shall not affect the remainder of this code, or any part thereof, other than that part affected by that decision.

' 10.99 GENERAL PENALTY.

(A) *Criminal 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 a 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 re-enacted in the amendatory ordinance.

(B) *Default civil infraction penalty.* This default civil infraction penalty applies to civil infractions defined in this code that do not expressly specify a penalty. Any person who violates these provisions are subject to a civil infraction penalty of up to a maximum of \$500.

