

# CODE OF ORDINANCES

## Chapter 1

### GENERAL PROVISIONS

#### **Sec. 1-1. Code Designated and Cited.**

This codification of ordinances shall be known and cited as the “Grosse Pointe Park City Code”.

(Code 1957, § 1.5)

*Charter reference*—Codification authority, § 7.9.

*State law reference*—Codification authority, MCL §117.5b, MSA §5.2084(2).

#### **Sec. 1-2. Definitions and 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:

*Charter.* The word “Charter” shall mean the Charter of the City of Grosse Pointe Park, adopted December 11, 1950, and shall include any amendment to such Charter.

*City.* The word “city” shall mean the City of Grosse Pointe Park, Michigan.

*City Council.* The term “City Council” or “Council” shall mean the City Council of the City of Grosse Pointe Park.

*Code.* The term “this Code” or “Code” shall mean the Grosse Pointe Park City Code, 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 by excluding the first day and including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

*County.* The term “the county” or “this county” shall mean the County of Wayne in the State of Michigan.

*Gender.* A word importing gender shall extend and be applied to both genders and to firms, partnerships and corporations as well.

*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 ordinance granting the authority.

*Month.* The word “month” shall be construed to mean a calendar month.

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

*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.”

*Officer, Department, Board, Commission or other Agency.* Whenever any officer, department, board, commission, or other agency is referred to by title only, such reference shall be construed as if followed by the words “of the City of Grosse Pointe Park, Michigan.” Whenever, by the provisions of this Code, any officer, department or other city agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, department or agency shall mean and include such officer, department or agency or deputy or authorized subordinate.

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

*Owner.* The word “owner,” applied to a building or land, shall include any part owner, 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, howsoever 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 Nudity.* The term “public nudity” shall have the same meaning as is ascribed to such term in Section 5h of the Home Rule City Act being Section 117.5h of the Michigan Compiled Laws.

(Ord. No. 165, §4, 1-24-97)

*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.

*Sidewalk.* The word “sidewalk” shall mean that portion of a street, between the curblines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.

*Signature, Subscription.* The words “signature” and “subscription” include a mark when the person cannot write.

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

*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, 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. The word “alley” shall mean any such way or place providing a secondary means of ingress and egress from a property.

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

*Week.* The word “week” shall be construed to mean seven (7) days.

*Written, In Writing.* The term “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.  
(Code 1957, § 1.8-1.10)

State law reference-Rules of construction, MCL §8.3 et seq., MSA §2.212 et seq.

### **Sec. 1-3. Section Catchlines and Other Headings, References and Editor’s Notes.**

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 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 catchlines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division. The references and editor’s notes appearing in eight (8) -point types are for the benefit of the user of the Code and shall have no legal effect.

(Code 1957, § 1.6)

### **Sec. 1-4. 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 taxes;
- (6) Establishing or prescribing grades in the city;
- (7) Providing for local improvements and assessing taxes therefore;
- (8) Dedicating or accepting any plat or subdivision in the city;
- (9) Extending or contracting the boundaries of the city;
- (10) Prescribing the number, classification, or compensation of any city officers or employees;
- (11) Prescribing traffic and parking restrictions pertaining to specific streets;
- (12) Affecting any urban renewal project;
- (13) Pertaining to zoning;
- (14) 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. Such ordinances are on file in the City Clerk's office.

(Code 1957, § 1.4)

**Sec. 1-5. Code Does Not Affect Prior Offenses, Rights, Etc.**

(a) 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.

(b) 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.

(Code 1957)

**Sec. 1-6. 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 Grosse Pointe Park City 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: “That the Grosse Pointe Park City Code, is hereby amended by adding a section, to be numbered \_\_\_\_\_, which section reads 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 section of the Grosse Pointe Park City Code is hereby repealed.”  
(Code 1957, § 1.2)

### **Sec. 1-7. 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.

(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. 1-8. General penalty.**

(a) 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 five hundred dollars (\$500.00) and costs of prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(b) 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.

(Code 1957, § 1.13; Ord. No. 47, § 1, 6-15-71)

**Charter reference**-Limitation on penalties, 17.5.

**State law reference** - Limitation on penalties, MCL 117.4i, MSA 5.2082.

**Sec. 1-9. Aiding and abetting.**

Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do such act.

(Code 1957, § 1.7)

**Sec. 1-10. Severability.**

(a) 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, 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 Code 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 this Code whether or not the wording of this section is set forth in the amendatory ordinance.

(Code 1957, § 1.14)

**Sec. 1-11. Appearance Tickets.**

An employee, officer, or agent of the city acting in the service of the city and designated by the City Attorney, with the concurrence of the City Manager to act in the capacity of Ordinance Enforcement Officer, shall have the authority to issue an appearance ticket as provided by law with respect to violation of any ordinance of the city for which the maximum permissible penalty does not exceed 90 days in jail and a fine of \$500.00. Designation of any person as Ordinance

Enforcement Officer shall be evidenced by a written statement of such designation signed by the City Attorney and City Manager and filed with the City Clerk and the Clerk of the Municipal Court and may be voided by written action of either the City Manager or the City Attorney filed in like manner.

(Ord. No. 174, § 1, 1-1-00)

**Sec. 1-12. Civil Infractions.**

Except as otherwise provided by statute, an offense described in this code as a “civil infraction” is a municipal civil infraction as provided in Public Act 231 of 1961, as amended. A municipal civil infraction action may be commenced by issuance of a citation by any police officer or other person authorized by law or ordinance to issue an appearance ticket on behalf of the City. Unless a lesser civil fine is otherwise provided with respect to any particular municipal civil infraction, the defendant shall be subject to a civil fine of not more than \$500.00 in addition to costs, assessments, damages, and expenses assessed pursuant to law.

(Ord. No. 192, §5, 3-12-08)