

TITLE I - ADMINISTRATION

CHAPTER 1. ADOPTION, CONTENTS AND INTERPRETATION

1.1. Publication and Distribution of Code. Publication of the within codification of the Ordinances of the City of Frankenmuth is hereby directed. Copies of the Code shall be published in loose-leaf form and shall be distributed to City officers and employees as directed by the City Council. One hundred (100) copies of the original printing of this Code shall be published and made available to the public at a charge to be fixed by Council.

1.2. 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:

(1) To amend any section:

AN ORDINANCE TO AMEND SECTION _____ (or SECTIONS _____ AND _____) OF CHAPTER _____ OF TITLE _____ OF THE CODE OF THE CITY OF FRANKENMUTH.

(2) To insert a new section, Chapter or Title:

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

(3) To repeal a section, Chapter or Title:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____), CHAPTER _____, TITLE _____ (as the case may be), OF THE CODE OF THE CITY OF FRANKENMUTH.

1.3. Publication and Distribution of Amendments. Amendments to the Code shall be published as required by the Charter of the City of Frankenmuth and sufficient copies of each amendment shall be published in loose-leaf form for insertion in the loose-leaf copies of the Code. The City Clerk shall distribute such copies to the officers of the City having copies of the Code assigned to them. Each officer assigned a copy of the Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each copy of said Code shall remain the property of the City and shall be turned over by each officer having custody thereof upon expiration of his term of office to the City Clerk.

1.4. Contents of Code. This Code contains all Ordinances of a general and permanent nature of the City of Frankenmuth and includes Ordinances dealing with municipal administration, utilities and services, parks and public grounds, streets and sidewalks, zoning and planning, food and health, business and trades, building, housing, electrical, heating and plumbing regulations, police regulations and traffic regulations, and excludes Ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or for the improvement thereof, and for the construction and improvement of other public works, authorizing the borrowing of money or the issuance of bonds. The Zoning Ordinance of the City adopted September 13, 1977 (Ordinance No. 7-77), as amended to the date of adoption of this Code, is set forth as Chapter 51 of this Code, except as section numbers and references to other Ordinances of

the City are changed to conform to the Code numbering system. The adoption of this Code shall not be interpreted as authorizing or permitting any use of 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. Ordinances hereafter adopted which are not of a 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 thereof.

1.5. Short Title. This Ordinance may be known and cited as the "Frankenmuth City Code".

1.6. Headings. No provision of this Code shall be held invalid by reason of deficiency in any Chapter or section heading.

1.7. Responsibility. 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 said act.

1.8. Definitions. The following words and phrases, when used in this Code and any amendment thereto, shall, for the purpose of this Code, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

- (1) "Person" shall include any individual, copartnership, 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.
- (2) "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 of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.
- (3) "Street", "highway" and "alley" 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 a secondary means of ingress and egress from a property.
- (4) "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.
- (5) "City" shall mean the City of Frankenmuth, Michigan.
- (6) "Municipal Civil Infraction" shall 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.
- (7) A public nuisance is an unreasonable interference with a common right enjoyed by the general public. The term "unreasonable interference" includes conduct that (1) significantly interferes with the public's health, safety, peace, comfort, or convenience, (2) is proscribed by law, or (3) is known or should have been known by the actor to be of a continuing nature that produces a permanent or long-lasting, significant effect on these rights.

(Ordinance No. 2002-05, 08-07-2002; Ordinance No. 2017-03, 06-06-2017)

1.9. Title of Officer to Include Deputy or Subordinate. Whenever, by the provisions of this Code, any officer of the City of Frankenmuth 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 deputy or authorized subordinate.

1.10. 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.

1.11. Notice. Notice 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 residence, office or place of business with some person of suitable age and discretion, or
- (2) By mailing said notice by certified or registered mail to such owner at his last known address, or
- (3) If the owner is unknown, by posting said 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.

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City officer, unless permission is given by said officer to remove said notice.

1.12. General Penalties and Sanctions for Violations of Code and City Ordinances; Continuing Violations; Injunctive Relief.

- (1) 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.
- (2) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 plus costs of prosecution, or imprisonment not exceeding 90 days, or both unless a specific penalty is otherwise provided for the violation by this Code or any ordinance.
- (3) 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.
 - (a) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine shall be not less than \$50.00, plus costs and other sanctions, for each violation.
 - (b) 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 (1) committed by a person within any six-month period (unless some other period is specifically provided by this Code or any ordinance) and (2) 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 violation, the increased fine for a repeat offense shall be as follows:

(1) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs and other sanctions.

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

(5) 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.

(6) The impose of a fine, penalty or other sanction shall not excuse any person from compliance with the requirements of this Code.

(7) In addition to any remedies available at law, the City may 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.

(Ordinance No. 2002-05, 08-07-2002)

1.13. Severability. 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 of Frankenmuth 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. 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.

1.14. Effective Date. This Code shall take effect as specified in the Ordinance which adopts it.