

TITLE I - ADMINISTRATION

CHAPTER 1 ADOPTION, CONTENTS AND INTERPRETATION

The within Ordinance Code was adopted by the Bessemer City Council pursuant to Act No. 279, Public Acts of 1909, State of Michigan, as amended, and ordered printed.

1.1. Publication of Code Directed. Publication of the within codification of the Ordinances of the City of Bessemer is hereby directed.

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 BESSEMER.

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF
BESSEMER 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 BESSEMER.

1.3. Publication and Distribution of Amendments.

Amendments to the Code shall be published as required by law and not less than twenty-five (25) copies of each amendment shall be published in loose-leaf form suitable 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 his successor or to the City Clerk, in case he shall have no successor.

1.4. Contents of Code. This Code contains all Ordinances of a general and permanent nature of the City of Bessemer and includes Ordinances dealing with municipal administration, utilities and services, parks and public grounds, streets and sidewalks, zoning and planning, food and health, businesses and trades, building, 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, or for the construction and improvement of other public works, authorizing the borrowing of money or the issuance of bonds. 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. 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 hereof.

1.5. Short Title. This Ordinance may be known and cited as the "Bessemer 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 do said act.

1.8. Definitions. The following words and phrases, when used in this Code and any amendment thereto, shall, for the purposes 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, 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.
- (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 to 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 Bessemer.

1.9. Title of Officer to Include Deputy or Subordinate.

Whenever, by the provisions of this Code, any officer of the City of Bessemer 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 herein, 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 for five (5) days before the act or action concerning which the notice is given. 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. 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 five hundred (\$500.00) dollars 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. 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.

1.13. Severability. It is the legislative intent of the Council in adopting this Code, that all provisions and sections of this Ordinance be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City of Bessemer and should any provision or section of this Ordinance 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 of this Code whether or not the wording of this section is set forth in the amendatory Ordinance.

1.14. Effective Date. This Ordinance Code shall take effect in accordance with the Ordinance which adopts it.