

TITLE 1: GENERAL PROVISIONS

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CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE

This shall be designated as the Code of Whitehall and may be so cited.

§ 10.02 INTERPRETATION

Unless otherwise provided, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES

All provisions of Title I compatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS

Headings and captions used in this code other than the title, chapters and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS

- (A) General rule. Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical meaning.
- (B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPAL CORPORATION, MUNICIPALITY, or TOWN. The City of Whitehall, Michigan.

CITY COUNCIL or COUNCIL. The legislative body of the city.

CIVIL INFRACTION. 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 **CIVIL INFRACTION** is not a lesser included offense of a violation of this code that is a criminal offense.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters or sections.

COUNTY. Muskegon County, Michigan.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof and as applied to corporations, the officers or agents thereof.

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

SECTION. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of Michigan.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed; equivalent to the words **YEAR OF OUR LORD.**

(Amended Ord. 95-03, passed 8-8-95)

§ 10.06 RULES OF INTERPRETATION

The construction of all ordinances of this city shall be by the following rules, unless such construction is plainly repugnant to the intent of the City Council or of the context of the same ordinance:

- (A) **AND** or **OR.** Either conjunction shall include the other as if written “and/or” if the sense requires it.
- (B) *Acts by assistants.* When the statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal; such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.
- (C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders: words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.
- (D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS

Whenever in one section reference is made to another section, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCES TO OFFICES

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME

The official time, as established by applicable state/federal laws, shall be the official time within this city for the transaction of all city business.

§ 10.12 REASONABLE TIME

- (A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.
- (B) The time within which an act is to be done, as provided, shall be computed by excluding the first day and including the last. If the last day is on a weekend, or Federal/State recognized holiday it shall be the next business day.

§ 10.13 ORDINANCES REPEALED

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES

The effective date of any ordinance shall be prescribed therein and shall not be less than ten days after its adoption and publication unless the City Council shall, upon attaching a declaration of emergency affecting the public peace, health, or safety, fix an earlier date, but no ordinance shall take effect until after publication thereof and no measure making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency measure. (City Charter, §5.2)

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE

- (A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.
- (B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.
- (C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 AMENDMENT PROCEDURE

- (A) All ordinances 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 ORDINANCE NO. _____ OF THE CITY OF WHITEHALL.
 - (2) To insert a new Section or Title: AN ORDINANCE TO AMEND ORDINANCE NO. _____ OF THE CITY OF WHITEHALL 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 ORDINANCE.
 - (3) To repeal a Section or Title: AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____). CHAPTER _____, TITLE _____, (as the case may be) OF ORDINANCE NO. _____ OF THE CITY OF WHITEHALL. (Ord. 1, passed 6-1-61)

§ 10.18 PUBLICATION AND DISTRIBUTION OF AMENDMENTS

Amendments to the code shall be published as required by the Charter of the City of Whitehall and each amendment shall be published in loose leaf form suitable for insertion in the loose leaf copies of this code. The City Clerk shall be responsible for maintaining a master binder and shall make available such copies to the officers as requested. 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.
(Ord. 1, passed 6-1-61)

§ 10.19 SECTION HISTORIES; STATUTORY REFERENCES

- (A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord.10, passed 5-13-60; Am. Ord. 20, passed 1-1-85).
- (1) If a statutory cite is included in the history, this indicated that the text of the section reads substantially the same as the statue. Example: (M.C.L. §§ 335.301) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).
- (2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicated that the reader should refer to that statute for further information.

§ 10.20 RESPONSIBILITY

Whenever any act is prohibited by an ordinance, by an amendment thereof, or by any rule or regulation adapted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act.
(Ord. 1, passed 6-1-61)

§ 10.21 NOTICES REGARDING CERTAIN ABATEMENTS AND ACTS

- (A) 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 days.
- (B) 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.
(Ord. 1, passed 6-1-61)

§ 10.22 PUBLICATION OF RULES AND REGULATIONS

All rules and regulations made by the administrative officers which are subject to approval by the Council under the provisions of this code, after such approval is given, and all rules and regulations adopted by the Council on its own initiative, shall be published in the manner provided in the City Charter for the publication of city ordinances. Copies of all such rules and regulations shall be kept in the office of the City Clerk for public inspection and distribution.

(Ord. 1, passed 6-1-61)

CHAPTER 11: GENERAL PENALTIES AND SANCTIONS

§ 11.00 GENERAL PENALTIES AND SANCTIONS FOR VIOLATION OF CODE AND CITY ORDINANCES; CONTINUING VIOLATIONS; INJUNCTIVE RELIEF

- (A) Unless a violation of this code or any ordinance of the city is specifically designated in the code or in the ordinance as a municipal civil infraction, and except as provided in division (G) of this section, the violation shall be deemed to be a misdemeanor.
- (B) The penalty for a misdemeanor violation shall be a fine not exceeding \$500 (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.
(Ord. 12-04, Passed 11-12-12)
- (C) 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 cost, 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.
- (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fine for a violation shall be not less than \$50, plus costs and other sanctions, for each infraction.
- (2) 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 (a) committed by a person within any 24-month period (unless some other period is specifically provided by this code or any ordinance); and (b) 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 municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
- (a) The fine for any offense which is a first repeat offense shall be no less than \$250, plus costs.
- (b) The fine for any offense which is a second repeat offense or any subsequent offense shall be no less than \$500, plus costs.
- (D) A “violation” includes any act which is prohibited or made or 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.
- (E) 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.
- (F) 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.

(G) Pursuant to § 23.06, violation of the following provisions or sections shall be punishable as a civil infraction in accordance with the following schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices:

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Garbage and Refuse			
§ 30.03: Disposal of refuse	\$25.00	\$50.00	\$100.00
§ 30.04: Refuse containers	\$25.00	\$50.00	\$100.00
§ 30.05: Scavenging	\$25.00	\$50.00	\$100.00
Sewers			
§ 32.02: Deposit of objectionable waste	\$25.00	\$50.00	\$100.00
§ 32.03: Discharge of untreated sewage/natural outlet	\$100.00	\$200.00	\$300.00
§ 32.04: Privies, septic tanks/other facilities	\$100.00	\$200.00	\$300.00
§ 32.05: Owners responsibility: Install toilet facilities	\$100.00	\$200.00	\$300.00
§ 32.06: Destroying or tampering: sewage works equipment	\$25.00	\$50.00	\$100.00
§ 32.07: Right of entry for inspection	\$25.00	\$50.00	\$100.00
§ 32.08: Connecting sewer to sewage disposal system	\$100.00	\$200.00	\$300.00
§ 32.09: Written permit required	\$100.00	\$200.00	\$300.00
§ 32.10: Connecting building sewer to public sewer	\$100.00	\$200.00	\$300.00
§ 32.16: Discharge of storm water	\$100.00	\$200.00	\$300.00
§ 32.17: Devices to provide cross connection: sewer & water	\$100.00	\$200.00	\$300.00
§ 32.18: Grease, oil & sand interceptors	\$100.00	\$200.00	\$300.00
§ 32.19: Control manhole	\$100.00	\$200.00	\$300.00
Water			
§ 33.07: Turning on water services	\$50.00	\$100.00	\$200.00
§ 33.08: Use of fire hydrants	\$50.00	\$100.00	\$200.00
§ 33.09: Injuries to facilities	\$100.00	\$200.00	\$500.00
§ 33.10: Meters required	\$100.00	\$200.00	\$500.00
§ 33.11: Access to meters	\$50.00	\$100.00	\$200.00
§ 33.17: Inspection for cross connection	\$50.00	\$100.00	\$200.00
Traffic Code			
§ 40.02: Parking violations	\$10.00	\$25.00	\$100.00
§ 41.02: Snowmobiles to be registered	\$25.00	\$50.00	\$100.00
§ 41.03: Operation of snowmobiles regulated	\$25.00	\$50.00	\$100.00
§ 41.04: Snowmobiles: Parents/guardians responsible	\$25.00	\$50.00	\$100.00

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Abandoned or Junk Motor Vehicles			
§ 50.02: Dismantled/inoperable vehicles on property	\$50.00	\$100.00	\$200.00
Animals			
§ 51.03: Dogs running at large	\$50.00	\$100.00	\$200.00
§ 51.04: Keeping of animals	\$50.00	\$100.00	\$200.00
§ 51.05: Barking dogs	\$100.00	\$200.00	\$300.00
§ 51.06: Animal waste	\$50.00	\$100.00	\$200.00
Cemeteries			
§ 52.01: Cemetery lots; sale, purchase and use	\$50.00	\$100.00	\$200.00
Nuisances			
§ 54.01: Nuisance defined and prohibited	\$25.00	\$50.00	\$100.00
§ 54.02: Dangerous structures and premises	\$25.00	\$50.00	\$100.00
§ 54.03: Littering	\$25.00	\$50.00	\$100.00
§ 54.04: Noise control	\$25.00	\$50.00	\$100.00
§ 54.05: Abandoned refrigerators	\$25.00	\$50.00	\$100.00
§ 54.06: Grass and noxious weeds	\$25.00	\$50.00	\$100.00
§ 54.07: Open Fires	\$50.00	\$250.00	\$500.00
Junk or Rubbish			
§ 54.08: Deposit of junk or rubbish	\$25.00	\$50.00	\$100.00
Parks and Recreation: Marinas			
§ 55.01: Speed of vessels on White Lake	\$25.00	\$50.00	\$100.00
§ 55.02: Destruction of park property	\$25.00	\$50.00	\$100.00
§ 55.03: Littering – waste containers	\$25.00	\$50.00	\$100.00
§ 55.04: Open fires – designated areas only	\$25.00	\$50.00	\$100.00
§ 55.05: Parking of vehicles – designated areas	\$25.00	\$50.00	\$100.00
§ 55.06: Violation of park hours	\$25.00	\$50.00	\$100.00
§ 55.07: Camping prohibited	\$25.00	\$50.00	\$100.00
§ 55.08: Violation of miscellaneous rules/regulations	\$25.00	\$50.00	\$100.00
§ 55.09: Throwing stones, debris, or rubbish	\$25.00	\$50.00	\$100.00

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Streets, Sidewalks, and Public Ways			
§ 56.01: Placement of debris, barriers or installations	\$25.00	\$50.00	\$100.00
§ 56.02: Burning materials on paved surfaces	\$25.00	\$50.00	\$100.00
§ 56.03: Obstructions	\$25.00	\$50.00	\$100.00
§ 56.04: Use of streets for display of goods/merchandise	\$25.00	\$50.00	\$100.00
§ 56.05: Use of skateboards, roller skates, street skates	\$25.00	\$50.00	\$100.00
§ 56.06: Placement of dumpsters restricted	\$25.00	\$50.00	\$100.00
§ 56.07: Construction permit required	\$25.00	\$50.00	\$100.00
§ 56.08: Removal of snow and ice from sidewalk	\$25.00	\$50.00	\$100.00
Tree Management			
§ 57.05: Protection of trees	\$25.00	\$50.00	\$100.00
§ 57.07: Private trees; disease, insects/other hazards	\$25.00	\$50.00	\$100.00
§ 57.08: Trimming and removal of trees/private property	\$25.00	\$50.00	\$100.00
§ 57.09: Permit required – tree planting/city property	\$25.00	\$50.00	\$100.00
§ 57.10: Application for permit – 72 hours in advance	\$25.00	\$50.00	\$100.00
§ 57.11: Permit expiration	\$25.00	\$50.00	\$100.00
Advertising			
§ 60.01: Street banners	\$25.00	\$50.00	\$100.00
§ 60.02: Posting bill or banner/city property	\$25.00	\$50.00	\$100.00
§ 60.03: Posting bill or banner/private property	\$25.00	\$50.00	\$100.00
§ 60.04: Scattering bills	\$25.00	\$50.00	\$100.00
§ 60.05: Bill posting refuse	\$25.00	\$50.00	\$100.00
§ 60.06: Obscene advertising	\$25.00	\$50.00	\$100.00
Non-charitable and Charitable Solicitations			
§ 61.02: Compliance	\$25.00	\$50.00	\$100.00
§ 61.03: License required	\$25.00	\$50.00	\$100.00
§ 61.05: Carrying of license	\$25.00	\$50.00	\$100.00
§ 61.09: Charitable Solicitations permit required	\$25.00	\$50.00	\$100.00
§ 61.11: Misrepresentations	\$100.00	\$200.00	\$300.00
§ 61.15: Tag Day permit required	\$25.00	\$50.00	\$100.00
§ 61.17: Prohibitive areas	\$25.00	\$50.00	\$100.00

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Yard Sales and Garage Sales			
§ 63.02: Permits required	\$25.00	\$50.00	\$100.00
§ 63.03: License required	\$25.00	\$50.00	\$100.00
§ 63.06: Time restrictions	\$25.00	\$50.00	\$100.00
§ 63.07: Advertising restrictions	\$25.00	\$50.00	\$100.00
Sexually Oriented Business			
§ 64.06: Sexually oriented business violations	\$500.00	\$500.00	\$500.00
Electronic Filing			
§ 66.02: Electronic reporting	\$25.00	\$50.00	\$100.00
Rental Property			
§ 67.11: Rental property	\$100.00	\$250.00	\$500.00
General Offenses			
§ 70.01(4): Fireworks	\$50.00	\$100.00	\$200.00
Building Regulations			
§ 81.12: Failure to number building	\$50.00	\$100.00	\$200.00