

**CODE OF ORDINANCES
CITY OF
MIDLAND, MICHIGAN**

THE CHARTER

and

GENERAL ORDINANCES OF THE CITY

ADOPTED, JUNE 1, 1970
EFFECTIVE, JUNE 15, 1970

PUBLISHED BY ORDER OF THE CITY COUNCIL

M	MUNICIPAL CODE CORPORATION
CC	Tallahassee, Florida 1970 Reprinted 1991

OFFICIALS

of the

CITY OF MIDLAND, MICHIGAN

AT THE TIME OF THIS CODIFICATION

JULIUS F. BLASY
Mayor-Councilman

GLENN A. ASADORIAN

EARL D. MORRIS
RICHARD H. MCCREADIE
JAMES B. VANDERKELEN
Councilmen

FRED L. YOCKEY
City Manager

PATRICK H. HYNES
City Attorney

KEN W. LYBOLT
City Clerk

PREFACE

The City Code is a complete codification of the ordinances of a general and permanent nature enacted by the City Council. The Code contains all ordinances of a general and permanent nature prescribed for and affecting the public as a whole, except zoning ordinances. Special ordinances or ordinances dealing with only a portion of the inhabitants of the City, or relating to special purposes, such as levying special assessments, vacating streets, making appropriations, etc., are not included herein. For a more complete listing of the types of ordinances not included, see Section 3 of the Adopting Ordinance.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been appropriately catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included.

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two (2) component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the sixteenth (16th) section of Chapter 19 is 19-16. Under this system, each section is identified with its chapter and at the same time, new sections may be inserted in their proper place simply by using the decimal system for amendments. By way of illustration: If new material consisting of three (3) sections that would logically come between Sections 4-4 and 4-5 is desired to be added, the new sections would be numbered 4-4.1, 4-4.2, 4-4.3. New chapters may be included by the addition of a fraction after the chapter number. Thus, if the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12 1/2. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way, or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number

being assigned to the article or division.

A special feature of this Code is the looseleaf system of binding and supplemental servicing. With this looseleaf system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to the holders of the Codes with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into the Code, may be cited as a part thereof as provided in Section 6 of the Adopting Ordinance.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them, and that all deleted pages be saved and filed for historical reference.

The general index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by city officials and employees. There are numerous cross references within the index itself which serve as guideposts to direct the user to the particular item in which he is interested.

The publication of this Code was under direct supervision of George R. Langford, President, and Ernest T. Buchanan, III, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to the City Manager, Fred L. Yockey, the City Clerk, Ken W. Lybolt, and the City Manager's Administrative Assistance, David W. Wirth, for their supervision, cooperation and interest during the progress of the work on this Code.

This Code is presented for the use and benefit of the citizens of the City of Midland, Michigan.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

June 1970

Amended January 1994

ORDINANCE NO. 757

An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Midland, Michigan; Establishing the Same; Providing for the Effective Date of Such Code and a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When This Ordinance Shall Become Effective.

The City of Midland Ordains:

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 28, each inclusive, is hereby adopted and enacted as the "Midland City Code," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council on or before September 26, 1969, except such as are by reference thereto saved from repeal or continued in effect.

- (1) Affecting the boundaries of the City;
- (2) Vacating, abandoning, or accepting any street, alley or easement;
- (3) Relating to any specific local improvement;
- (4) Authorizing, directing or ratifying any purchase or sale;
- (5) Approving or accepting any subdivision or plat;
- (6) Authorizing or directing the issuance of any bonds or other evidence of indebtedness;
- (7) Authorizing or directing the making of any investment;
- (8) Making or otherwise affecting any appropriations;
- (9) Levying or otherwise affecting any taxes, not inconsistent herewith;
- (10) Relating to franchises;
- (11) Pertaining to zoning or rezoning;
- (12) Regulating or restricting the flow of traffic or parking on particular streets or in particular locations in the City;
- (13) Relating to airports, specifically including Ordinance Nos. 279 and 346;
- (14) Relating to gas company permits, including Ordinance No. 475;
- (15) Relating to public transportation, including Ordinance No. 308;
- (16) Relating to plants and shrubs, including Ordinance No. 509;
- (17) Relating to any municipal automobile parking system, including Ordinance No. 389;
- (18) Relating to sewers and sewage disposal, including Ordinance Nos. 229, 243, 495, 517, 552 and 602;
- (19) Relating to water, including Ordinance Nos. 323, 325, 326, 327, 330 and 331;

(20) Relating to electrical regulations, including Ordinance Nos. 507, 575 and 685;

(21) Ordinance No. 374.

Section 4. The repeal provided for by Section 1 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 5. Unless another penalty is expressly provided in said Code, or in any amendment thereof, a person convicted of a violation of any provision of said Code or the commission of any act declared to be a misdemeanor by said Code shall be punished by a fine, which fine shall not exceed five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act or violation, and every day upon which such violation shall occur or continue shall constitute a separate offense.

Said Code may be enforced by suit for injunction, action for damages or any other legal process appropriate to enforcement thereof.

Section 6. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Mayor and City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Midland City Code" shall be understood and intended to include such additions and amendments.

Section 7. That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance and Section 1-11 of such Code shall apply to the section as amended; or, in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 8. That a copy of such Code shall be kept on file in the office of the City Clerk preserved in looseleaf form, or in such other form as the City Clerk may consider most expedient; and shall be available for public inspection during regular working hours. Copies of such Code shall be printed and made available to the public at a reasonable charge as fixed by resolution of the Council. It shall be the express duty of the City Clerk, or someone authorized by him, to insert in their designated places all amendments or ordinances which indicate the intention of the City Council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the City Council. This copy of such Code shall be available for all persons desiring to examine the same.

Section 9. That it shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of such Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Midland to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 5 of this ordinance.

Section 10. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 11. That this ordinance shall be published in the manner required by law and shall become effective ten days after the date of said publication.

Moved by Councilman Morris, supported by Councilman McCreadie, that the foregoing Ordinance No. 757 be adopted.

AYES: Asadorian, Blasy, McCreadie, Morris, VanderKelen

NAYS: None

ABSENT: None

Ordinance No. 757 declared adopted at a regular meeting of the Midland City Council held on June 1, 1970.

JULIUS F. BLASY
Mayor

KEN W. LYBOLT
City Clerk

I, K. W. Lybolt, City Clerk, City of Midland, County of Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by a 5/0 yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, June 1, 1970.

K. W. LYBOLT, *City Clerk*