

10.600

**CHAPTER 6  
LEGISLATION**

10.601

**Sec. 6.1. EXISTING LEGISLATION.**

All ordinances, resolution, rules and regulations of the City of Gaylord which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until they expire, are amended or repealed. Any ordinance, resolution, rule or regulation which is inconsistent with this Charter is hereby repealed.  
(char. eff. Nov. 25, 1974)

10.602

**Sec. 6.2. ORDINANCES AND RESOLUTIONS.**

All official action of the council shall be by ordinance or resolution adopted by no less than four (4) members of the council, unless otherwise required by law. All actions of the council which do not constitute ordinances shall be deemed to be resolutions. Action by resolution shall be limited to matters required or permitted to be done by law or pertaining to the internal administrative affairs or concerns of the city government. All other acts of the council and all acts carrying a penalty for violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by a number, and always by a code section number when the ordinances of the city are codified.  
(char. eff. Nov. 25, 1974)

10.603

**Sec. 6.3. ENACTMENT, AMENDMENT, REPEAL AND EFFECTIVE DATE OF ORDINANCES.**

- a. Each proposed ordinances shall be introduced in written or printed form. The style of the ordinance shall be: "The City of Gaylord ordains:"
- b. No ordinance shall be passed at the same meeting at which it is introduced, unless the same is declared to be an emergency ordinance by a vote of not less than five (5) members of the council.
- c. An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.
- d. If a section of an ordinance is amended, the section shall be reenacted and published at length.
- e. The effective date of all ordinances shall be stated therein, but shall not be earlier than twenty (20) days after enactment, unless it is declared by the affirmative vote of not less than five (5) members of the council to be an emergency ordinance.  
(char. eff. Nov. 25, 1974)

**10.604**            **Sec. 6.4. PUBLICATION AND RECORDING OF ORDINANCE.**

- a.     Before an ordinance may become operative, it shall be published. Any ordinance may be published by setting it forth as part of the published proceedings of the council for the meeting at which said ordinance was adopted, in subsequently published proceedings of meetings of the council, or solely in its complete text, but only after adoption by the council.
  
- b.     All ordinances shall be recorded by the clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and the clerk to authenticate such records by their official signature thereon, but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.  
(char. eff. Nov. 25, 1974)

**10.605**            **Sec. 6.5. PENALTIES FOR VIOLATIONS OF ORDINANCES.**

Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety (90) days, or both, in the discretion of the court: Said imprisonment may be either in the city or county jail, or in any workhouse in the state which is authorized by law to receive prisoners from the city.  
(char. eff. Nov. 25, 1974)

**10.606**            **Sec. 6.6. ENACTMENT OF CODES BY REFERENCE.**

In accordance with the Provisions of law now or hereafter in effect, the council may enact technical codes or regulations which have been promulgated or enacted by the State of Michigan or the United States of America, or by any department, board, or other agency thereof, or by an organization or association which is organized and conducted for the purpose of developing any such code or technical regulations, by reference thereto in an adopting ordinance and without publishing any such code in full: Provided, that each statute or technical code or regulation is clearly identified in the ordinance adopting the same. The purpose of the code or regulations shall be published with the adopting ordinance and complete printed copies thereof shall be kept in the office of the clerk, available for inspection by and distribution to the public at all times. Such publication shall contain a notice stating that a complete copy of said code or regulation is available for public use and inspection at the office of the clerk.  
(char. eff. Nov. 25, 1974)

**10.607**            **Sec. 6.7. SEVERABILITY OF ORDINANCES.**

Unless an ordinance shall expressly provide to the contrary, if any provision of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or

applications, provided such remaining portions are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.  
(char. eff. Nov. 25, 1974)

**10.608**      **Sec. 6.8. CODIFICATION OF ORDINANCES.**

- a.      Immediately after the effective date of this Charter, the council shall direct and within three years, complete the codification of the ordinances of the city and shall provide for the publication of subsequent amendments thereto so that such amendments may readily be made a part of such code and maintain the same in current form. Any such codification may include provisions not previously contained in ordinances of the city.
- b.      The council shall provide for making printed copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefor and shall publish notice of the printing and availability of such codification before the effective date thereof. Such making available of printed copies of the codification and notice thereof shall constitute the due and legal publication of any such codification and the provisions thereof, as required by law, other provisions of this Charter for the publication of ordinances notwithstanding.
- c.      The copies of the ordinances and the codification thereof, and of provisions adopted by reference in accordance with Section 6.7 may be certified by the clerk and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein. (char. eff. Nov. 25, 1974)

**10.609**      **Sec. 6.9. INITIATIVE AND REFERENDUM.**

An ordinance may be initiated by petition, or referendum or an ordinance enactment may be had, by petition as hereafter provided.  
(char. eff. Nov. 25, 1974)

**10.610**      **Sec. 6.10. INITIATORY AND REFERENDARY PETITION.**

- a.      An initiatory or a referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within sixty days before the date of filing the petition with the clerk. Any such petition shall be addressed to the council and may be the aggregate of two or more petition papers which are identical as to content, except as to signatures, and simultaneously filed by one person. An initiatory petition shall set forth, in full, the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance or part thereof, or code sections it proposes to have repealed.
- b.      Each signer of a petition shall sign his name, and shall place thereon after

his name, the date, and his place of residence by street and number, or by other customary residential designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the city clerk who shall, within fifteen days canvass the signatures thereon. If the petition does not contain a sufficient number of registered electors of the city, the clerk shall notify, forthwith, by registered or certified mail, the person filing such petition and fifteen days from such notification shall be allowed for filing of supplemental petition papers. When a petition with sufficient signatures is filed as required and allowed by this section, the clerk shall present the petition to the council at its next regular meeting.  
(char. eff. Nov. 25, 1974)

**10.611            Sec. 6.11. COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS.**

Upon presentation to the council of an initiatory or referendary petition by the clerk, the council shall, within thirty days, unless otherwise provided by law, either:

- a.        Adopt the ordinance as submitted by an initiatory petition;
- b.        Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- c.        Determine to submit the proposal provided for in the petition to the electors.  
(char. eff. Nov. 25, 1974)

**10.612            Sec. 6.12. SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS.**

Should the council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the council, at a special election called for that specific purpose. In those cases where the initiatory petition contains a number of signatures equal to twenty-five per cent of the registered electors of the city as of the date of the last regular city election, and if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the council and if the council does not enact the ordinance, then the council shall call for a special election within ninety days from such date. The results of all elections, held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law or the terms of this Charter.  
(char. eff. Nov. 25, 1974)

**10.613            Sec. 6.13. ORDINANCE SUSPENDED: MISCELLANEOUS PROVISIONS ON INITIATORY AND REFERENDARY PETITIONS.**

- a.        The presentation to the council by the clerk of a valid and sufficient

referendary petition, containing a number of signatures equal to twenty-five per cent of the registered electors of the city as of the date of the last regular city election, which signatures have been obtained within sixty days before filing the petition with the clerk, shall automatically suspend the operation of the ordinance in questions, pending repeal by the council or final determination by the electors.

- b. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the council for a period of two years after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted by the council for a period of two years after the date of the election at which it was repealed. Any such ordinance may be adopted, amended, or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the council on its own motion.
- c. If two or more initiated ordinances, adopted at the same election, shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.  
(char. eff. Nov. 25, 1974)