

CHAPTER 1
GENERAL PROVISIONS

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SECTION 1
OFFICIAL CITY CODE

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1-1-1: TITLE: Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Otsego. This City Code of ordinances shall be known and cited as the OTSEGO CITY CODE and it is hereby published by authority of the City Council and shall be kept up to date as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause, relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (Ord. 2004-07, March 22, 2004)

1-1-2: ACCEPTANCE: The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect. (Ord. 2004-07, March 22, 2004)

1-1-3: AMENDMENTS: Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately codified and the ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (Ord. 2004-07, March 22, 2004)

1-1-4: CODE ALTERATION: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody an official copy of the City Code shall make every effort to

maintain the Code in an up to date and efficient manner. They shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. The Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed to do so by order of the City Council. (Ord. 2004-07, March 22, 2004)

1-1-5: SAVING CLAUSE:

- A. **Repeal of General Ordinances.** All general ordinances of the City passed prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances.
- B. **Public Utility Ordinances.** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.
- C. **Severability Clause.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid, or ineffective. (Ord. 2004-07, March 22, 2004)