

Excerpt from Code Has No Force of Law by Dale Pond, Howard Fisher & Richard Knutson

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"The terms by-laws, ordinances, and municipal regulations have substantially the same meaning, and are the laws of the corporate district made by the authorized body, in distinction from the general laws of the state. They are local regulations for the government of the inhabitants of the particular place. They are not laws in the legal sense, though binding on the community affected. They are not prescribed by the supreme power of the state, from which alone a law can emanate, and therefore cannot be statutes, which are the written will of the Legislature, expressed in the form necessary to constitute parts of the law." (emphasis added) *Rutherford v. Swink*, 35 S.W. 554, 555.

"An ordinance of a municipal corporation is a local law, and binds persons within the jurisdiction of the corporation." (emphasis added) *Pittsburgh, C., C. & St L. Ry. Co. v. Lightheiser*, 71 N.E. 218, 221; *Pennsylvania Co. v. Stegemeier*, 20 N.E. 843.

"An ordinance is a local law, a rule of conduct prospective in its operation, applying to persons and things subject to local jurisdiction." (emphasis added) *C.I.R. v. Schnackenberg, C.C.A.*, 90 F. 2d 175, 176.

"Ordinances...are laws passed by the governing body of a municipal corporation for the regulation of the corporation." (emphasis added) *Bills v. City of Goshen*, 20 N.E. 115, 117.

"The terms ordinance, by-law, and municipal regulation...are local regulations for the government of the inhabitants of a particular place, and though given the force of law by the charter for the purposes of the municipal government, yet relate to that solely, and prosecutions for their violation have no reference, as a general rule to the administration of criminal justice of the state." (emphasis added) *State v. Lee*, 13 N.W. 913.

"Ordinances are laws of municipality made by authorized municipal body in distinction from general laws of the state and constitute local regulations for government of inhabitants of particular place." (emphasis added) *State v. Thomas*, 156 N.W. 2d 745.

"...defining the term criminal offense as any offense for which any punishment by imprisonment or fine, or both, may by law be inflicted, a violation of a city ordinance is not a criminal offense...an ordinance being a regulation adopted by a municipal corporation and not a law in the legal sense." (emphasis added) *Meredith v. Whillock*, 158 S.W. 1061, 1062.

"A city ordinance is not a law of the same character as a statute. It is merely a regulation; a rule of conduct passed by the common council for the direction and supervision of its citizens." (emphasis added) *People v. Gardner*, 106 N.W. 541, 545.

"An ordinance prescribes a permanent rule for conduct of government." (emphasis added) 76 N.W. 2d 1, 5; 61 A.L.R. 2d 583.

"An ordinance is not, in the constitutional sense, a public law. It is a mere local rule or by-law, a police or domestic regulation, devoid in many respects of the characteristics of the public or general laws." (emphasis added) *State v. Fourcade*, 13 So. 187, 191; *McInerney v. City of Denver*, 29 P. 516.