

Ordinance # 07-002

The next proposed amendment is a result of the Municipal Civil Infraction Ordinance which was recently adopted by the Township Board. That ordinance permits the zoning administrator or other authorized agent of the township (eg., sheriff's deputy, supervisor, building inspector) to issue tickets for certain code violations in the township, including zoning ordinance violations. This will simplify our violation enforcement program by keeping enforcement at the local level and not requiring the attorney to be involved in most cases.

To accomplish this, the following amendment is proposed:

DELETE Chapter 21, Penalties, in its entirety and replace with text as shown below:

~~SECTION 21.1 FINE AND IMPRISONMENT. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance, or amendments hereof, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred (\$100.00) Dollars or shall be imprisoned in the County Jail for not more than ninety (90) days, or both, such fine and imprisonment being within the discretion of the Court, together with the costs of prosecution.~~

~~SECTION 21.2 VIOLATIONS NUISANCES PER SE. Any Building or Structure which is erected, altered, maintained or used or any use made of land or the uses thereon changed, in violation of the terms of this Ordinance, is declared to be a nuisance per se.~~

~~SECTION 21.3 SEPARATE OFFENSE. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.~~

~~SECTION 21.4 PROCEEDINGS.~~

~~A. Arrests. The Township Board, by its duly constituted officers, the Zoning Administrator, the Prosecuting Attorney of the County of Ottawa or the duly appointed attorney for the Township may cause complaint to be made of the provisions thereof.~~

~~SECTION 21.5 MONEY RECEIVED FROM PENALTIES. All money received from penalties assessed shall be paid to the Township Clerk who shall pay same over to the Township Treasurer, who shall place the same in a separate fund to be known as the Township Zoning Fund, and shall be used for the purposes of enforcing and paying the expenses in connection with this Zoning Ordinance.~~

~~SECTION 21.6 REMEDIES CUMULATIVE. The remedies and penalties provided herein are cumulative and in addition to other remedies provided by law.~~

SECTION 21.01 Violations of this Ordinance a Municipal Civil Infraction. Any violation of this ordinance shall constitute a municipal civil infraction. Any person, firm or corporation who violates any provision of this ordinance is responsible for a municipal civil infraction and subject to payment of a civil fine, as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this ordinance shall be Fifty (\$50.00) Dollars plus costs and other sanctions for each

violation. The maximum fine for a municipal civil infraction shall be Five Hundred (\$500.00) Dollars plus costs and other sanctions for each violation. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term "repeated offense" means a second (or any subsequent) municipal civil infraction of the same requirement or provision of this ordinance which is committed by a person, firm or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm or corporation admitted responsibility or was determined to be responsible and for which the person, firm or corporation admits responsibility or is determined to be responsible. Each day on which a violation of this ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

SECTION 21.02 Persons Authorized to Issue Municipal Civil Infractions Citations. The Township Supervisor, the Township Attorney, the Township Zoning Administrator, the Building Inspector and an Ottawa County Sheriff's Deputy are hereby authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this ordinance. All such citations shall be issued in accordance with all of the requirements of Chapter 87 of the Revised Judicature Act of the State of Michigan, as amended from time to time (MCLA 600.8700, et. seq.).

SECTION 21.03 Violations are a Nuisance per se. Any violation of this ordinance shall constitute a nuisance per se. The Township is authorized to take any and all actions appropriate to prevent, abate, enjoin or remove any such violation.

SECTION 21.04 Rights and Remedies Cumulative. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

adopted 1/15/07 - See minutes

Ruth Davis, Clerk