

**WELDON TOWNSHIP
COUNTY OF BENZIE
ORDINANCE NO. 2017-01
MUNICIPAL CIVIL INFRACTION ORDINANCE**

AN ORDINANCE TO ESTABLISH THE AUTHORITY AND PROCEDURES FOR THE ISSUANCE OF MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES AND CITATIONS AND TO PROVIDE GENERALLY FOR PENALTIES AND SANCTIONS FOR MUNICIPAL CIVIL INFRACTION VIOLATIONS.

WELDON TOWNSHIP HEREBY ORDAINS:

Section 1. Definitions

As used in this Ordinance:

“Authorized local official” means a member of the County Sheriff’s department or any person authorized by the Township by this or any other ordinance of the Township to issue and serve municipal civil infraction violation notices and citations.

“Municipal Civil Infraction” means an act or omission that is prohibited by this or any other ordinance of the township, but which is not a crime under this or such other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961 and Act 3 of the Public Acts of 1895, as amended. A municipal civil infraction is not a lesser included offense of any violation of any other township ordinance that is a criminal offense.

“Municipal Civil Infraction Action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

“Municipal Civil Infraction Violation Notice” means a written notice prepared by an authorized local official notifying a person of a violation of a requirement or provision of this or any other Township ordinance.

“Municipal Civil Infraction Citation” means a written complaint or notice prepared by an authorized local official, directing a person to appear in a court of competent jurisdiction regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

“Township Board” means the Board of Trustees of Weldon Township.

Section 2. Municipal Civil Infraction Action; Commencement; Dismissal

A municipal civil infraction action may be commenced upon the issuance, by an authorized local official, of a municipal civil infraction citation directing the alleged violator to appear in a court of competent jurisdiction. Only the Township Board may dismiss a municipal civil infraction action once it is commenced.

Section 3. Municipal Civil Infraction Violation Notices; Issuance and Service

Municipal civil infraction violation notices may be issued and served in person or by mail by an authorized local official to correct a violation of a requirement or provision of this or any other Township ordinance. Failure by a person to comply with a violation notice to correct a violation of a requirement or provision of this or any other Township ordinance within a specified period of time may be subject to a municipal civil infraction action and issued a citation to appear in court.

Section 4. Municipal Civil Infraction Citations; Issuance and Service

Municipal civil infraction citations shall be issued and served in person or by mail by an authorized local official in accordance with the provisions of this ordinance and the provisions of Chapter 87 of the Revised Judicature Act, Act 236 of the Public Acts of 1961, as amended [MCL 600.8701, et seq].

Section 5. Penalties and Sanctions

A. Unless provided otherwise in a specific ordinance, the sanction for a violation which is a municipal civil infraction shall be a civil fine in court in the amount as provided below, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Revised Judicature Act, Act 236 of the Public Acts of 1961, as amended [MCL 600.8701, et seq], and other applicable laws.

1. Unless otherwise specifically provided for a particular municipal civil infraction violation by any other Township ordinance, the civil fine for a violation shall be \$100.00, plus costs and other sanctions, for each infraction.
2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this or any other Township ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 12-month period (unless some other period is specifically provided by this or any other Township ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this or any other Township ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a repeat offense shall be \$200.00, plus costs.
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$300.00, plus costs.

B. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this or any other Township ordinance and any omission or failure to act where the act is required by this or any other Township ordinance.

C. Each day on which any violation of this or any other Township ordinance

continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

D. In addition to any remedies available by law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this or any other Township ordinance.

Section 6. Prior Ordinances

All prior ordinances or parts thereof in conflict with the terms of this ordinance are deemed rescinded.

Section 7. Severability

Each provision of this ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable shall not affect the validity or enforceability of any other article, section, subsection or provision hereof.

Section 8. Effective Date

This Ordinance shall become effective upon publication in accordance with law.

At a regular meeting of the Township Board for Weldon Township held on the 14th day of February, 2017, Ronald Hitesman moved for adoption of the foregoing ordinance and Sally Bobek supported the motion.

Voting for: Ronald Hitesman, Sally Bobek, Carrie Aldrich, Sue Meredith, Gary Stevens

Voting against: None.

The Township Supervisor declared the ordinance adopted.

Ronald Hitesman
Township Supervisor

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2017-01 which was enacted by the Township Board for the Weldon Township at a regular meeting held on February 14th, 2017.

Carrie Aldrich
Township Clerk