

STATE OF MICHIGAN
COUNTY OF IOSCO
TOWNSHIP OF GRANT
CIVIL INFRACTIONS ORDINANCE
THE TOWNSHIP OF GRANT DOES HEREBY ORDAIN:

THIS CIVIL INFRACTION ORDINANCE IS ENACTED SO AS TO PROVIDE FOR PROCEDURES TO ENABLE DULY DESIGNATED TOWNSHIP PERSONNEL TO ENFORCE THE REGULATORY BLIGHT AND ZONING ORDINANCES OF THE TOWNSHIP OF GRANT INCLUDING BUT NOT LIMITED TO THE ISSUANCE OF NOTICES, CITATIONS, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF, AND AS MAY BE ALLOWED BY LAW. THIS ORDINANCE IS TO BE CUMULATIVE IN THAT IT SHALL EMPOWER THE TOWNSHIP OF GRANT TO BE ABLE TO ENFORCE VIOLATIONS OF ALL OF THE ABOVE REFERRED TO ORDINANCES OF THE TOWNSHIP IN ADDITION TO ANY OTHER LEGAL PROCEDURES THE TOWNSHIP MAY HAVE TO CORRECT AND/OR ADDRESS VIOLATIONS OF SAME.

Civil Infraction Defined:

Civil infractions may include any act that is prohibited by way of ordinance, and/or omission and/or failure to act where action is required by any township ordinance. The remedies as set forth within this ordinance shall be other laws, whether they be local, state, or federal when a violation of a township ordinance is cited as a Civil Infraction. The Township is not required to cite a violation herein, as a civil infraction, and may instead cite

same as a misdemeanor, as allowed, or pursue any other remedy provided by any township ordinance, or by any other law.

Section I. Violations: A violation of any township ordinance, regardless of the Ordinance's cited penalty, may be cited as a civil infraction, when allowed by law. When a violation of a township ordinance has been cited as a civil infraction the procedures herein shall be followed.

Section II. Commencement of Municipal Civil Infraction Actions/Procedures/Penalties

- 1) A municipal civil infraction is to be commenced by first sending a notice allowing for a period of correction of fourteen (14) days of the claimed violation or violations as set forth therein.

- 2) After the delivery of said notice, either in person or by way of first class mail, then, and in that event, the duly authorized Township Enforcement Officer shall be allowed to either commence misdemeanor proceedings (if appropriate and allowed in the specific ordinance sought to be enforced), or in the alternative, after the above referred to fourteen (14) day notice, enforce same by filing a citation with the appropriate Court, and serving it upon the claimed respondent, again, by first class mail as reflected on the most current tax roll of the Township of Grant, or by service thereof in person after the

fourteen (14) day timeframe as mentioned above.

3) The form of citations used to charge municipal civil infraction violations shall be in a format as allowed by state law.

Section III. Descriptions and Sanctions:

1) A description of the claimed ordinance being violated, the location of the violation, the date of the violation, and the possible remedies to avoid civil penalties will be forwarded to the person or persons in violation of a Township ordinance

2) That a fine, per violation, will be enforced and shall not be less than \$100 per day and not to exceed \$2500 per offence. A new violation will be imposed every additional day the violation is not remedied. These fines are at the discretion of the Court, plus reimbursement for all administrative, attorney, and prosecution related expenses and fees. The claimed respondent is also subject to the injunctive powers of said Court so as to allow Grant Township action relative to either clean-up, towing, storage, or other enforcement actions as needed in order to address the claimed violation, and place said costs upon the concerned tax rolls of the Township and/or place a lien thereon, for purposes of collection.

Section IV. Civil Infraction Enforcement Officer:

- 1) The Township Board is hereby authorized to appoint by way of resolution, a person or persons as Civil Infraction Enforcement Officer for such term or terms as may be designated in said resolution for the purpose of carrying out the duties and responsibilities specified by this ordinance as an "authorized official" that is charged with enforcement of the Township ordinances. The Township Board may further, by motion or resolution, remove any person from such office, at the discretion of the Board.

- 2) An appointed Civil Infraction Enforcement Officer or a local Police Officer is authorized to enforce all provisions of this ordinance, whether or not any particular provision of a Township ordinance specifies or designates a different enforcing official. Where a particular officer is designated in any ordinance provision, that officer's authority shall continue in full force and effect, and shall not be diminished or impaired by the terms of this sanction, and authority of the Civil Infraction Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer.

Section V. Procedures for Persons Electing Not to Respond to Municipal Notice of Violation:

Citations for civil infraction, when proceeding civilly, shall be, after the relevant notice period, further enforced by filing same

with the 8J51 District Court of the County of Iosco. This method of addressing the claimed violation as set forth within the notice and/or citation, shall be cumulative to all other powers that the Township may have to remedy same.

Section VI. Election of Remedies: The method of civil infraction as a means to address claimed violations shall be cumulative to any other legal remedies the Township may have.

Section VII. Effect: The provisions of this Ordinance are hereby ordered to take effect immediately upon publication in the manner as prescribed by law.

Section VIII. Severability: The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section IX. Repeal: This ordinance shall repeal any and all civil infraction ordinances previously enacted by the Township of Grant

Section X. Conflicting Laws: If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

This ordinance shall repeal all previous Civil Infraction Ordinances as may have been adopted by the Township of Grant.

Ordinance Number _____

Motion to approve made by _____

Motioned seconded by _____

Members voting in the affirmative _____

Members voting in the negative _____

Date of approval _____

Date of public hearings _____

Date of publication (summary of ordinance) _____

Effective date of ordinance _____

SIGNED

Township Supervisor _____

Township Clerk _____

