

HEATH TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 68

ADOPTED: MAY 14, 2007

EFFECTIVE: JULY 1, 2007

An Ordinance to amend certain specified Heath Township Ordinances so as to make violations thereof a municipal civil infraction; to provide sanctions for violation of said ordinances; to designate violations of the State Construction Code and the various nationally recognized codes adopted pursuant thereto as adopted and enforced by Heath Township, Allegan County, Michigan as municipal civil infractions; to provide sanctions for violation(s) thereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF HEATH
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I
AMENDMENT OF THE HEATH TOWNSHIP LITTER ORDINANCE

Section IV of the Heath Township Litter Ordinance, as amended, is hereby amended to read, in its entirety, as follows:

“Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$100.00	\$500.00
-2 nd Offense*	\$250.00	\$500.00
-3 rd Offense*	\$350.00	\$500.00
-4 th or More Offense*	\$500.00	\$500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, incurred by the Township in connection with the civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with the ordinance. Each day that a violation exists shall constitute a separate offense.”

SECTION II
DESIGNATION OF VIOLATIONS OF STATE CONSTRUCTION
CODE AS MUNICIPAL CIVIL INFRACTIONS

Heath Township as the administering and enforcing agency for 1972 PA 230, as amended, hereby designates violations of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan as municipal civil infractions, as authorized by 1972 PA 230, as amended, being MCL 125.1523(3).

SECTION III
PENALTIES FOR VIOLATION OF STATE CONSTRUCTION CODE
AND OTHER NATIONALLY RECOGNIZED CODES ADOPTED
BY REFERENCE THERETO

Heath Township, as the administering and enforcing agency for 1972 PA 230, as amended, hereby sets forth penalties for violation of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized Codes adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan; by amending the respective “penalty” provision in each to read as follows:

“Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$125.00	\$500.00
-2 nd Offense*	\$275.00	\$500.00
-3 rd Offense*	\$350.00	\$500.00
-4 th or More Offense*	\$500.00	\$500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Heath Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of the ordinance.”

SECTION IV
AMENDMENT OF HEATH TOWNSHIP VEHICLE STORAGE AND REPAIR ORDINANCE

Section VI of the Heath Township Vehicle Storage and Repair Ordinance is hereby amended to read in its entirety as follows:

“Violation and Penalty

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$100.00	\$500.00
-2 nd Offense*	\$250.00	\$500.00
-3 rd Offense*	\$350.00	\$500.00
-4 th or More Offense*	\$500.00	\$500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, incurred by the Township in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with the ordinance. Each day that a violation exists shall constitute a separate offense.”

SECTION V
AMENDMENT OF THE HEATH TOWNSHIP SALVAGE YARD
ORDINANCE

Section VII.C. of the Heath Townships Salvage Yard Ordinance, Ordinance No. 25, as amended, is hereby amended to read in its entirety as follows:

“C. Municipal Civil Infraction Penalties and Fine Schedule. Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$100.00	\$500.00
-2 nd Offense*	\$250.00	\$500.00
-3 rd Offense*	\$350.00	\$500.00
-4 th or More Offense*	\$500.00	\$500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, incurred by the Township in connection with the civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with the ordinance. Each day that a violation exists shall constitute a separate offense.”

SECTION VI
SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the

Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION VII
REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

SECTION VIII
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

Sheila Meiste, Clerk
Heath Township
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