

TOWNSHIP OF SCHOOLCRAFT
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 207

ADOPTED: SEPTEMBER 17, 2001

EFFECTIVE: SEPTEMBER 27, 2001/OCTOBER 27, 2001

ORDINANCE REPEALING ORDINANCE NOS. 56, AND 10(B);
AMENDING ORDINANCE NOS. 113, 149, 150, 153, 154, AND 32
WITH REGARD TO VIOLATIONS AND ENFORCEMENT

An Ordinance to repeal Ordinance No. 56 (Refuse Bins) and Ordinance No. 10(B) (Waste Conservation); and to amend Ordinance Nos. 113, 149, 150, 153, 154 and 32 converting violations of said Ordinances to municipal civil infractions and otherwise amending said Ordinances with regard to violations and enforcement.

THE TOWNSHIP OF SCHOOLCRAFT
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION 1

REPEAL OF ORDINANCE NO. 56 (REFUSE BINS ORDINANCE)

Schoolcraft Township Ordinance No. 56 (Refuse Bins Ordinance) adopted January 10, 1978 is hereby repealed in its entirety.

SECTION 2

REPEAL OF ORDINANCE NO. 10(B) (WATER CONSERVATION ORDINANCE)

Schoolcraft Township Ordinance No. 10(B) (Water Conservation Ordinance) adopted February 12, 1963 is hereby repealed in its entirety.

SECTION 3

AMENDMENT OF ORDINANCE NO. 113 (STATE CONSTRUCTION CODE ORDINANCE) WITH RESPECT TO VIOLATIONS AND ENFORCEMENT

Schoolcraft Township Ordinance No. 113 (State Construction Code Ordinance) adopted May 10, 1988 is hereby amended to revise the phrase "criminal penalties" in the preamble paragraph of said Ordinance to instead read "civil sanctions"; and Section V of said Ordinance is hereby amended to revise said section in its entirety to read as follows:

"VIOLATION OF ORDINANCE; SANCTIONS AND ENFORCEMENT

1. Any person or corporation, including an officer, director, or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, who does any of the following commits a violation of this Ordinance:
 - (a) knowingly violates the State Construction Code Act [MCL 125.1501 et seq/MSA 5.2949(1) et seq] or any provision of the State Code promulgated thereunder and adopted herein, or a rule for the enforcement of said Act or Code.
 - (b) knowingly constructs or builds a structure or building in violation of a condition of a building permit.
 - (c) knowingly fails to comply with an order issued by an enforcing agency, a construction board of appeals, a board, or the State Construction Code Commission pursuant to the State Construction Code Act, including the failure to comply with a stop construction order validly issued by an enforcing agency.
 - (d) knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the State Construction Code Commission.
 - (e) knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building, or structure pursuant to the State Construction Code Act.
 - (f) unreasonably interferes with an authorized inspection.

- (g) knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of the State Construction Code Act or a rule promulgated under said Act or other applicable laws.
 - (h) having a duty to report violations of the State Construction Code Act or a rule promulgated under the Act or other applicable laws, knowingly conceals a violation.
 - (i) in any other manner violates a provision of the Code adopted herein.
2. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$150.00	---
--- 2nd offense	325.00	---
--- 3rd or subsequent offense	500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction.

- 3. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall also constitute a basis for such judgment, writ, or order necessary to enforce the Ordinance, in addition to any other relief or sanction allowed by law.
- 4. Each day that a violation exists shall constitute a separate offense, except as may be otherwise specified by Section 23 of the State Construction Code Act (MCL 125.1523/MSA 5.2949(23)).
- 5. This Ordinance shall be enforced by the Building Official and authorized Ordinance Enforcement Officers of Schoolcraft Township, and by such other person or persons as the Township Board may designate."

SECTION 4

AMENDMENT OF ORDINANCE NO. 149 (LITTER ORDINANCE) AND ORDINANCE NO. 150 (MOTOR VEHICLE STORAGE AND REPAIR ORDINANCE) AND ORDINANCE NO. 154 (WEED CONTROL ORDINANCE)

Schoolcraft Township Ordinance No. 149 (Litter Ordinance) adopted October 12, 1993, Schoolcraft Township Ordinance No. 150 (Motor Vehicle Storage and Repair Ordinance) adopted October 12, 1993, Schoolcraft Township Ordinance No. 154 (Weed Control Ordinance) adopted December 14, 1993, are each hereby amended to revise the words "criminal penalties" or "penalties" in the preamble paragraph or elsewhere in each of said Ordinances to instead read "civil sanctions" and "sanctions", respectively.

Section VI.A. of said Ordinance No. 149, Section VII.A. of said Ordinance No. 150, and Section VI.A. of said Ordinance No. 154, are also hereby amended to revise said provisions in their entirety to each read as follows:

"VIOLATIONS AND ENFORCEMENT

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- b. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- c. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction."

SECTION 5

AMENDMENT OF ORDINANCE NO. 153 (DANGEROUS BUILDINGS ORDINANCE) AND ORDINANCE NO. 32 (ANTI-NOISE ORDINANCE) WITH RESPECT TO VIOLATIONS AND ENFORCEMENT

Schoolcraft Township Ordinance No. 153 (Dangerous Buildings Ordinance) adopted December 14, 1993, and Schoolcraft Township Ordinance No. 32 (Anti-Noise Ordinance) adopted July 11, 1972, are each hereby amended to revise the words "criminal penalties" or "penalties" in the preamble paragraph or elsewhere in each of said Ordinances to instead read "civil sanctions" and "sanctions", respectively.

Section VIII of said Ordinance No. 153, and Section 4 of said Ordinance No. 32, are also hereby amended to revise said provisions in their entirety to each read as follows:

"VIOLATIONS AND ENFORCEMENT"

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- b. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and

prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- c. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- d. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Schoolcraft Township, and by such other person or persons as the Township Board may designate."

SECTION 6

EFFECTIVE DATE/SAVINGS CLAUSE

This Ordinance shall take effect 30 days after publication as required by law, except Sections 1 and 2 herein which shall take effect upon publication; provided that any proceedings pending on the effective date of this Ordinance, including prosecutions for violations, shall not be precluded by this Ordinance and may be continued pursuant to the previous ordinance provisions.

Donald Ulsh, Clerk
Schoolcraft Township