

CHARTER TOWNSHIP OF IRONWOOD
MUNICIPAL CIVIL INFRACTION ORDINANCE

ORDINANCE NO. 48

An Ordinance to establish municipal civil infractions pursuant to Public Act 12 of 1994; to establish a Municipal Civil Infraction Ordinance Violations Bureau; and to set civil penalties for violation of various Township Ordinances.

THE CHARTER TOWNSHIP OF IRONWOOD ORDAINS:

SECTION 1. PURPOSE.

The purpose for adopting this Municipal Civil Infraction Ordinance is to better protect the health, safety and welfare of the residents of Ironwood Township. This Ordinance shall be known as the Ironwood Municipal Civil Infraction Ordinance.

SECTION 2. AMENDMENT OF ORDINANCES.

The following Ironwood Township Ordinances are hereby decriminalized and civil penalties are adopted for same as provided in this Ordinance. The following Ironwood Township Ordinances are hereby amended to read as follows:

Ordinance No 43. - Land Division Ordinance

Penalties and Enforcement. Any person violating any provision of this Ordinance shall be guilty of a municipal civil infraction and shall be punished in accordance with the Township's Municipal Civil Infraction Ordinance. Each day that a violation occurs shall be deemed a separate offense. Imposition of the penalties provided under the Municipal Civil Infraction Ordinance shall not exempt an individual from compliance with this Ordinance. The foregoing shall be in addition to the other rights of the Township to proceed at law or equity for other proper remedies.

Any person who violates any of the provisions of this Ordinance shall also be subject to a civil action seeking invalidation of the land division and appropriate injunctive or other relief.

SECTION 2. ESTABLISHMENT OF MUNICIPAL CIVIL INFRACTION ORDINANCE VIOLATIONS BUREAU.

Pursuant to Section 8396 of the Revised Judicature Act, State of Michigan, as amended by Public Act 12 of 1994, being MCLA 600.8396, et seq., a Municipal Civil Infraction Ordinance Violations Bureau (hereinafter the "Bureau") shall be under the supervision and control of the Township clerk.

SECTION 3. LOCATION OF BUREAU; ADOPTION OF RULES.

The Township clerk shall, subject to the approval of the Township Board, establish a convenient location for the Bureau, appoint a qualified Township employee to administer the Bureau and adopt rules and regulations for the operation thereof.

SECTION 4. NOTICE OF VIOLATION.

The issuance of a notice of violation by an authorized official of the Township shall be deemed an allegation of a Municipal Civil Infraction Ordinance violation. The notice of a violation shall indicate the period of time in which the person to whom the violation was issued must respond before the Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the notice was issued and advise that a Municipal Civil Infraction citation may be issued to the person to whom the notice of violation was issued, if that person fails to respond within the indicated time period.

SECTION 5. DISPOSITION OF OFFENSES.

Any violation not scheduled in this Ordinance shall not be disposed of by the Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau. The person in charge of the Bureau may refuse to dispose of a violation in which case an authorized Township official, having knowledge of the facts, may issue a Municipal Civil Infraction citation.

SECTION 6. VIOLATIONS PROCEDURE.

No violation may be settled at the Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation. No person shall be required to dispose of an Ordinance violation at the Bureau and all persons shall be entitled to have a violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violations at the Bureau shall not prejudice him or her, or in any way diminish the rights, privileges and protections accorded to that person by law.

SECTION 7. SCHEDULE OF MUNICIPAL CIVIL INFRACTION ORDINANCE VIOLATIONS FINES.

A. Unless a different schedule of civil fines is provided for by an applicable Ordinance, any Municipal Civil Infraction Ordinance violation, shall be punishable by the following schedule:

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| First violation within a 3-year period | \$100.00 |
| Second violation under the same Ordinance within a 3-year period | \$250.00 |
| Third violation under the same Ordinance within a 3-year period | \$500.00 |
| Any violation in excess of a third violation under the same ordinance within a 3-year period | \$500.00 |

B. All violators shall be responsible for all costs, including attorney fees and court costs, incurred by the Township for any violation of the Municipal Civil Infraction Ordinance.

SECTION 8. ENFORCEMENT OFFICER.

The enforcement officer for violations of the Municipal Civil Infraction Ordinance shall be as specified in the respective Township Ordinances, shall be the Township Supervisor, and shall be those persons the Township Board may from time to time authorize by appointment, by resolution or motion. The enforcement officer is hereby authorized to enforce the Municipal Civil Infraction Ordinance in its entirety.

SECTION 9. OTHER ENFORCEMENT OPTIONS.

Nothing in this Ordinance shall be deemed to require the Township to initiate its Municipal Civil Infraction Ordinance enforcement activity. The Township may, at its sole discretion, proceed directly with the issuance of a Municipal Civil Infraction citation or take such other enforcement action as is authorized by law.

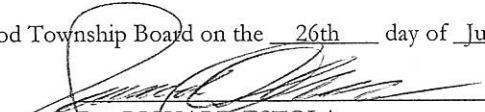
SECTION 10. MISCELLANEOUS.

All Ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect in accordance with applicable law.

Adopted and approved by the Ironwood Township Board on the 26th day of June, 2006.


By: RICHARD ESTOLA
Its: Supervisor

STATE OF MICHIGAN)
)ss
COUNTY OF GOGEBIC)

I hereby certify the attached Ordinance, being the Ironwood Township Municipal Civil Infraction Ordinance No. 48, of the Charter Township of Ironwood, Gogebic County, MI, was duly adopted by the Ironwood Township Board at a regular meeting of the Board held on the 26th day of June, 2006 with the following vote therein:

Yeas: Olson, Partyka, Suutala, Genisot, Salmi, Brunello, and Estola

Nays:

Absent:



GAYLA SALMI
Township Clerk