

**ORDINANCE NO. 20190624-1  
VILLAGE OF SHELBY  
COUNTY OF OCEANA  
STATE OF MICHIGAN**

**AN ORDINANCE TO ESTABLISH SANCTION FOR A MUNICIPAL CIVIL INFRACTION AND THE  
CIVIL FINE AMOUNT**

THE VILLAGE OF SHELBY HEREBY ORDAINS:

Short Title: MUNICIPAL CIVIL INFRACTION SANCTION AND FINE AMOUNT

**Part Two (Administration Code), Chapter 202.99 (General Code Penalty; Complicity; Municipal Civil Infractions) of the Code of Ordinances of the Village of Shelby, Michigan, is hereby added as follows:**

- (a) **General Penalty.** Whenever, in these Codified Ordinances, or in any technical or other code adopted by reference in these Codified Ordinances, or in any rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be charged with a misdemeanor and fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, plus court costs, for each offense, unless a person convicted of violation of this Code which substantially corresponds to a violation of State law that is a misdemeanor for which the maximum period of imprisonment is 93 days shall be punished by a fine not to exceed \$500.00 and costs of prosecution or by imprisonment for a period of not more than 93 days, or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.
- (b) **Municipal Civil Infraction.** The Village Administrator, Village engineer, building official, code enforcement official, police officers, and such other officers, employees and other public servants designated by the Village Administrator are authorized to issue and serve municipal civil infraction notices and citations as authorized by Public Act 236 of 261, as amended. The commission of any violations of these Codified Ordinances that is declared to be a civil infraction or a municipal civil infraction shall subject the violator to a civil penalty as provided by state law for a municipal civil infraction and as determined by the Village Codified Ordinance, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended and other applicable laws.
  - (1) Unless otherwise specifically provided by this Code, the fine for each violation shall be not less than \$100.00 or more than \$200.00.
  - (2) An increased fine shall be imposed for each repeat offense in accordance with the following:
    - a. The fine for any offense that is a first repeat offense shall be not less than \$250.00 nor more than \$400.00.

b. The fine for any second repeat offense or any subsequent repeat offense shall be not less than \$500.00.

i. In addition to all other remedies, the Village may commence and prosecute appropriate actions or proceeding in court to restrain or prevent any noncompliance with or violation of any of the provisions of this Code, or to correct, remedy or abate such noncompliance or violation.

c. In this subsection, the term "repeat offense" means a second or any subsequent municipal civil infraction violation of the same requirement or provision committed by the same person within any 24-month period and for which the person has admitted responsibility or is determined responsible.

(c) Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or of State law, including the enforced removal of prohibited conditions.

(d) Complicity. Every person concerned in the commission of an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried and on conviction shall be punished as if he or she had directly committed such offense.

#### EFFECTIVE DATE

This ordinance shall become effective in the Village of Shelby following the adoption by the Village Council and upon publication.

We hereby certify that the foregoing Ordinance was adopted on the Second Reading by the Village of Shelby Council on June 24, 2019.

Adopted: 10-04 2019  
Published: 7-3 2019  
Effective: 7-13 2019

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Shelby, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Shelby, at a regular meeting of the Village Board on the 24 day of June, 2019, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: June 24, 2019

Crystal Budde  
Crystal Budde, Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**VILLAGE OF SHELBY  
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on June 24, 2019, the Village Board of the Village of Shelby amended Part Two (Administration Code), Chapter 202.99 (General Code Penalty; Complicity; Municipal Civil Infractions) of the Code of Ordinances of the Village of Shelby, Michigan, summarized as follows:

1. Make the "General Penalty" subsection (a).
2. Explain under subsection (a) that any penalty not specified in the Code shall be determined a "misdemeanor."
3. Add under subsection (a) that a violation that substantially corresponds to a State law misdemeanor may be punished by that state law maximum penalty of 93-day imprisonment and/or \$500 fine.
4. Add "Municipal Civil Infraction" as subsection (b) which explains who may issue a municipal civil infraction, the amount of civil fines, and repeat offenses.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the Village Clerk in the Village Hall, 218 N. Michigan Avenue, Shelby, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

Published: July 3, 2019

VILLAGE OF SHELBY

By Crystal Budde  
Crystal Budde  
Village Clerk

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PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE