

Ordinance No: 2020-02

Village of Mesick Civil Infraction Ordinance

AN ORDINANCE TO ESTABLISH THE AUTHORITY AND PROCEDURES FOR THE ISSUANCE OF MUNICIPAL CIVIL INFRACTION CITATIONS; AND TO PROVIDE GENERALLY FOR PENALTIES AND SANCTIONS FOR MUNICIPAL CIVIL INFRACTION VIOLATIONS.

THE VILLAGE OF MESICK HEREBY ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

"Authorized local official" means the Ordinance Enforcement Officer or any personnel of the Village authorized by this or any other ordinance of the Village to issue municipal civil infraction citations or municipal civil infraction violation notices.

"Municipal Civil Infraction" means an act or omission that is prohibited by this or any other ordinance of the Village, but which is not a crime under this or such other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961 and Act 3 of the Public Acts of 1895, as amended (Act). A municipal civil infraction is not a lesser included offense of any violation of any other Village Ordinance that is a criminal offense.

"Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal Civil Infraction Citation" means a written complaint or notice prepared by an authorized local official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Section 2. Municipal Civil Infraction Action; Commencement; Dismissal.

A municipal civil infraction action may be commenced upon the issuance by an authorized local official of (1) a municipal civil infraction citation directing the alleged violator to appear in court.

Section 3. Municipal Civil Infraction Citations; Issuance and Service.

Municipal civil infraction citations shall be issued and served by an authorized local official in accordance with the provisions of Chapter 87 of the Revised Judicature Act, Act 236 of the Public Acts of 1961, as amended [MCL 600.8701, et seq].

Section 4. Penalties and Sanctions.

Unless provided otherwise in a specific ordinance, and except as provided in Subsection B, below, for fines for municipal civil infraction violation notices, the sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided below, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Revised Judicature Act, Act 236 of the Public Acts of 1961, as amended [MCL 600.8701, et seq], and other applicable laws.

1. Unless otherwise specifically provided for a particular municipal civil infraction violation by any other Village ordinance, the civil fine for a violation shall be not less than \$100.00, plus costs and other sanctions, for each infraction
2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this or any other Village ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal infraction violation of the same requirement or provision (i) committed by a person within any twelve-month period (unless some other period is specifically provided by this or any other Village ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this or any other Village ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a repeat offense shall be no less than \$200.00, plus costs.
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$300.00, plus costs.

This schedule of fines may be amended from time to time by a resolution adopted by the Village Council.

A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this or any other Village ordinance; and any omission or failure to act where the act is required by this or any other Village ordinance.

Each day on which any violation of this or any other Village ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this or any other Village ordinance.

Section 5. Prior Ordinances.

All prior ordinances, or parts thereof, in conflict with the terms of this ordinance are deemed rescinded.

Section 6. Severability.

Each provision of this ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable, shall not affect the validity or enforceability of any other article, section, subsection or provision hereof.

Section 7. Effective Date.


This Ordinance shall become effective upon publication in accordance with law.

CERTIFICATE OF VILLAGE CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Mesick, County of Wexford, State of Michigan, at a regular meeting held on _____, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the President and the Village Clerk.

Dated: 14/Oct, 2020


Deborah E. Stanton
Village Clerk