

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 76
Adopted February 9, 1995

AN ORDINANCE TO AMEND ORDINANCE NOS. 6, 20, 25, 26, 38, 40, 57, 58, 67 and 74 OF CHIKAMING TOWNSHIP, BERRIEN COUNTY, MICHIGAN, TO PROVIDE CIVIL SANCTION PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL SECTIONS OF SAID ORDINANCES IN CONFLICT HEREWITH.

CHIKAMING TOWNSHIP, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Section 11 of Ordinance No. 6 of Chikaming Township, which was adopted on May 2, 1957; Section 6 of Ordinance No. 20 of Chikaming Township, which was adopted on June 4, 1970; Section 8 of Ordinance No. 38 of Chikaming Township which was adopted on October 11, 1979; Section 4 of Ordinance No. 58 of Chikaming Township, which was adopted on May 17, 1987; and Section 17 of Ordinance No. 67 of Chikaming Township, which was adopted May 14, 1992, are hereby amended to read as follows:

Any person, firm or corporation who violates any of the provisions of this Ordinance, in addition to the other provisions of this Ordinance, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

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

Section 2. Section 7 of Ordinance No. 25 of Chikaming Township, which was adopted on May 3, 1973, is hereby amended to read as follows:

Section 7. Any person or customer who violates any of the provisions of this Ordinance, or any written order of the Chikaming Township Water Department in pursuance thereof, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00)

Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

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

Section 3. Section 122.3 of Section 3 of Ordinance No. 26 of Chikaming Township, which was adopted on October 3, 1974, is hereby amended to read as follows:

Sec. 122.3 Violation penalties: Any person who shall violate a provision of the BOCA Basic Building Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the Basic Code is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

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

Section 4. Section 12.01 of Ordinance No. 40 of Chikaming Township, which was adopted November 19, 1979, is hereby amended to read as follows:

Section 12.01. Any person, firm or corporation who disposes of sewage in a manner contrary to the provisions of this Ordinance, or fails to connect with an available public sewer as provided herein, or violates the provisions of this Ordinance in any way other than non-payment of fees and charges, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

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

Section 5. Section 3 of Ordinance No. 57 of Chikaming Township, which was adopted on May 14, 1987, is hereby amended to read as follows:

Section 3. Any person who assists, aids, allows, permits or encourages any minor under the age of eighteen (18) years to violate the provisions of Section I hereof is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

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

Section 6. Section 3 of Ordinance No. 74 of Chikaming Township, which was adopted on March 10th, 1994, is hereby amended to read as follows:

Section 3. From and after the effective date of this Ordinance it shall be unlawful for any unauthorized person to tamper with, disturb, adjust, turn off, turn on, remove, disassemble, destroy or damage any water shut off valve, water meter or any other appurtenance of said water system. Any person, firm or corporation who violates this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (i) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

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

Section 7. Validity. If any provisions of this Ordinance is found invalid by a court of competent jurisdiction, it shall not affect the validity of any other section or provision herein.

Section 8. Enactment. This ordinance was enacted on the 9th day of February, 1995, by the Chikaming Township Board and ordered to be published in the Southcounty Gazette on the 16th day of February, 1995, being within thirty (30) days of its enactment and ordered to be made effective on the 11th day of March, 1995, being thirty (30) days after publication thereof.

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Chikaming Township

Attest:

Harold J. Gilmore, Supervisor
Chikaming Township

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 76, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 9th day of February, 1995. I further certify that Dudeck moved the adoption of said ordinance and Gibson supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Gibson	<u>X</u>	_____	_____	_____
Zimmerman	<u>X</u>	_____	_____	_____
Simmons	<u>X</u>	_____	_____	_____
Dudeck	<u>X</u>	_____	_____	_____
Gilmore	<u>X</u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 10th day of February, 1995, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 16th day of February, 1995.

Dated: February 10, 1995

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming