

**PORTER TOWNSHIP
CASS COUNTY, MICHIGAN**

ORDINANCE NO. 12-11-18-02

ADOPTED: December 11, 2018

EFFECTIVE: February 1, 2019

An Ordinance to designate violations of the State Construction Code and the various nationally recognized codes adopted pursuant thereto as adopted and enforced by Porter Township, Cass County, Michigan as municipal civil infractions; to provide sanctions for violation(s) thereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF PORTER
CASS COUNTY, MICHIGAN**

ORDAINS:

SECTION 1
PURPOSE

Pursuant to the provisions of the Single State Construction Code Act, being Act 230 of the Public Acts of 1972, as amended, the Township of Porter has assumed responsibility for the administration and enforcement of the State Construction Code and the nationally recognized codes which comprise the same as incorporated by reference or pursuant to an administrative rule adopted thereunder. The purpose of this Ordinance is to designate violation of the State Construction Code and the nationally recognized codes comprising the same as municipal civil infractions as permitted by MCL 125.1523(3), as amended.

SECTION 2
VIOLATION

Any violation of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized Code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan; or any part of the same shall be deemed to constitute a municipal civil infraction as authorized by 1972 PA 2003, being MCL 125.1523(3).

SECTION 3
DESIGNATION AS MUNICIPAL CIVIL INFRACTION

Porter Township as the administering and enforcing agency for 1972 PA 230 hereby designates violations of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan municipal civil infractions as authorized by 1972 PA 230, as amended, being MCL 125.1523(3).

SECTION 4
PENALTIES

Porter Township, as the administering and enforcing agency for 1972 PA 230, as amended, hereby sets forth penalties for violation of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized Codes adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan; by amending the respective "penalty" provision in each as follows:

"Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$ 150.00	\$ 500.00
-2 nd Offense*	\$ 250.00	\$ 500.00
-3 rd Offense*	\$ 375.00	\$ 500.00
-4 th or More Offense*	\$ 500.00	\$ 500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Porter Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate

remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.”

SECTION 5
SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION 6
REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

SECTION 7
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

PORTER TOWNSHIP
Beth Russell, Clerk
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