

109.000

**ORDINANCE ENFORCEMENT AGENCY  
AND**

**DECRIMINALIZATION ORDINANCE**  
ADOPTED JUNE 9, 1998, AMENDED MAY 11, 1999

109.001

**ORDINANCE ENFORCEMENT OFFICER** An Ordinance to establish the office of Ordinance Enforcement Officer; to prescribe the duties of said office; to authorize the township Board to appoint persons to said office; and to amend any ordinances of the Township which conflict with the provisions hereof.

**THE TOWNSHIP OF PORTER ORDAINS:**

109.002

**ORDINANCE ENFORCEMENT OFFICER** The office of the Porter Township Ordinance Enforcement Officer is hereby established.

109.003

**APPOINTMENT** The Township Board is hereby authorized to appoint by motion or resolution any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said motion or resolution and for such compensation as the Township Board may determine. The Township Board may further; by motion or resolution, remove any person from said office, in the discretion of the Township Board.

109.004

**AUTHORITY** The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different enforcing official or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this Ordinance, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Township Board.

109.005

**DUTIES** The Ordinance Enforcement Officer's duties shall include the following; investigation of ordinance violations; issuing and serving ordinance; issuing and serving appearance tickets as authorized under 1968 Public Act 147, as amended (MCL 764-9c); issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under 1994 Public Act 12, as it may from time to time be amended (MCL 600.8701 et.seq.); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the Township Board, or assigned by the Township Attorney.

109.006

**SEVERABILITY** 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.

**109.007 SUPPLEMENTARY EFFECT** All ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.

**109.008 PENALTIES MUNICIPAL CIVIL INFRACTION.** The words “municipal civil infraction” means an act or omission that is prohibited by this Code or any ordinance of the township, but which is not a crime under this Code or 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, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

**GENERAL PENALTIES AND SANCTIONS FOR VIOLATIONS OF CODE AND TOWNSHIP ORDINANCES; CONTINUING VIOLATIONS.**

(a) Unless a violation of this Code or any ordinance of the Township is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(b) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this Code or any ordinance.

(c) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any 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.

(d) Any person or other entity that violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$50.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

(e) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a

person within any six (6) month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violations, the increased fine for a repeat offense shall be as follows:

- (1) The fine for any offense which is a first repeat offense shall be not less than \$150.00 plus costs.
- (2) The fine for any second repeat offense shall be not less than \$350.00, plus costs.
- (3) The fine for any third repeat offense shall be not less than \$500.00, [plus costs.
- (4) A “violation” includes any act which is prohibited or made or declared to be unlawful for an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.
- (5) Each day on which any violation of this code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

**109.009 REPEALER** The following sections of the Porter Township Ordinance are repealed.

- (1) Section 40.000 NO WAKE ORDINANCE Ord. No. 17  
The penalty paragraph is deleted and is replace by Section 2.003
- (2) Section 41.000 VESSELL SPEED; COVERDALE LAKE Ord No. 1, 1972  
The penalty paragraph is deleted and is replaced by Section 2.003
- (3) Section 50.000 BOAT REGULATIONS ORDINANCE Ord. No. 18  
The penalty paragraph is deleted and is replaced by Section 2.003.
- (4) Section 91.000 BURNING ORDINANCE Ord. No. 20  
The penalty paragraph is deleted and is replaced by Section 2.003
- (5) Section 103.000 BUILDING CODE; ENFORCING AGENCY Ord. No. 2  
The penalty paragraph is deleted and is replaced by Section 2.003
- (6) Section 111.1800 OF THE ZONING ORDINANCE  
The penalty paragraph is deleted and is replaced by Section 2.003
- (7) Section 111.1803 OF THE ZONING ORDINANCE  
Section 3 Part a. Zoning Enforcement Officer; Part b Appointment; Part c Duties This section is deleted and replaced by this Ordinance.

**109.010 SEVERABILITY** 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.

**109.011 SUPPLEMENT EFFECT** All ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.