

**NEW BUFFALO TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

CIVIL INFRACTION ORDINANCE

AN ORDINANCE TO AMEND CERTAIN ORDINANCES OF THE TOWNSHIP TO DECRIMINALIZE VIOLATIONS THEREOF BY MAKING SUCH VIOLATIONS CIVIL INFRACTIONS RATHER THAN CRIMINAL MISDEMEANORS; AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN ORDINANS:

SECTION 1. TITLE

This Ordinance shall be known, referred to, or cited as the “Civil Infraction Ordinance”.

SECTION 2. PURPOSE

The purpose to this Ordinance is to decriminalize violations of certain ordinances of the Township by making violations of such ordinances municipal civil infractions rather than criminal misdemeanors.

SECTION 3. AMENDMENT PROVISION

The following penalty provisions of the following Ordinance of the Township of New Buffalo, Berrien County, Michigan:

- Next to last paragraph of Land Division Ordinance (No. 690610)
- First paragraph of Section IV of Litter and Debris Ordinance (No. 690612-01)
- Section 5 of Anti-Noise and Public Nuisance Ordinance (No. 690612-02)
- Section 6 of Dangerous and Unsafe Building Ordinance (No. 691211)
- First sentence of last paragraph of Section 12 of Ordinance Regulating Outdoor Assembly (No. 720711)
- First paragraph of Section 9 of Swimming Pool Ordinance (No. 730614)
- Section 13.01 of Sewer and Sewage Disposal Ordinance (No. 760221)
- Section 2 of Article VII of Sewer Use Ordinance (No. 780620)
- Section 117.4 of State Construction Code Ordinance [BOCA Basic National Building Code] (No. 880816)
- Section 7 (d) of Private Road Ordinance (No. 900717)
- Paragraph entitled “Penalties for Violations” of Private Gate Ordinance (No. 971117)

Are amended by deleting said provisions and replacing them in their entirety with provisions which shall read in their entirety as follows:

“SANCTIONS FOR VIOLATIONS”

- A. **Civil Fines.** Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal civil infraction. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to payment of a civil fine of not less than Twenty-Five (\$25.00) Dollars or more than Five Hundred (\$500.00) Dollars for each infraction. Repeat offenses or infractions shall be subject to an increased civil fine as established by the Municipal Ordinance Violations Ordinance, being Ordinance No. 960819.
- B. **Costs.** In addition to the foregoing civil fine, the violator shall pay costs, which include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall cost of less than \$9.00 or more than \$500.00 be ordered.
- C. **Violators Included.** The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation shall be considered to be a violator and such person may each be charged and found responsible for a separate civil infraction and suffer the sanctions herein provided.
- D. **Separate Violations.** Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- E. **Additional Remedies.** Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

SECTION 4. REPEALER PROVISION

Those provisions of the Township’s Ordinance described in Section 3 hereof which are in conflict with the amendments made in said section are, to the extent of such conflict, hereby repealed, modified or amended, subject to the qualifications stated in the “Savings Provision” of Section 6 hereof, as of the date this Ordinance becomes effective. All other provisions of said Ordinance, which are not repealed, modified, or amended by this Ordinance, shall remain as is and be in full force and effect.

SECTION 5. SEVERABILITY

If any provision, section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or inoperative by a court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6. SAVINGS PROVISION

This Ordinance shall in manner affect pending litigation, either civil or criminal, founded upon or growing of any ordinance, resolution, order, or parts thereof, hereby repealed; and this Ordinance shall in no manner affect any right, claims, privileges, immunities, or causes of action of the Township, County, or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

SECTION 7. EFFECTIVE DATE

The provisions of this Ordinance shall take effect and be in force from and after 30 days after publication of this Ordinance.

SECTION 8. PUBLICATION

This Ordinance is ordered to be given publication in a manner prescribed by law.

SECTION 9. ADOPTION DATE

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of New Buffalo, Berrien County, Michigan at a special meeting held on the twenty third day of November, A.D., 1998, and is ordered to be given publication in the manner prescribed by law.

MOTION TO ADOPT ORDINANCE

Motion by Melendy and supported by Rahm that the foregoing Ordinance be adopted.

Roll Call Vote:

Ayes: Jacobs, Melendy, Rahm, Conway

Nays: None

Absent: Prusa

Ordinance declared ADOPTED November 23, 1998.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Civil Infraction Ordinance, which was duly adopted by the Township Board of the Township of New Buffalo, Berrien County, Michigan, on November 23, 1998, and said Ordinance, was published in the New Buffalo Times on December 2, 1998.

Collen Melendy
New Buffalo Township Clerk