

**COVERT TOWNSHIP
VANBUREN COUNTY, MICHIGAN**

ORDINANCE NO: 94

ADOPTED: APRIL 18, 2017

EFFECTIVE: MAY 21, 2017

MUNICIPAL CIVIL INFRACTION CONVERSION ORDINANCE

An ordinance to amend certain specified Covert Township Ordinances so as to make violation thereof a municipal civil infraction, to provide sanctions for violations thereof, and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE TOWNSHIP OF COVERT
VANBUREN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AMENDMENT TO COVERT TOWNSHIP ORDINANCE NO. 24

Section 5.2 "Penalty" of Covert Township Ordinance No. 24, "Sanitary Sewer Connection" is hereby amended to read in its entirety as follows:

"Sec. 5.2 Penalty

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- b. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- c. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- d. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1st Offense within 3-year period*	\$ 150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 2

AMENDMENT TO ORDINANCE NO. 26

Article IX "Penalties", Section 90.3 "Penalty" of Covert Township Ordinance No. 26, "Sanitary Sewer Connection and Use" is hereby amended to read:

"Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law, including but not limited to any emergency response cost.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 3

AMENDMENT TO COVERT TOWNSHIP ORDINANCE NO. 40

Section 12 "Violation, Penalty" of Covert Township Ordinance No. 40 "Junkyard Ordinance" is hereby amended to read in its entirety as follows:

"12. Violation, Penalty.

Any person, firm, association, partnership, corporation or governmental entity who 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
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 4

AMENDMENT TO COVERT TOWNSHIP ORDINANCE NO. 41

Section IX "Penalties and Enforcement" of Covert Township Ordinance No. 41, "Land Division" is hereby amended to read in its entirety as follows:

"Sec. IX. Penalties and Enforcement.

Any person, firm, association, partnership, corporation or governmental entity who 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
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 5

AMENDMENT TO COVERT TOWNSHIP ORDINANCE NO. 54

Section 16 "Misdemeanor, Separate Penalties" of Covert Township Ordinance No. 54, "Rental Property" is hereby amended to read in its entirety as follows:

"Sec. 16. Violation and Penalty.

Any person, firm, association, partnership, corporation or governmental entity who 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
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 6

AMENDMENT TO COVERT TOWNSHIP ORDINANCE NO. 72

Section 19 "Penalty" of Covert Township Ordinance No. 72, known as the "Public Water Service Ordinance" is hereby amended to read in its entirety as follows:

"Section 19. Violation and Penalty

- A. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- B. Any person, firm, association, partnership, corporation or governmental entity who 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
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 7

AMENDMENT TO COVERT TOWNSHIP ORDINANCE NO. 39

Section 7 "Penalties" of Covert Township Ordinance No. 39, "Noise" is hereby amended to read in its entirety as follows:

"Sec. 7. Penalties.

Any person, firm, association, partnership, corporation or governmental entity who 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
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*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, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 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, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense."

SECTION 8
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 part thereof other than the part so declared to be invalid.

SECTION 9
REPEAL OF CONFLICTING ORDINANCES AND SAVINGS CLAUSE

All Ordinances and 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 10
EFFECTIVE DATE

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

COVERT TOWNSHIP
Daywi Cook, Clerk
P. O. Box 35
Covert, MI 49043
269-764-8986
www.coverttwp.com

BAUCKHAM, SPARKS, THALL, SEEBER & KAUFMAN P.C.

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April 19, 2017

Daywi Cook, Clerk
Covert Township
P. O. Box 35
Covert, MI 49043-0035

RE: Ordinance No. 94

Dear Daywi:

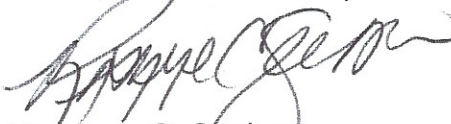
I am enclosing the original of Ordinance No. 94 as adopted on April 18, 2017, along with the Notice of Adoption of Ordinance which will be published in the Herald Palladium on Friday, April 21, 2017.

I am also enclosing a partially completed Clerk's Certificate for the Ordinance to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter.

Should you have any questions in this regard, please do not hesitate to contact me.

Very truly yours,

**BAUCKHAM, SPARKS, THALL,
SEEBER & KAUFMAN, P.C.**



Roxanne C. Seeber

RCS/ser
Enclosure

CLERK'S CERTIFICATE

I, Daywi Cook, the Clerk of Covert Township, Van Buren County, Michigan, do hereby certify that at a regular meeting of the Covert Township Board held on April 18, 2017, at the Covert Township Hall, at which the following members were present, the Board enacted and passed Ordinance No. 94, hereinbefore recorded, to become effective on the 21st day of May, 2017. Motion was offered by L. Taylor, supported by M. Rendell to adopt the Ordinance. The members of the board voted as follows:

Palgen - Aye
Cook - Absent
Harrington - Aye
Rendell - Aye
Taylor - Aye

I do further certify that in accordance with Township Board direction, a summary of the Ordinance was published in a newspaper of general circulation in Van Buren County, Michigan, and circulated in Covert Township on the 21st day of April, 2017; including where the same could be examined or purchased and that said Ordinance No. 94 was recorded in this Ordinance Book on the 24 day of April, 2017.

Dated: 4/24/17

Daywi Cook
Daywi Cook, Clerk
Covert Township