

-09 dm.
AMENDMENT 99-06 TO
ORDINANCE 61-01

Section 3 of Ordinance 61-01 is hereby amended to read as follows:

Any person, firm, association, corporation, or other entity violating any of the provisions of this regulation shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine for each violation in accordance with the schedule set forth herein, along with costs, which may include all expenses, direct and indirect, to which Onekama Township has been put in connection with the municipal civil infraction.

In no case, however, shall costs of less than \$10 or more than \$500 be ordered. A violator of this regulation shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation continues to exist shall constitute a separate violation of this Regulation. Provisions of this Regulation may also be enforced by suit for injunctive relief.

Civil Fines for Municipal Infractions

	Fine
1 st violation within 3 year period	\$100.00
2 nd violation within 3 year period	\$200.00
3 rd violation within 3 year period	\$300.00
4 th or subsequent violation within 3 year period*	\$400.00
*determined on the basis of the date of the violation(s)	

This Amendment No. 99-06 to Ordinance 61-01 shall take effect 30 days after publication.

THOSE VOTING IN FAVOR: David Meister, Helen Mathieu, Tina Garwood, Harold Sorenson, Blanche Miller

THOSE VOTING AGAINST: 0

THOSE ABSENT OR ABSTAINING: 0

ORDINANCE AMENDMENT DECLARED PASSED


Helen Mathieu, Clerk

CERTIFICATION

I, Helen Mathieu, Clerk, Township of Onekama, Manistee County, Michigan, do hereby CERTIFY that the above is a true and correct copy of the Ordinance as adopted by the Onekama Township Board at a regular meeting held on the 3rd day of August 1999.


Helen Mathieu, Clerk

ONEKAMA TOWNSHIP**POLICY for CIVIL INFRACTION ENFORCEMENT**

The following is the procedure that should be used when citing violations of those township ordinances that are enforceable as municipal civil infractions:

STEP ONE.

Where reasonable cause exists to believe that a violation of a township ordinance has occurred, (whether based on personal observation by the enforcement officer or by written complaint of a witness), an in person contact should be made with the property owner or alleged violator, or appropriate representative, to notify them of the apparent violation and inform them what needs to be done to correct the violation. The meeting should be informal and the property owner given a written notice indicating a reasonable amount of time to come into compliance with the ordinance. The time allowed for correction may be 14 to 30 days or even longer depending upon the corrections needed.

There are instances when this notice must be by mail because the property owner or appropriate representative is not located in the area. (A sample letter for this first notice can be found at the end of this policy statement.)

STEP TWO.

If the violation is not corrected within a reasonable amount of time, a formal written warning should be sent to the property owner through certified mail. This would be done to document that the property owner was notified and when they received the notice. The formal notice would give a 7 day time limit for the property owner to correct the violation as well as explain the penalty provision of the ordinance. (A sample letter for this notice can be found at the end of this policy statement.)

STEP THREE.

If the violation still has not been corrected at the end of this period, a civil infractions ticket would be issued. The ticket should only be issued when no progress toward compliance has been made. If the fines are not paid and the violation not corrected, the District Court should be notified and a citation issued to appear before the Judge.

The overriding goal will always be to secure compliance with the ordinances. The ticket should be the last resort. Tickets may be issued at any point during the process if the situation warrants.

REPEAT VIOLATIONS.

Second violations should be handled as indicated in Step Two. Subsequent violations usually will warrant the issuance of a ticket immediately. These occasions will probably be few, if any.

SAMPLE LETTERS OF NOTIFICATION.

Sample letters to notify property owners of violations follow. These are in the computer system generically and will require the insertion of the specific data regarding the violation.

FILE:MCIPOLICY

ONEKAMA TOWNSHIP

5435 MAIN STREET
P.O. BOX 458
ONEKAMA, MI 49675

Phone (231) 889-3308

Fax (231) 889-5587

FIRST NOTICE OF (insert name) ORDINANCE VIOLATION

(Date)

(insert property owner's address, etc.)

Dear _____,

As required by the Onekama Township (insert name) Ordinance, notice is hereby given that you are in violation of Article __, Section __ of the Onekama Township (insert name) Ordinance .

The violations noted are:

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The following corrective measures should be taken before (insert date when property will be checked again.)

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Should you have any questions about this notice or need additional time to bring the condition into compliance with the Ordinance, please call the township office and arrange an appointment with the (insert name and title of enforcement officer). Thank you for your prompt attention to this matter.

Sincerely,

Name and title of enforcement officer

CC: Distribution as needed

FILE: (ASSIGN VIOLATION FILE NO.)

ONEKAMA TOWNSHIP

5435 MAIN STREET
P.O. BOX 458
ONEKAMA, MI 49675

Phone (231) 889-3308
Fax (231) 889-5587

SECOND NOTICE OF (insert name) ORDINANCE VIOLATION (Sent by registered mail)

(date)

(property owner's address, etc.)

On (month, date, year) you were sent a notice of a violation by (insert name and title of enforcement officer). This violation of the Onekama Township (insert name) Ordinance was located on your property at (address), Property No. 51-11-+++. A copy of that first notice is attached.

A recheck of your property on (m,d,y). at that time it was noted that the corrective measures required by the notice dated (m,d,y) had not been undertaken.

In order to correct this violation, you will need to (repeat corrective measures needed).

Failure to correct this situation could result in the issuance of a civil infractions citation, which may result in fines up to \$ (insert amount. Amount will vary depending upon the ordinance). In addition, each day that this violation continues will be considered a separate violation and subject to additional fines.

The (insert proper enforcement officer) will recheck your property on or about (m,d,y).

You are urged to contact this office immediately if there is a valid reason why corrective action has not been taken. You may call the (insert enforcement officer title and time when calls will be taken) or leave a message with the Township Clerk at the same number when you can be reached by return call. Please take prompt action so that further legal action will not be necessary.

Sincerely,

(name & title of enforcement officer)

Enclosures:

Cc: (as needed, may include township attorney if deemed necessary)

FILE: (ASSIGN FILE NO.)