

TOWNSHIP of GARFIELD
County of Clare, State of Michigan
Garfield Township Ordinance No. 22-15

AN ORDINANCE TO AMEND THE FOLLOWING SECTION OF THE BLIGHT ORDINANCE OF GARFIELD TOWNSHIP OF CLARE COUNTY: SECTION IV OF THE ANTI-BLIGHT ORDINANCE (ORD. 22).

THE TOWNSHIP OF GARFIELD, COUNTY OF CLARE,
STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Repeal of existing Section IV of the Garfield Township Anti-Blight Ordinance.

Existing Section IV, Penalties for Violations, of the Garfield Township Anti-Blight Ordinance (Ordinance 22) is hereby repealed in its entirety.

Section 2. Addition of a new Section IV to the Garfield Township Anti-Blight Ordinance.

A new section, Section IV, is added to the Garfield Township Blight Ordinance (Ordinance 22), immediately following existing Section III, to read in its entirety as follows:

Section IV : Sanctions for Violations

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, 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 \$9 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.

Section 4.01 - Presumption of Civil Infraction

A first violation of the Garfield Township Blight Ordinance shall be deemed to be a municipal civil infraction.

Section 4.02 - Violation and Penalties

A. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:

I. The First Offense. The civil fine for a first offense violation shall be in an amount of Seventy-five Dollars (\$75.00), plus cost and other sanctions, for each offense

B. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this ordinance.

C. Continuing Offense: Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.

D. Remedies Not Exclusive: In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought.

E. Judge or Magistrate: The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

F. Default on Payment of Fines and Costs: A default in the payment of a civil fine, costs, damages or expenses ordered under Subsection A or **B** or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township of Garfield by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, et. Seq. MSA 27A. 101, et seq, as amended.

G. Failure to Comply with Judgment of Order: If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection I.

H. Failure to Appear in Court: A defendant who fails to answer a citation or notice to appear in court for a violation of this ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety (90) days.

I. Civil Contempt

1. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the district court, upon motion of the Township of Garfield or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or

expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30.00) per day.

6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs.
 - a. Defendant is credited with an amount due pursuant to Subsection I (5).
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of Subsection I (6) (a) and (b).

7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection I (6).

J. Second or Subsequent Offenses. Any person, firm, or corporation who violates any of the provisions of this ordinance for a second or subsequent time shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the Township Blight Officer, Ordinance Enforcement Officer and/or Clare County Sheriff's Department, or such other officer as the Township Board may designate, may petition for a court order to cause junk, blighted and structure, building materials, trash or rubbish, any vehicle, trailer, or parts thereof, which violate the provisions of the ordinance to be removed from the premises, impounded and destroyed or sold for junk, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which same are located. Any sums realized on the sale of same may be retained by the township to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of sums remaining after such reimbursement shall be returned to the owner of such a vehicle, trailer or parts thereof.

Section 3. Effective Date:

This ordinance shall become effective thirty (30) days after publication as required by law following adoption by the township board.

Martha Rottiers,
Garfield Township Clerk

I hereby confirm that the foregoing Ordinance was adopted by the Garfield Township Board in a special session held June 22, 2015 and that it was published in the Clare County Review on June 26, 2015.

Martha Rottiers,
Garfield Township Clerk