

**CLIMAX TOWNSHIP**

**KALAMAZOO COUNTY, MICHIGAN**

**CLIMAX TOWNSHIP ORDINANCE NO. 137**

**ADOPTED: October 13, 2009**

**EFFECTIVE: November 29, 2009**

**ORDINANCE TO AMEND VARIOUS ORDINANCES TO DESIGNATE VIOLATIONS  
AS MUNICIPAL CIVIL INFRACTIONS SUBJECT TO SPECIFIED SANCTIONS**

An Ordinance amending several ordinances as specified herein to designate violations as municipal civil infractions, rather than criminal misdemeanors, and indicate the sanctions for such violations.

**THE TOWNSHIP OF CLIMAX**

**KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**AMENDING VARIOUS ORDINANCES TO DESIGNATE VIOLATIONS AS MUNICIPAL  
CIVIL INFRACTION SUBJECT TO SPECIFIED SANCTIONS**

- A. Ordinance No. 98 (Vehicle Storage and Repair Ordinance) adopted January 14, 1986, Ordinance No. 103 (Litter Ordinance) adopted November 10, 1987, and Ordinance No. 112 (Burning Permit and Fire Protection Fees Ordinance) adopted April 9, 1991 (as amended by Ordinance No. 121 adopted April 8, 1997), are each amended as follows:
1. Any reference in the preamble paragraph or elsewhere to a "penalty" or "criminal penalties" is revised to instead indicate "civil sanctions and remedies".
  2. Any reference in the preamble paragraph or elsewhere to "appearance ticket" is revised to instead indicate "citation".
  3. The section pertaining to a "penalty" or "penalty for violation" (Section 6 of Ordinance No. 98; Section No. IV of Ordinance No. 103; Section VII of Ordinance No. 112 as amended by Ordinance No. 121) is completely replaced by the following new section with the applicable section number:

**“VIOLATIONS AND ENFORCEMENT**

- a. Any person 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, consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance.

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, and is subject to an additional citation.

- b. 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
1 <sup>st</sup> offense	\$ 150.00	---
2 <sup>nd</sup> offense	\$ 325.00	---
3 <sup>rd</sup> or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- 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. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Climax Township or by such other person or persons as the Township Board may designate from time to time.”

- B. Ordinance No. 112, as amended by Ordinance No. 121, is also further amended to delete Section VIII of same in its entirety, and renumber the remaining sections of the Ordinance accordingly.

**SECTION 2**

**EFFECTIVE DATE**

This Ordinance shall take effect 30 days after publication as required by law following adoption by the Township Board.

Marcia Lewis, Clerk  
Climax Township

CERTIFICATE

I, Marcia Lewis, the Clerk of Climax Township, Kalamazoo County, Michigan, certify that at a regular meeting of the Climax Township Board held on October 13, 2009 at the Climax Township Hall the Board enacted and passed Ordinance No. 137, hereinbefore recorded, to become effective November 29, 2009; and that the members of the Board present at the meeting voted on the adoption of the Ordinance as follows:

Richard Thierjung---yes

Don Schultz---yes

Marcia Lewis---yes

Monique Strong---yes

I further certify that a summary of Ordinance No. 137 was published in the Climax Crescent, a newspaper printed in Climax, Michigan, and circulated in Climax Township on October 30, 2009; and that Ordinance No. 137 was recorded in the Ordinance book on November 29, 2009.

Date: 1-20-10

Marcia Lewis  
Marcia Lewis, Clerk  
Climax Township

Linda Marie Long

LINDA MARIE LONG  
Notary Public, Kalamazoo County, MI  
My Commission Expires July 4, 2012