

## ORDINANCE #2024-03

### AN ORDINANCE TO AMEND SECTIONS 20-31 THROUGH AND INCLUDING SECTION 20-33 OF ARTICLE II, CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF HILLSDALE

#### THE CITY OF HILLSDALE ORDAINS THAT:

Division 1 of Article II of Chapter 20 of the Code of Ordinances of the City of Hillsdale, Michigan, is hereby amended to state as follows:

#### **Sec. 20-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*"Act"* means Public Act No. 236 of 1961 (MCL 600.101 et seq.).

*"Authorized city official"* means a city police officer, the city zoning administrator, a city building inspector, a city building code enforcement official, and any other city personnel now or hereafter authorized by this Code of Ordinances to issue municipal civil infractions or municipal civil infraction violation notices.

*"Municipal civil infraction"* means an act or omission that is prohibited by any ordinance of the City, but which is not a crime under the ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a criminal offense or a violation of any City ordinance that is not a civil infraction.

*"Municipal civil infraction action"* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

*"Municipal civil infraction citation"* means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

*"Municipal civil infraction violation notice"* means a written notice prepared by an authorized city official, directing a person to appear at the city Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city as set forth in Section 20-33(d), as authorized under Sections 8396 and 8707(6) of the Act.

(Code 1979, § 19.01.010; Ord. No. 2013-2, 5-20-2013)

State law reference(s)—Similar definitions, MCL 600.8701.

#### **Sec. 20-32. Commencement of action.**

A municipal civil infraction action may be commenced upon the issuance by an authorized city official of:

- (1) A municipal civil infraction citation directing the alleged violator to appear in court and answer the citation; or
- (2) A municipal civil infraction violation notice directing the alleged violator to appear at the city municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the alleged violation in the schedule of fines set forth in Section 20-33(d).

(Code 1979, § 19.02.010)

State law reference(s)—Similar provisions, MCL 600.8703.

### **Sec. 20-33. Offenses and Penalties.**

- (a) *Municipal civil infractions.* In addition to those ordinances of the City contained in this Code wherein a violation of the ordinance is expressly declared to constitute a municipal civil infraction, the following offenses are classified as municipal civil infractions subject to the provisions contained in this Article:

#### Chapter 4. Animals.

Section 4-32. Dog license tag required.

Section 4-33. Dog running at large.

Section 4-34. Dog excrement.

#### Chapter 6. Buildings and Building Regulations.

Sections 6-61, 6-62. International Property Maintenance Code.

302.1. Exterior property areas—Sanitation.

302.8. Exterior property areas—Motor vehicles.

304.1. Exterior structure—General.

305.1. Interior structure—General.

#### Chapter 8. Businesses.

Article III. Telecommunication; Division 4. Use of Public Rights-of-Way by Telecommunication Providers.

#### Chapter 14. Environment.

Article III. Noise; Section 14-61. Animal or bird noises.

#### Chapter 16. Fire Prevention and Protection.

#### Chapter 30. Streets, Sidewalks and Other Public Places.

Section 30.89 Clearing of sidewalks required.

Section 30.90 Failure to clear sidewalks, removal costs; civil infraction; penalty.

#### Chapter 36. Zoning.

Section 36-593. Off-street parking spaces—Single-family and two-family dwellings.

Section 36-596. Off-street parking spaces—Storage of vehicles or merchandise.

- (b) The sanction for a violation which is a municipal civil infraction and as to which a municipal civil infraction citation is issued shall be a civil fine in the amount as provided for in Subsection (c) of this Section, or such different amount as may be expressly set forth in the ordinance violated, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Act, as amended, and other applicable laws. Upon a finding of responsibility for a violation set forth in a municipal civil infraction citation, pursuant to Section 8302(4) of the Act (MCL 600.8302(4)), in addition to the assessment of fines and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce the ordinance. Each day that a violation is permitted to exist or continue shall constitute a separate violation.
- (c) *Civil fines for Municipal Civil Infraction Citation.* Except as may otherwise be expressly set forth in the ordinance violated, the fine to be assessed by the district court upon a finding of responsibility by the persons or entities served with a municipal civil infraction citation (exclusive of court costs and other costs as are assessed by the court pursuant to MCL 600.8727 and as otherwise provided by law) shall not be less than

\$100.00 nor more than \$500.00, in the discretion of the court, together with costs of the action, which are not limited to the costs in ordinary civil actions and may include all expenses, direct and indirect, to which the city has been put in connection with the municipal civil infraction up until the entry of judgment, and such other assessments and damages and expenses as are allowed by law.

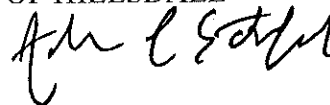
- (d) *Schedule of fines for Municipal Civil Infraction Violation Notices.* A schedule of civil fines payable to the municipal ordinance violations bureau on admission of responsibility by persons or entities served with municipal violation notices ~~or that are to be assessed by the district court on a finding of responsibility (exclusive of court costs and other costs as are assessed by the court pursuant to MCL 600.8727 and as otherwise provided by law)~~ is hereby established as follows:

Offense (Violation)	Fine
First offense	<del>\$25.00</del> \$50.00
First repeat offense	<del>\$50.00</del> \$125.00
Second repeat offense	<del>\$100.00</del> \$250.00
Third and any subsequent repeat offense	\$400.00

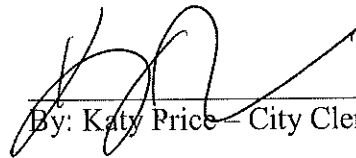
- (e) *Posting of schedule of fines.* A copy of the schedule of fines, as amended from time to time, shall be posted at the bureau.

Passed at a regular meeting of the Council of the City of Hillsdale held on the 1st day of April, 2024.

CITY OF HILLSDALE



By: Adam Stockford – Mayor



By: Katy Price – City Clerk

Date Proposed: 03/04/2024  
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