

ALMENA TOWNSHIP
Van Buren County

ORDINANCE NO. 2024-06

STATE CONSTRUCTION CODE VIOLATION AS MUNICIPAL CIVIL INFRACTION

At a regular meeting of the Township Board of Almena Township, Van Buren County, Michigan, held at the Almena Township Hall on October 16, 2024, at 6:30 p.m., Township Board Member P. Denny-Diget moved to adopt the following Ordinance, which motion was seconded by Township Board Member M. Roman:

An Ordinance to designate violations of the State Construction Code and the various nationally recognized codes adopted pursuant thereto as adopted and enforced by the Township as municipal civil infractions; to provide sanctions for violations thereof; and to repeal all ordinances or parts of ordinances in conflict herewith for the health, safety, and welfare of Almena Township.

THE TOWNSHIP OF ALMENA ORDAINS:

SECTION 1. PURPOSE. Pursuant to the provisions of the Single State Construction Code Act, being Act 230 of the Public Acts of 1972, as amended, the Township of Almena has assumed responsibility for the administration and enforcement of the State Construction Code and the nationally recognized codes which comprise the same as incorporated by reference or pursuant to an administrative rule adopted thereunder. The purpose of this Ordinance is to designate violation of the State Construction Code and the nationally recognized codes comprising the same as municipal civil infractions as permitted by MCL 125.1523(3), as amended.

SECTION 2. VIOLATIONS. Any violation of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized Code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan; or any part of the same are a municipal civil infraction as authorized by 1972 PA 2003, being MCL 125.1523(3).

SECTION 3. PENALTIES.

- A. 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 which shall be punishable by a civil fine as determined and set by the Township Board via resolution. The initial civil fines shall be as set for in 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).

B. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Almena Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of 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.

C. Each day that a violation exists shall constitute a separate offense.

SECTION 4. 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 parts so declared to be invalid.

SECTION 5. REPEAL & SAVINGS CLAUSE. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. Existing prosecutions under any ordinance provision that is hereby repealed may be pursued to its natural conclusion.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

YEAS: P. Denny-Diget, T.Kloosterman, J. Wagner, K. Redmond, M. Roman, S. Rickli, J. Leduc

NAYS: None.

ABSENT: None.

ORDINANCE DECLARED ADOPTED



 Joe Leduc, Almena Township Supervisor

