

**CHARTER TOWNSHIP OF VIENNA
GENESEEE COUNTY, MICHIGAN**

ORDINANCE NO. ____

An ordinance to amend Section 2875(1) of the Zoning Ordinance (Ord. No. 190, as amended) of the Charter Township of Vienna, Genesee County, Michigan, which sets forth the penalty for violation of the Township’s Zoning Ordinance by changing said penalty for violation from a misdemeanor to a municipal civil infraction.

THE CHARTER TOWNSHIP OF VIENNA ORDAINS:

Section 2875(1) of the Zoning Ordinance (Ord. No. 190, as amended), Charter Township of Vienna, Genesee County, Michigan, is hereby amended to read as follows:

1. *Violations.* Any person, firm or corporation violating any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and be subject to the following:

- A. First Offense: The civil fine for a first offense infraction shall be no less than One Hundred Fifty Dollars (\$150.00):
- B. Second Offense: The civil fine for a second offense infraction shall be no less than Two Hundred Fifty Dollars (\$250.00);
- C. Repeat Offense: The civil fine for any infraction which is a third or greater offense shall be no less than Five Hundred Dollars (\$500.00).
[MCL 125.3407]
- D. In addition to the above civil fines, upon an admission or finding of responsibility for a municipal civil infraction, the Township shall also be entitled to reimbursement for all costs, expenses, and/or charges incurred by the Township in the cleanup and/or abatement of a municipal civil infraction violation.
- E. If the municipal civil infraction affects real property and the owner of said property is found responsible for said municipal civil infraction, the court may order the owner to abate the violation. If the owner of said real property fails to abate the violation in the time allowed by the court, the Township shall have the right to enter upon the land to abate the municipal civil infraction violation and shall have the right and power to add any and all costs incurred by the Township for the abatement and cleanup of the violation to the tax roll of the property upon which the violation was located

and to levy and collect such costs in the same manner as provided for the levy and collection of ad valorem real property taxes against said property.

- F. The Township may also utilize all other sanctions authorized and provided for in Chapter 600 of the Revised Judicature Act of 1961, Subchapter 87, being MCLA §600.8701 through §600.8735, as amended, in prosecuting municipal civil infraction violations.
- G. Failure of an alleged violator to appear within the time specified in a municipal civil infraction citation or at the time scheduled for hearing or appearance shall be a misdemeanor and the penalty shall be a fine not to exceed \$500.00, or imprisonment in the Genesee County Jail for a term not exceeding 90 days, or both fine and imprisonment.
- H. A municipal civil infraction action brought for any violation of this chapter shall follow the procedures set forth in Chapter 600 of the Revised Judicature Act of 1961, including Subchapter 87 therein, specifically MCLA §600.8701 through §600.8735, as amended.

Severability

If any portion of this Ordinance shall be determined invalid or unconstitutional by a Court, the remainder shall be considered severable and shall remain in full force and effect.

Publication

This Ordinance shall be published in a newspaper circulated within the Charter Township of Vienna, Genesee County, Michigan.

Effective Date

This Ordinance shall take effect 30 days after its first publication.

Certification

We hereby certify that the foregoing Ordinance No. ____ was adopted on the second reading by the Township Board of the Charter Township of Vienna, Genesee County, Michigan.

First reading: _____

Charter Township of Vienna

First publication: _____

By: _____
Joseph A. Rizk, Supervisor

Second reading: _____

Second publication: _____

By: _____
Cindy Bryan, Clerk

A copy of this Ordinance can be inspected or obtained at the Charter Township of Vienna, 3400 West Vienna Road, Clio, Michigan, during regular business hours.