

TOWNSHIP OF ROLLIN
LENAWEE COUNTY, MICHIGAN

ORDINANCE NO: 35

ADOPTED: JANUARY 9, 2013, __

EFFECTIVE: _____, 2013

MUNICIPAL CIVIL INFRACTION ORDINANCE

An ordinance to amend certain specified Rollin Township Ordinances so as to make violation thereof a municipal civil infraction, to provide sanctions for violations thereof, and to repeal all ordinances or parts of ordinances in conflict therewith.

TOWNSHIP OF ROLLIN LENAWE COUNTY, MICHIGAN ORDAINS:

SECTION I

AMENDMENT OF THE ROLLIN TOWNSHIP MUSIC CONCERT ORDINANCE

Section 11 of the Rollin Township Music concert Ordinance (Ordinance No.6) is hereby amended to read in its entirety as follows:

11. Penalty

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.
- B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to

have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION II
AMENDMENT OF THE ROLLIN TOWNSHIP JUNK YARD ORDINANCE

Section 13 is hereby added to the Rollin Township Junk Yard Ordinance (Ordinance 8) to read in its entirety as follows:

13. Penalty

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.
- B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION III

AMENDMENT OF THE ROLLIN TOWNSHIP CERFEW ORDINANCE

Section 3 is hereby added to the Rollin Township Curfew Ordinance (Ordinance 11) to read in its entirety as follows:

3. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION IV

AMENDMENT OF THE ROLLIN TOWNSHIP HARMFUL AND POISONOUS WEEDS ORDINANCE

Section 5 is hereby added to the Rollin Township harmful and poisonous weeds Ordinance (Ordinance 13) to read in its entirety as follows:

5. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION V

AMENDMENT OF THE ROLLIN DOG CONTROL ORDINANCE

Section 5 is hereby added to the Rollin Township Dog Control Ordinance (Ordinance 14) to read in its entirety as follows:

5. PENALTIES FOR VIOLATIONS

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of

a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION VI

AMENDMENT OF THE ROLLIN TOWNSHIP NUISANCE ORDINANCE

Section 2 is hereby added to the Rollin Township Nuisance Ordinance (Ordinance 15) to read in its entirety as follows:

2. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION VII

AMENDMENT OF THE ROLLIN TOWNSHIP INOPERABLE VEHICLES AND BOATS ORDINANCE

Section 4 is hereby added to the Rollin Township Inoperable Vehicles and Boats Ordinance (Ordinance 16) to read in its entirety as follows:

4. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION VIII

AMENDMENT OF THE ROLLIN TOWNSHIP JUNK AND LITTERING ORDINANCE

Section 4 is hereby added to the Rollin Township Junk and Littering Ordinance (Ordinance 17) to read in its entirety as follows:

4. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION IX

AMENDMENT OF THE ROLLIN TOWNSHIP OPEN FIRE ORDINANCE

Section 3 is hereby added to the Rollin Township Open Fire Ordinance (Ordinance 19) to read in its entirety as follows:

3. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION X

**AMENDMENT OF THE ROLLIN TOWNSHIP GRASS, WEED AND BRUSH
ORDINANCE**

Section 4 is hereby added to the Rollin Township Grass, Weed and Brush Ordinance (Ordinance 21) to read in its entirety as follows:

4. Violations, Penalties

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other

remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION XI

AMENDMENT OF THE ROLLIN BUILDING NUMBERING ORDINANCE

Section 4 is hereby added to the Rollin Township Building Numbering Ordinance (Ordinance 24) to read in its entirety as follows:

4. Penalty

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to

enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION XII

AMENDMENT OF THE ROLLIN TOWNSHIP USE OF PUBLIC ACCESS SITES AND ROAD ENDS ORDINANCE

Section 5.2 is hereby added to the Rollin Township Public Access Sites and Road Ends Ordinance (Ordinance 31) to read in its entirety as follows:

5.2. ENFORCEMENT AND PENALTIES

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not more than \$100.00 for the first offense within a three year period, \$200.00 for a second offense within a three year period, \$400.00 for a third offense within a three year period and for a subsequent offense within a three year period, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within three (3) years of a previous violation of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

SECTION XIII

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 part declared invalid.

SECTION XIX

REPEAL OF CONFLICTING ORDINANCES

All ordinances and parts of ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations under any previous ordinance provision being repealed hereby, shall not be affected by this Ordinance and may be continued pursuant to said previous ordinance provisions.

SECTION XX

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

This ordinance was offered for adoption by the Township Board member _____

And was supported by Township Board member _____, the vote being as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Ordinance declared adopted on May _____, 2013.

John Jenkins

Supervisor, Rollin Township

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Denice Combs, the duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the township board of the Township of Rollin, Lenawee County, Michigan on May _____, 2013 and that it was published in the Brooklyn Exponent on May _____, 2013

Denice Combs

Clerk, Rollin Township