

**CHARTER TOWNSHIP OF SUPERIOR  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 162**

**CIVIL INFRACTION PENALTY ORDINANCE**

**AN ORDINANCE TO AMEND SUPERIOR CHARTER TOWNSHIP ORDINANCES 41, 105, 106, 138, AND 147 FOR THE PURPOSE OF DESIGNATING CERTAIN VIOLATIONS THEREIN AS MUNICIPAL CIVIL INFRACTIONS AND, PURSUANT TO SECTION 23 OF P.A. ACT 230 OF 1972, AS AMENDED, TO DESIGNATE VIOLATIONS OF THE STATE CONSTRUCTION CODE, PLUMBING CODE, ELECTRICAL CODE, MECHANICAL CODE AND BUILDING CODE AS MUNICIPAL CIVIL INFRACTIONS; TO PROVIDE FOR CIVIL FINES AND OTHER PENALTIES AND SANCTIONS AS PROVIDED IN CHAPTER 87 OF THE REVISED ADJUDICATURE ACT, P.A. 236 OF 1961, AS AMENDED, BEING MCL 600.8701 ET. SEQ.; AND TO REPEAL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith**

**THE CHARTER TOWNSHIP OF SUPERIOR, WASHTENAW COUNTY, MICHIGAN  
HEREBY ORDAINS:**

**Section 162.01. Amendment to Superior Charter Township Ordinance No. 41, the  
Township’s Stormwater Drainage Ordinance**

Ordinance No. 41 is amended by adding a new Section entitled “Article II(A)” as follows:

Article II(A). PENALTY FOR VIOLATION

Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 162.02. Amendment to Superior Charter Township Ordinance No. 105, the  
Township’s Open Burning Ordinance**

Section VI of Ordinance No. 105 is hereby deleted and replaced with the following:

Section VI. PENALTY FOR VIOLATION

Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 162.03. Amendment to Superior Charter Township Ordinance No. 106, the Township’s Multiple Dwelling Inspections Ordinance**

Section 12 of Ordinance No. 106 is hereby deleted and replaced with the following:

Section 12. PENALTY FOR VIOLATION

Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 162.04. Amendment to Superior Charter Township Ordinance No. 138, the Township’s Blight, Public Nuisance and Dangerous Building Ordinance**

Section 5 of Ordinance No. 138 is hereby deleted and replaced with the following:

Section 12. PENALTY FOR VIOLATION

Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 162.05. Amendment to Superior Charter Township Ordinance No. 147, the Township’s Soil Removal and Deposit Ordinance**

Article II, Section D(3) of Ordinance No. 147 is hereby deleted and replaced with the following:

3. PENALTY FOR VIOLATION

Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of this Ordinance, or who shall fail to do what is required by the terms of the Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 162.06. Construction Code Penalty**

The purpose of this Section is to designate a violation of the State Construction Code, Michigan Building Code, Michigan Plumbing Code, Michigan Mechanical Code, Michigan Electrical Code, and the Michigan Residential Code, collectively referred to as the State Construction Code, as a Municipal Civil Infraction and to state a penalty for such violation. Any person, corporation, or other legal entity, including an officer, director, or employee, who violates any provision of the State Construction Code, or who shall fail to do what is required by the terms of the said Code, is responsible for a municipal civil infraction and shall pay a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs and attorney fees, and is subject to other sanctions as provided for under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL §600.8701 et. seq., as amended.

**Section 162.07. Schedule of Civil Fines for Violation**

Except with respect to zoning ordinance violations, the following schedule of fines and the provisions stated in this section shall apply to any and all Township Ordinance and/or Code violations that are designated as municipal civil infractions.

An authorized local official is hereby authorized to issue and process municipal civil infraction violation notices and citations in accordance with the Superior Charter Township Municipal Civil Infractions Ordinance, Ordinance No. 137, and as otherwise permitted by law. Except as otherwise provided for herein, if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this or any other Township Ordinance, a civil fine shall be assessed as follows:

**1st offense** - Minimum fine of one hundred dollars (\$100.00) and maximum of five

hundred dollars (\$500.00) plus costs and attorney fees;

**1st repeat offense** - Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

**2nd repeat offense** - Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

Whenever an authorized local official issues a stop work order for violation of any of the above referenced Ordinances or Codes, a failure to comply with the properly issued stop work order shall constitute a municipal civil infraction violation and subject the offender to a fine of not less than two hundred and fifty dollars (\$250.00) for each offense plus costs and attorney fees. A failure to obtain a certificate of occupancy in accordance with the State Construction Code shall constitute a municipal civil infraction violation for which a fine of not less than five hundred dollars (\$500.00) plus costs and attorney fees shall be assessed for each violation.

For the purpose of this section, a “repeat offense” means a second or subsequent violation of the same requirement or provision in an Ordinance or Code. Nothing in this section shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and/or abate any violation of the terms of an Ordinance or Code. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of the Ordinance or Code so violated.

**Section 162.08. Inconsistent Ordinances Repealed**

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance also repeals provisions in the Superior Charter Township Code of Ordinances which are in conflict herewith.

**Section 162.09. Saving Clause**

All other provisions in Superior Charter Township Ordinance No(s). 41, 105, 106, 138, and 147, and as otherwise codified in the Code of Ordinances Superior Charter Township, shall remain in effect without amendment. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any cause or causes of action existing, under any act or ordinances hereby repealed.

**Section 162.10. Effective Date; Publication**

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the Ordinance.

This Ordinance was duly adopted by the Superior Charter Township Board at its regular meeting called and held on the 20<sup>th</sup> day of September, 2004, and was ordered given publication in the manner required by law.

**CERTIFICATE**

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that the foregoing constitutes a true and complete copy of Superior Charter Township Ordinance No. 162, which was duly adopted by the Township Board of Superior Charter Township at a Regular Meeting of said Board, held on September 7, 2004, after said Ordinance had previously been introduced at a Regular Meeting of the Board held September 7, 2004, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

Dated: September 20, 2004

William McFarlane, Supervisor  
Superior Charter Township

Kay Williams, Clerk  
Charter Township of Superior