

ENFORCEMENT OFFICER ORDINANCE #7

2-14-89

AN ORDINANCE TO ESTABLISH THE OFFICE OF ORDINANCE ENFORCEMENT OFFICER; TO PRESCRIBE THE DUTIES OF SAID OFFICE; TO AUTHORIZE THE TOWNSHIP BOARD TO APPOINT ANY PERSON OR PERSONS TO SAID OFFICE; AND TO AMEND ANY ORDINANCES OF BANGOR TOWNSHIP WHICH CONFLICT WITH THE PROVISIONS HEREOF.

THE TOWNSHIP OF BANGOR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section: ORDINANCE ENFORCEMENT OFFICER

There is hereby established the office of Ordinance Enforcement Officer within the Township of Bangor, Van Buren County, Michigan.

Section 2: APPOINTMENT

The Bangor Township Board is hereby authorized, by resolution, at any regular meeting of said Board, to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said resolution. Said Board may further, by resolution, remove any person from said office, in the discretion of said Board.

Section 3: DUTIES

The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Bangor Township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. The authority of such Ordinance Enforcement Officer shall also be in addition and supplementary to the authority vested by the Township Supervisor by state statute. The ordinance enforcing authority of the Township Supervisor and the other officers specifically designated in any township ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within ordinance.

Section 4: DEFINITIONS

The ordinance enforcement duties herein authorized shall include, among others, the following: Investigation of ordinance violations; serving notice of violations; serving appearance tickets as authorized under Chapter 4 of Public Act 175 of 1927, as amended; appearance in court or other judicial proceedings to assist in the prosecution of ordinance violators, and such other ordinance-enforcing duties as may be delegated by the Township Supervisor or assigned by the township attorney.

Section 5: SAVING CLAUSE

The provisions of the within ordinance are hereby declared to be severable and the invalidation of any one or more of the same by any judicial determination or statutory or constitutional provision shall not invalidate the remainder of said provisions or ordinance.

Section 6: EFFECTIVE DATE

This ordinance shall take immediate effect. All Ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within Ordinance.

Enforcement Officer shall also be in addition and supplementary to the authority vested by the Township Supervisor by state statute. The ordinance enforcing authority of the Township Supervisor and the other officers, specifically designated in any township ordinance shall continue in full force and effect and shall in no way diminish or impaired by the terms of the within ordinance.

3. WITHHOLDING OF INSURANCE FUNDS ON FIRE OR EXPLOSION DAMAGED STRUCTURES:

P.A. 1980, No. 495, as amended by P.A. 1984, No. 386 is hereby adopted by reference.

A. Authorized Representative: The Township Supervisor shall be the authorized representative to prepare affidavits and all notices pursuant to the Act, including notification to the insurance commission.

B. Establishment of Escrow Account: The Township Treasurer shall establish an escrow account with _____ for the purpose of receiving and holding deposits of money received from insurers pursuant to Section 2845 of the Act, which account shall be separately maintained from all other accounts and may be an interest bearing account.

4. COST RECOVERY:

In addition to all other penalties, Bangor Township may bring an action for costs of enforcement and prosecution expense upon person(s) that have violated Bangor Township ordinances.

Such action may be a civil action in a court of competent jurisdiction. The action shall be entitled in the name of the municipality and shall be against the person that has allegedly violated the ordinance of the municipality.

Should the municipality receive a Judgment and should the Judgment not be satisfied within 60 days of service upon the defendant. The Township may, upon 30 days written notice, submit a copy of said Judgment to the Township and County Treasurers for said costs to be added to the tax roll of the defendant.

The cost of enforcement and prosecution shall be the actual amount of attorney fees for enforcement of the ordinance. An itemized statement given under oath shall be prima facia evidence of the attorney fees.

SECTION VII

SEVERABILITY, REPEAL, PENALTY/NUISANCE AND EFFECTIVE DATE

1. Severability: Should any section, clause or provision of this ordinance be declared by the courts to be invalid, such declaration shall not affect the validity of the ordinance as a whole, or any part hereof, other than the part so declared to be invalid.
2. REPEAL: All ordinances inconsistent or in conflict herewith are hereby repealed.
3. PENALTIES; NUISANCE:

A. Violation of any provision of this ordinance shall be deemed a misdemeanor punishable upon conviction by fine or not to exceed \$100, imprisonment in the county jail for a period of not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

B. Any provision of this ordinance in violation of the regulations contained in this ordinance is hereby determined to be

detrimental to the health, safety and general welfare of the inhabitants, property owners and persons within Bangor Township, and is deemed a public nuisance. Any such violation shall constitute a basis for injunctive relief against the violator from continuing said violation, in addition to any other relief or penalty herein set forth or allowed by law.

C. Any person who violates any of the provisions contained in this ordinance, whether as owner, lessee, permittee, licensee, agent, servant, or employee, shall be liable as a principal.

4. EFFECTIVE DATE

This ordinance shall take effect 30 days after publication in a newspaper circulating within the Township of Bangor, Van Buren County, Michigan.

Date passed by Bangor Township Board

Roger Thomas, Township Clerk