

CITY OF DURAND  
ORDINANCE NO. 2018-03-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DURAND, MICHIGAN BY ADDING SECTION 2-506 TO ARTICLE 5 OF CHAPTER 2, SECTION 10-43 TO ARTICLE 2 OF CHAPTER 10, SECTION 14-608 OF CHAPTER 14, SECTION 34-38 TO ARTICLE 2 OF CHAPTER 34, SECTION 38-15 TO ARTICLE 1 OF CHAPTER 38, SECTION 58-40 TO ARTICLE 2 OF CHAPTER 58, SECTION 66-65 TO ARTICLE 2 DIVISION 2 OF CHAPTER 66, SECTION 66-132 TO ARTICLE 3 OF CHAPTER 66, SECTION 78-4 TO ARTICLE 1 OF CHAPTER 78, SECTION 78-7 TO ARTICLE 1 OF CHAPTER 78, SECTION 78-94 TO ARTICLE 3 OF CHAPTER 78, SECTION 78-237 TO ARTICLE 4 DIVISION 4 OF CHAPTER 78, SECTION 78-271 TO ARTICLE 4 DIVISION 5 OF CHAPTER 78 AND AMEND SECTION 2-505 ARTICLE 5 OF CHAPTER 2, SECTION 14-9 ARTICLE 1 OF CHAPTER 14, SECTION 18-516 ARTICLE 8 OF CHAPTER 18, SECTION 34-75 ARTICLE 3 OF CHAPTER 34 AND SECTION 78-284 ARTICLE 4 DIVISION 5 OF CHAPTER 78 TO DEFINE SPECIFIC PROVISIONS WITHIN THE CODE TO BE MUNICIPAL CIVIL INFRACTIONS. SHORT TITLE; PURPOSES; AMENDMENTS; SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; POSTING; EFFECTIVE DATE

THE CITY COUNCIL OF THE CITY OF DURAND ORDAINS AS FOLLOWS:

**Short Title.** This ordinance shall be known and may be cited as the “2018 Municipal Civil Infractions Amendment Ordinance.”

**Public Purpose.** The City Council of the City of Durand does hereby deem it to be in the best interests of the citizens of the City of Durand to hereby establish certain individual ordinances of the City to be amended so as to convert criminal penalties into civil penalties pursuant to the Judicature Act of 1961as amended.

**Amendments:**

**Chapter 2, Article 5, Sec. 2-505. - Schedule of fines,** is hereby amended to read as follows:

A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations shall be as set by resolution of the city council from time to time.

**Chapter 2, Article 5, Sec. 2-506. - Delinquent Fines,** is hereby inserted to read as follows:

If any fine due the city under this article shall become delinquent, the city clerk shall certify such delinquency together with a penalty of ten percent to the city council, and the city council by resolution shall direct the city treasurer to spread the same on the next succeeding tax roll.

**Chapter 10, Article 2, Sec. 10-43. - Violation of Chapter** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.

**Chapter 14, Article 1, Sec. 14-9. – Violation** is hereby amended to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 14, Sec. 14-608. - Penalty** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 18, Article 8, Sec. 18-516. – Penalty** is hereby amended to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of

1961. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 34, Article 2, Sec. 34-38. - Violation of Article** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 34, Article 3, Sec. 34-75. –Penalty for Violation of Article** is hereby amended to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.

**Chapter 38, Article 1, Sec. 38-15. Violation of Article** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of

responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 58, Article 2, Division 1 Sec. 58-40. Violation of Division is** hereby inserted to read as follows:

Any person, firm or corporation who shall violate this division is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this division.

**Chapter 66, Article 2, Division 2, Sec. 66-65. Violation of Division is** hereby inserted to read as follows:

Any person, firm or corporation who shall violate this division is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this division.

**Chapter 66, Article 3, Sec. 66-132. Violation of Article is** hereby inserted to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 78 - ARTICLE I - Sec. 78-4** is hereby amended by inserting the following paragraphs to the existing verbiage of the section as follows:

Pursuant to the provisions of the Single State Construction Code Act, being Act 230 of the Public Acts of 1972, as amended, the City of Durand has assumed responsibility for 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 City of Durand designates violations 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.

Any person, firm or corporation who shall violate this section is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this section.

**Chapter 78 - ARTICLE I - Sec. 78-7** is hereby amended by inserting the following paragraph to the existing verbiage of the section as follows:

Any person, firm or corporation who shall violate this section is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this section.

**Chapter 78 - ARTICLE 3- Sec. 78-94 Violation of Article** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this article is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition

to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this article.

**Chapter 78, Article 4, Division 4, Sec. 78-237. - Violation of Division** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this division is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this division.

**Chapter 78, Article 4, Division 5, Sec. 78-271. - Violation of Division** is hereby inserted to read as follows:

Any person, firm or corporation who shall violate this division is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this division.

**Chapter 78, Article 4, Division 5, Sec. 78-284. Penalty** is hereby amended to read as follows:

Any person, firm or corporation who shall violate this division is responsible for a municipal civil infraction, subject to payment of a civil fine as provided in Chapter 2, Article 5, Sec. 2-505 of the City of Durand Code of Ordinances plus costs and other sanctions as authorized under Chapter 87 of the Revised Judicature Act of 1961. Each day such violation occurs or continues may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this division.

**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 other part thereof other than the parts so declared to be invalid.

**Repeal of Conflicting Ordinances.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Posting.** The City Clerk is hereby directed to cause this Ordinance to be published.

**Effective Date.** This Ordinance and the rules, provisions orders and matters established and adopted hereby shall take effect and be in full force and effect fifteen (15) days from and after the date of its final passage and adoption.