

ORDINANCE # 06-010

**AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF JAMESTOWN
SEWER RATE ORDINANCE (ORD. #120)**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

AMEND the Sewer Rate Ordinance, Section 15 as follows (Strikethrough indicates text to be deleted. **Bold** type indicates text to be added.):

~~SECTION 15. PENALTIES AND ENFORCEMENT. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) and costs for prosecution or by imprisonment in the Ottawa County Jail for a period not exceeding ninety (90) days, or both such fine and imprisonment, in the sole discretion of the court. Each day during which a violation of a provision of this ordinance continues shall be deemed a separate and distinct violation for purposes of this section. In addition to the penalties set forth in this section, the Township may maintain any equity or legal action available to it for the abatement of any violation of this Ordinance.~~

SECTION 15. PENALTIES AND ENFORCEMENT. Any violation of this ordinance shall constitute a municipal civil infraction. Any person, firm or corporation who violates any provision of this ordinance is responsible for a municipal civil infraction and subject to payment of a civil fine, as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this ordinance shall be Fifty (\$50.00) Dollars plus costs and other sanctions for each violation. The maximum fine for a municipal civil infraction shall be Five Hundred (\$500.00) Dollars plus costs and other sanctions for each violation. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term "repeated offense" means a second (or any subsequent) municipal civil infraction of the same requirement or provision of this ordinance which is committed by a person, firm or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm or corporation admitted responsibility or was determined to be responsible and for which the person, firm or corporation admits responsibility or is determined to be responsible. Each day on which a violation of this ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

The Township Supervisor, the Township Attorney, the Township Zoning Administrator, the Building Inspector and an Ottawa County Sheriff's Deputy are hereby authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this ordinance. All such citations shall be issued in accordance with all of the requirements of Chapter 87 of the Revised Judicature Act of the State of Michigan, as amended from time to time (MCLA 600.8700, et. seq.).

Any violation of this ordinance shall constitute a nuisance per se. The Township is authorized to take any and all actions appropriate to prevent, abate, enjoin or remove any such violation.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Township, Ottawa County, Michigan, on Dec 11, 2006, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.