

EATON COUNTY, MICHIGAN

Ordinance No. 2016-2

Commissioner Miars moved for the approval of the following resolution. Seconded by Commissioner Augustine.

AN ORDINANCE TO AMEND THE 2012 MICHIGAN MECHANICAL CODE, AS AMENDED, TO PROVIDE FOR VIOLATIONS OF SAID ORDINANCE TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE 2012 MICHIGAN MECHANICAL CODE; TO PLACE THE VIOLATIONS BUREAU AT THE DEPARTMENT OF CONSTRUCTION CODES; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF EATON ORDAINS:

**SECTION 1. ADDITION OF SUBSECTION 108.8 OF THE 2012 MICHIGAN MECHANICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.**

The 2012 Michigan Mechanical Code is amended to add a new subsection 108.8 to read as follows:

Section 108.8 Violation penalties:

- A. Any violation of any provision of any subsection of the 2012 Michigan Mechanical Code or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act, which is prohibited or made or declared, to be unlawful or an offense and any omission or failure to act where the act is required by the 2012 Michigan Mechanical Code.
  
- B. The sanction for any violation of any subsection of the 2012 Michigan Mechanical Code which are municipal civil infractions shall be a civil fine as provided in subsection 108.9 plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

- C. The Director of the Eaton County Department of Construction Codes and Eaton County Department of Construction Codes Mechanical Inspectors are authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of any subsection of the 2012 Michigan Mechanical Code.
- D. In addition to enforcement of violations as municipal civil infractions, enforcement of violations of any subsection of the 2012 Michigan Mechanical Code may be accomplished by civil action, along with any other remedies provided by law. Violation of the Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of any subsections of the 2012 Michigan Mechanical Code shall not preclude other civil proceedings to abate such nuisance.
- E. Each day that a violation exists constitutes a separate infraction.

**SECTION 2. ADDITION OF SUBSECTION 108.9 TO THE 2012 MICHIGAN MECHANICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.**

The 2012 Michigan Mechanical code is amended to add a new subsection 108.9 to read as follows:

Section 108.9 Schedule of Fines

- A. General; Fines for Municipal Civil Infraction Citations.
  - 1. A person, corporation or firm who violates any provisions of any subsection of the 2012 Michigan Mechanical Code and is found responsible at the District Court for a municipal civil infraction citation, shall pay civil fines of not less than \$100.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
  - 2. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense", means a second (or any subsequent) municipal civil infraction of the same requirement or provision of a subsection of the 2012 Michigan Mechanical Code committed by a corporation, person or firm within any 36 months period and, for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under any subsection shall be as follows:
    - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
    - (ii) The fine for any offense that is a second repeat offense shall be no less than \$350 plus cost and other sanctions.
    - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

B. Fines for violation Notices

A person, corporation or firm who, as a result of violating any provision of a subsection of the 2012 Michigan Mechanical Code that receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Department of Construction Codes Civil Infraction Violations Bureau of \$100.00.

- (i) In the case of another offense within two years of the date of the initial infraction, the civil fine shall be \$200.00. (This shall be known as the second offense).
- (ii) In the case of another offense within two years of the date of the second offense, the civil fine shall be \$350.00. (This shall be known as the third offense).
- (iii) In the case of another offense within two years of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.00.

**SECTION 3. ADDITION OF SUBSECTION 108.10 TO THE 2012 MICHIGAN MECHANICAL CODE, AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS (LARA), BUREAU OF CONSTRUCTION CODES, AND ENFORCED BY EATON COUNTY.**

The 2012 Michigan Mechanical Code is amended to add a new subsection 108.10 to read as follows:

**Section 108.10 Location of Violations Bureau**

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the 2012 Michigan Mechanical Code, shall be located at the Department of Construction Codes Office in the Eaton County Courthouse, 1045 Independence Boulevard, Charlotte, Michigan 48813.

**SECTION 4. REPEALER.**

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 5. SEVERABILITY.**

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Diana Bosworth, Eaton County Clerk, certify that this ordinance was adopted by the Eaton County Board of Commissioners and published on July 30, 2016. Roll call vote. Ayes: Hosey, Mulder, Augustine, Spence, Osieczonek, Whitacre, Brehler, Miars, Eakin, Ridge, Lautzenheiser, Austin, Whittum. Nays: None. Carried.

---

Diana Bosworth, Eaton County Clerk