

ORDINANCE NO. 55

**WHITEFORD TOWNSHIP
MONROE COUNTY, MICHIGAN**

DECRIMINALIZATION ORDINANCE

An Ordinance to amend certain ordinances of the Township to decriminalize violations thereof by making such violations civil infractions rather than criminal misdemeanors; and to repeal all ordinances in conflict therewith.

The Township of Whiteford, Monroe County, Michigan ordains:

Section 1. Title

This Ordinance shall be known and cited as the "Decriminalization Ordinance".

Section 2. Purpose

The purpose of this Ordinance is to decriminalize violations of certain ordinances of the Township by making violations of such ordinances civil infractions rather than criminal misdemeanors.

Section 3. Amendment Provision

The following penalty provisions of the following ordinances of the Township of Whiteford, Monroe County, Michigan:

Ordinance 9 – Whiteford Township Public Nuisance Ordinance, Section 6;

Ordinance 51 – Whiteford Township Park Ordinance, Section 7 N. Enforcement;

are amended by deleting said provisions and replacing them in their entirety with provisions which shall read in their entirety as follows:

Penalties for Violations.

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$1000.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other remedies provided by law. For purposes of this section "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation.

B. In addition to pursuing a municipal infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.

E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

F. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

Section 4. Repealer Provision

Those provisions of the Township ordinances which are in conflict with the amendments made herein, to the extent of such conflict, are hereby repealed, modified or amended, subject to the qualifications stated in the "Savings Provision" of Section 6 hereof, as of the date this Ordinance becomes effective. All other provisions of said ordinances, which are not repealed, modified, or amended by this Ordinance, shall remain as is and be in full force and effect.

Section 5. Severability

If any provision, section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or inoperative by a court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

Section 6. Savings Provision

This Ordinance shall not affect pending litigation, either civil or criminal, founded upon or arising out of any ordinance, resolution, order, or parts thereof, hereby repealed; and this Ordinance shall in no manner affect any right, claims, privileges, immunities, or causes of action of the township, county, or any other person, either criminal or civil,

that may have already occurred, accrued or arisen out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed.

Section 7. Effective Date

The provisions of this Ordinance shall take effect thirty (30) days after publication.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEFORD,
MONROE COUNTY, MICHIGAN**

By: Walter Ruhl
Walter Ruhl,
Whiteford Township Supervisor

AUTHENTICATED:

By: Angela Christensen
Angela Christensen,
Whiteford Township Clerk

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Township Board of the township of Whiteford, Monroe County, Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 18th day of SEPT., 2012.

The vote on said Ordinance, 5 members being present and 0 members being absent, was as follows:

Member's Last Name

Voting in Favor:

SAHLOFF _____
HILL _____
DRESSEL _____
CHRISTENSEN _____
RUHL _____

Voting Against:

0 _____

Abstained:

_____	_____
_____	_____
_____	_____
_____	_____

Absent:

_____	_____
_____	_____
_____	_____

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the 5th day of OCTOBER 2012 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: OCTOBER 5, 2012

Angela Christensen
 Angela Christensen,
 Whiteford Township Clerk

ATTEST:

Walter Ruhl
 Walter Ruhl,
 Whiteford Township Supervisor

ADOPTED: 9-18-12

PUBLISHED: 10-5-12

EFFECTIVE: 11-4-12