

Ordinance # 16,19

STATE OF MICHIGAN  
BEFORE THE CITY COUNCIL OF THE CITY OF ECORSE,  
COUNTY OF WAYNE, STATE OF MICHIGAN

AN ORDINANCE TO AMEND SECTION 7-139, DANGEROUS BUILDING CIVIL INFRACTION PENALTIES, OF ARTICLE IX. DANGEROUS BUILDINGS, OF CHAPTER 7 BUILDINGS AND BUILDING REGULATIONS, OF THE ECORSE CITY CODE, TO ELIMINATE CIVIL PENALTIES FOR VIOLATIONS OF ARTICLE IX. AND TO INSTEAD IMPOSE CRIMINAL PENALTIES.

**Recitations**

WHEREAS, the City of Ecorse is a Michigan Home Rule City pursuant to the provisions of MCL 117.1 et seq.;

WHEREAS, the City is authorized to adopt, continue, amend, and repeal the City Ordinances pursuant to the provisions of MCL 117.3(k); and

WHEREAS, the City has determined that it is in the best interest of the public health, safety and general welfare for a violation of Article IX. to constitute a misdemeanor offense.

NOW, THEREFORE, THE CITY OF ECORSE ENACTS ORDINANCE # 16,19 AND ORDAINS THAT SECTION 7-139, DANGEROUS BUILDING CIVIL INFRACTION PENALTIES, OF ARTICLE IX. DANGEROUS BUILDINGS, OF CHAPTER 7 BUILDINGS AND BUILDING REGULATIONS, OF THE ECORSE CITY CODE, IS HEREBY AMENDED BY ELIMINATING CIVIL PENALTIES FOR VIOLATIONS OF ARTICLE IX. AND INSTEAD IMPOSING CRIMINAL PENALTIES WHICH SHALL READ AS FOLLOWS:

**Sec. 7-139    ~~DANGEROUS BUILDINGS CIVIL INFRACTION~~ MISDEMEANOR  
Penalties**

(a). The property owner (as shown on the assessor's records), whether a person, association, firm, or corporation, is responsible for compliance with the provisions of this article. After receipt of notice as provided in Section 7-133a, an opportunity to be heard pursuant to Section 7-133b and

failure within forty five (45) days of receipt of the hearing officers' decision and order, unless the order states otherwise or a written appeal has been appropriately filed, to fully comply with said order, the property owner shall have violated this dangerous building article. Said violation shall be a ~~civil infraction~~ MISDEMEANOR punishable by a ~~civil fine~~ OF NOT MORE THAN FIVE-HUNDRED DOLLARS (\$500.00) OR BY IMPRISONMENT OF NOT MORE THAN NINETY (90) DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT plus costs and all other remedies available by statute. Any person, association, firm, or corporation ~~found in violation~~ CONVICTED OF VIOLATING of any of the provisions of this article shall be ~~found responsible for~~ GUILTY of a ~~civil infraction~~ MISDEMEANOR. The City may charge the property owner with a ~~civil infraction~~ MISDEMEANOR, as provided herein, in addition to all other remedies available to the City, including but not limited to abatement of dangerous or hazardous building conditions by the City and charging all financial costs incurred to the owner in the manner provided for in Section 7-137a..

~~(b) A first violation within a single calendar year shall be punishable by a civil fine of not less than \$250.00 for the first offense, not less than \$350.00 for the second offense, and not less than \$500.00 for each additional or subsequent offense within the one (1) year period, plus costs and all other remedies available by statute. Each day of a violation shall be a separate chargeable violation of the same offense. The maximum cumulative fines for any offense shall not exceed \$1,000.00 in a one (1) year period. If the penalty is not paid within 45 days after issuance of the civil infraction, it shall become a lien against the property and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Ecorse.~~

~~(c) The owner in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such costs by first class mail at the address shown on the records. If he/she fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of the City of Ecorse and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City of Ecorse.~~

(d). All ordinances and sections of ordinances in conflict with any of the provisions stated above are hereby repealed to the extent necessary to give this ordinance and each provision therein full legal force and effect.

(e) This ordinance shall take effect immediately upon its passage in compliance with Chapter IX, Section 2 (B) of the City of Ecorse Charter, as this emergency measure is necessary for the immediate preservation of the public peace, property, health, and safety.

(f) SEVERABILITY. SHOULD ANY WORD, SENTENCE, PHRASE, OR ANY PORTION OF THIS ORDINANCE BE HELD IN A MANNER INVALID BY ANY

COURT OF COMPETENT JURISDICTION, OR BY ANY STATE AGENCY HAVING AUTHORITY TO DO SO FOR ANY REASON WHATSOEVER, SUCH HOLDINGS SHALL BE CONSTRUED AND LIMITED TO SUCH WORD, SENTENCE, PHRASE, OR ANY PORTION OF THE ORDINANCE HELD TO BE SO INVALID, SHALL NOT BE CONSTRUED AS AFFECTING THE VALIDITY OF ANY OF THE REMAINING WORDS, SENTENCES, PHRASES OR PORTIONS OF THIS ORDINANCE.

(g) SAVINGS CLAUSE. NOTHING IN THIS ORDINANCE OR IN THE CODE HEREBY ADOPTED SHALL BE CONSTRUED TO AFFECT ANY SUIT OR PROCEEDING PENDING IN ANY COURT, OR ANY RIGHTS ACQUIRED OR LIABILITY INCURRED, OR ANY CAUSE OR CAUSES OF ACTION ACQUIRED OR EXISTING UNDER ANY ACT OR ORDINANCE REPEALED; NOR SHALL ANY JUST OR LEGAL RIGHT OF ANY CHARACTER BE LOST, IMPAIRED OR AFFECTED BY THIS ORDINANCE.



Lamar Tidwell, Mayor



Dana Hughes, City Clerk

First Reading: 7/19/2016

Second Reading: 8/1/2016

Published: 8/4/2016

Passed, approved, and adopted this 1<sup>st</sup> day of August, 2016

I, Dana Hughes, the duly elected Clerk of the City of Ecorse, County of Wayne, State of Michigan, hereby certify that the above is a true and correct copy of an ordinance adopted at a regular council meeting held on the 1<sup>st</sup> day of August, 2016, and published in the News-Herald Newspaper.



Dana Hughes, City Clerk