

**ORDINANCE NO. 915**

**AN ORDINANCE TO AMEND SECTIONS 1-2 AND 1-13 OF THE CODE OF ORDINANCES, CITY OF ESCANABA.**

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Section 1.     Amendment of Section 1-2.

Section 1-2 of the Code of Ordinances, City of Escanaba (the "Code"), is amended by the addition of a new definition, to be placed immediately after the existing definition of month, to read in its entirety as follows:

(Municipal Civil Infraction.) The words "municipal civil infraction" mean an act or omission that is prohibited by this Code or any ordinance of the city, but which is not a crime under this Code or other ordinance, and for which civil sanctions including, without limitation, fines, damages, expenses and costs, may be ordered, as authorize by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

Section 2.     Amendment to Section 1-13.

Section 1-13 of the Code is amended to read in its entirety as follows:

Section 1-13   **General penalties and sanctions for violations of Code and city ordinances; continuing violations; injunctive relief.**

(a) Unless a violation of this code or any ordinance of the city is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(b) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this Code or any ordinance.

(c) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this code or any ordinance, 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.

(1) Unless otherwise specifically provided for by a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provisions (i) committed by a person within any 6 month period (unless some other period is specifically provided by this code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(A) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs.

(d) A "violation" includes any act which is prohibited or made or declared to be unlawful or

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an offense by this Code of any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.

(e) Each day on which any violation of this code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(f) In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this code or any city ordinance.

CHAPTER II

SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, section, subsection, sentence, clause, phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER III

REPEALING CHAPTER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

CHAPTER IV

EFFECTIVE DATE

This Ordinance shall be in full force and effect ten (10) days after its passage and publication.

APPROVED:

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\_\_\_\_\_  
Ralph B. K. Peterson  
City Attorney

\_\_\_\_\_  
Jeanne Rose  
Mayor

ATTEST:

\_\_\_\_\_  
Robert S. Richards  
City Clerk

I hereby certify that the above and foregoing Ordinance was duly passed and adopted at a meeting of the City Council held on August 15, 1996, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba, on August 21, 1996.

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Robert Richards  
City Clerk