

Ordinance 2009-#20

An ordinance to replace existing criminal penalty provisions with civil penalty provisions in the ordinances of the Village of Deerfield.

Whereas the Village of Deerfield is in the process of adopting an civil infractions ordinance that establishes a municipal civil infractions bureau; and

Whereas, in conjunction with the adoption of that ordinance it is necessary for the Village to amend its existing ordinances to remove references to criminal liability and to insert language providing that ordinance violations are to be treated as civil infraction

The Village of Deerfield ordains:

Section 1. Ordinances and Sections Affected

The following sections of the following ordinances, all of which deal with penalties for violations, are hereby amended in the manner specified in Section 2 hereunder.

Ord. No.	Ordinance Name	Section No.	Section Heading
1	Zoning	17.4	Violation-Penalty
3	Sewer Use and Rate	20	Criminal Sanctions for Violations
4	Water Use and Rate	10	Penalty
5	Cross Connection to Water	7	Violations
6	Weed Control	5	Penalty
9	Flood Hazard Areas	17	Penalties for Violations
10	Littering	3	Penalties
11	Curfew	4	Penalties
12	Dog Control	6	Penalties
13	Domestic animals	2	Penalties
17	Truck Parking	6	Penalties
19	Nuisance	3	Penalty

Section 2. Criminal Penalties Repealed and Civil Infractions Adopted

The above referenced ordinance provisions are hereby amended by repealing the existing language found in each such section, including the Section Heading, and in place of the repealed language the following heading and text shall be inserted into each of the above identified ordinances:

Penalties and Remedies for Violations

- a. *Civil Infraction.*
- i. Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction.
 - ii. Penalties may be imposed in fines as follows:
 - (1) first violation \$100.
 - (2) second violation within a 4 year period \$125.
 - (3) third violation within a 4 year period \$250.
 - (4) fourth or subsequent violation within a 4 year period \$500.
 - iii. In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau. Further, any person deemed responsible for a civil infraction shall also be liable to the Village for the actual attorney fees incurred by the Village in prosecute any such infraction.
- b. *Equitable Relief.* In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Village Council, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief. Any person found by a court of competent jurisdiction to have created or maintained a nuisance per se shall be liable to the Village for the actual attorney fees incurred by the Village in bringing an action to abate the nuisance.

Section 3. Other Provisions to Remain in Effect.

All other provisions of the Ordinances affected by these amendments shall remain in effect.

Section 4. Severability

If any court of law of equity within the State of Michigan determines that any provision within this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same Section and other Sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Section 5. Effective Date

This Ordinance shall become effective thirty (30) days after its adoption.

YEAS: 6
NAYS: 0
ABSENT: Koch

Ordinance Declared Adopted on July 14, 2009.



Todd Nighswander, President
Village of Deerfield

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Deerfield on July 14 2009, and published in the Blissfield Advance, a newspaper circulated in the Village of Deerfield on July 21 2009.



Sandra Witt
Deerfield Village Clerk