

**Edenville Township
Midland County, Michigan**

Ordinance No. 180

State Construction Code Enforcement Ordinance

At a meeting of the Township Board of Edenville Township held at the Swanton Memorial Center on December 8, 2015, at 7:00 p.m., Board Member Craig Gosen moved to introduce the following Ordinance for introduction and adoption, which motion was seconded by Board Member Lydia Draves:

An ordinance to protect the welfare and safety of Township citizens by designating an enforcing agency to discharge the responsibility of the Township of Edenville, Michigan under the provisions of the State Construction Code Act (CCA), 1972 PA 230, as amended, and provide for enforcement of violations through the issuance of municipal civil infractions.

THE TOWNSHIP OF EDENVILLE ORDAINS:

Section 1. Assumption of Responsibility for Administration and Enforcement. In accordance with the applicable provisions of the State Construction Code Act (“CCA”), as amended, Edenville Township hereby assumes the responsibility for the administration and enforcement of the CCA throughout its corporate limits.

Section 2. Agency Designated. Pursuant to section 8b of the CCA, as amended, the Township of Edenville, and any designated inspectors, are hereby designated as the enforcing agency to discharge the responsibilities of the Township of Edenville for each of the following sections under the CCA:

- (a) Building,
- (b) Electrical,
- (c) Mechanical, and
- (d) Plumbing.

Section 3. Nuisance Per Se. All violations of this ordinance or the CCA or any part thereof are declared a nuisance per se. Edenville Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this ordinance and the CCA.

Section 4. Civil Infraction. Any person or other entity who violates any provision of this ordinance or the CCA may be found responsible for a municipal civil infraction.

(a) Civil fines shall be imposed for municipal civil infractions under this ordinance as stated below. Increased civil fines shall be imposed upon a person for a Repeat Offense violating any requirement or provision of any ordinance. The fines for the violations shall be as follows:

- i. The civil fine for a violation shall be \$250 for each infraction.
- ii. The fine for any offense which is a first Repeat Offense (2nd offense) shall be \$375.
- iii. The fine for any offense which is a second Repeat Offense (3rd offense) or any subsequent Repeat Offense shall be \$500.

(b) Edenville Township may impose all direct or indirect expenses of the Township, including attorney fees and costs.

Section 5. Repeal. All prior inconsistent ordinances, including ordinances are hereby and shall be repealed. Any other ordinances inconsistent herewith shall be and are hereby repealed.

Section 6. Severability. If a court of competent jurisdiction declares a provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision or section held to be unenforceable and shall not affect any other part, provisions, or section.

Section 7. Effective Date. This Ordinance shall take effect within 30 days of publication following adoption.

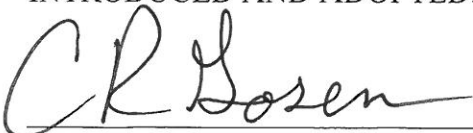
Roll call vote:

YEAS: Bill Carey, Karen Carey, Lydia Draves, Craig Gosen, Galen Gransden

NAYS: None

ABSENT/ABSTAIN: None

INTRODUCED AND ADOPTED.



Craig Gosen, Supervisor, Edenville Township

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance introduced for adoption by the Edenville Township Board at a duly scheduled and noticed meeting of that Township Board held on Tuesday, December 8, 2015, pursuant to the required statutory procedures.
2. The complete text of the proposed Ordinance was posted at the Township Clerk's office and on the Township's website on December 18, 2015.
3. The attached Notice of Posting of the Ordinance was duly published in the The Midland Daily News, a newspaper that circulates within Edenville Township, on December 16, 2015, within not more than seven (7) days after the posting.

ATTESTED:



Lydia Draves, Edenville Township Clerk