

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
ORDINANCE TO AMEND CHAPTER 1, GENERAL PROVISIONS
SEC. 1-7 GENERAL PENALTY; CONTINUING VIOLATIONS**

No. ____-2025

January 22, 2025

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendments to Chapter 1, General Provisions, Section 1-7 - General penalty; continuing violation [new language underlined, deleted language ~~stricken~~]:

CHAPTER 1, Section 1-7 is amended to read as follows:

Sec. 1-7. - General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means any of the following:

(1) Committing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance, or by rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a Township officer or Township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(c) A person convicted of a violation of any of the provisions of this Code, the violation of which is forbidden by law from being made a municipal civil infraction or civil infraction, shall be a misdemeanor and shall be punished by a fine not to exceed \$500.00, imprisonment for a period of not more than 90 days, or both; however, unless otherwise provided by law, a person convicted of a violation of this Code that substantially corresponds to a violation of state law, a misdemeanor for which the maximum period of imprisonment is 93 days, shall be punished by a fine of not more than \$500.00, imprisonment for a term of not more than 93 days, or both.

(d) ~~Except for~~ Violations of this Code shall be municipal civil infractions unless expressly designated in subsection (c) of this section to be a ~~misdemeanors~~ or a ~~and for~~ violations ~~of this Code~~ that cannot by law be made a municipal civil infractions.;

~~violations of this Code shall be municipal civil infractions.~~ Except as specifically provided otherwise in this Code, a person who commits a municipal civil infraction is responsible for the payment of all direct and indirect costs that the Township incurs in connection with the violation, including reasonable attorney fees in an amount allowed by law, and is subject to a civil fine determined in accordance with the following schedule:

	<i>Minimum fine</i>	<i>Maximum fine</i>
First violation within a three-year period*	\$ 50.00	\$ 500.00 <u>2,500.00</u>
Second violation within a three-year period*	125.00	1,000.00 <u>5,000.00</u>
Third violation within a three-year period*	250.00	2,500.00 <u>7,500.00</u>
Fourth or subsequent violation within a three-year period*	400.00	5,000.00 <u>10,000.00</u>

*Determined on the basis of the date of violation

(e) Unless a different schedule of civil fines is provided by an applicable ordinance, the minimum civil fines payable to the Ordinance Violations Bureau, established under chapter 2 article V, upon admissions of responsibility by persons served with a municipal ordinance violations notice shall be determined pursuant to the following schedule:

(1) First violation:

- a. Within a three-year period, determined on the basis of the date of violation, \$50.00.
- b. For sewer system rate ordinance violation or water distribution system use and rates ordinance violation, \$30.00.

(2) Second violation of the same ordinance within a three-year period, determined on the basis of the date of violation, \$125.00.

(3) Third, fourth or subsequent violations of the same ordinance within a three-year period determined on the basis of the date of violation shall be processed as municipal civil infractions.

(f) In addition to the above-prescribed civil fines, costs in the amount of \$~~210.00~~ shall be assessed by the bureau if the fines ~~and costs~~ are paid more than ~~within~~ ten days after ~~of~~ the date of services of the municipal ordinance violation notice. ~~Otherwise, costs of \$20.00 shall be assessed by the bureau.~~

(g) Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

(h) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.

(i) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

This Ordinance shall take effect upon publication as provided by law.

ORDINANCE DECLARED ADOPTED

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan at a meeting of the Board duly called and held on _____, 2025.

ANN ARBOR CHARTER TOWNSHIP

By: _____
Diane O'Connell, Supervisor

By: _____
Rena Basch, Clerk

First Reading: January 22, 2025

Second Reading:

Approved by Board:

Effective: _____, 2025