



COUNTY ADMINISTRATOR
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FAX (734)222-6715

TO: Katie Scott, Chair
Ways and Means Committee

THROUGH: Gregory Dill
County Administrator

FROM: Deb Schmitt
Washtenaw County Building Inspection Director

DATE: May 1, 2019

SUBJECT: Municipal Civil Infraction Ordinance

BOARD ACTION REQUESTED:

It is requested that the Board of Commissioners adopt an Ordinance to provide for the issuance of municipal civil infractions for violations of the State of Michigan Construction Code Act, to establish the Municipal Civil Infractions Violations Bureau as the Washtenaw County Building Inspection Department; and to provide an effective date as permitted by Public Act 236 of 1961 as amended, MCL 600.8701 et seq., the Revised Judicature Act of 1961; and Public Act 230 of 1972 as amended, MCL 125.1501 et seq "Stille-DeRossett-Hale single state construction code act".

BACKGROUND:

The establishment of a municipal Civil Infraction ordinance for violation of the State Construction Code Act will provide for sanctions and violations of municipal civil infractions actions, and collect and retain civil fines and costs pursuant to a schedule as prescribed by this ordinance, as permitted by Public Act 236 as amended, MCL 600.8396, the Revised Judicature Act of 1961.;

MCL 600.8396 "A county, city, village, or township may by ordinance establish a municipal ordinance violations bureau to accept admissions of responsibility for municipal civil infractions and to collect and retain civil fines and costs pursuant to a schedule as prescribed by ordinance. The expense of operating a municipal ordinance violations bureau shall be borne by the county, city, village, or township, and the personnel of the bureau shall be county, city, village, or township employees."

DISCUSSION:

The ability to issue municipal civil infractions will increase enforcement of County Ordinances, streamline enforcement of the State of Michigan Building Code, increase public safety and reduce costs through enforcement.

This ordinance will also allow the Washtenaw County Building Inspection Department to:

- Enhance customer service.
- Ensure adequate provision of mandated services.
- Focus on the root causes of problems that affect the quality of life of County citizens by aggressively pursuing prevention strategies.
- Provide leadership on intragovernmental, intergovernmental and intersectoral cooperation and collaboration aimed at improving services to County citizens.

IMPACT ON HUMAN RESOURCES:

None

IMPACT ON BUDGET:

The Washtenaw County Building Inspection Department is an Enterprise Fund and does not impact the general fund in any way.

IMPACT ON INDIRECT COSTS:

None

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

None

CONFORMITY TO COUNTY POLICIES:

The requested board action conforms to all applicable county policies.

ATTACHMENTS/APPENDICES:

Resolution is attached

RESOLUTION TO ADOPT ORDINANCE TO CREATE A MUNICIPAL CIVIL
INFRACTIONS BUREAU FOR THE WASHTENAW COUNTY BUILDING INSPECTION
DEPARTMENT

WASHTENAW COUNTY BOARD OF COMMISSIONERS

May 15, 2019

WHEREAS, it has been recommended by the Washtenaw County Building Inspection Department that an ordinance regarding Municipal Civil Infractions be adopted by the Washtenaw County Board of Commissioners; and

WHEREAS, the purposed ordinance is: to designate violations of the State Construction Codes, Public Acts, and Administrative Rules as amended to be municipal civil infractions; to designate authorized local officials responsible to enforce violations of the State Construction Code; to adopt a schedule of fines; to place the municipal civil infractions violations bureau at the Washtenaw County Building Inspection Department; to adopt a savings clause; and to provide an effective date.

WHEREAS, a public hearing was held at the Washtenaw County board of Commissioners' meeting of May 15th, 2019 at 6:30pm with regard to the adoption of the referenced proposed ordinance.

THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby approve and adopts the attached ordinance.

BE IT FURTHER RESOLVED that the Washtenaw County Clerk is directed to cause the ordinance to be published in a newspaper of general circulation.

BE IT FURTHER RESOLVED that the ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation.

WASHTENAW COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO DESIGNATE VIOLATIONS OF THE STATE CONSTRUCTION CODES, PUBLIC ACTS, AND ADMINISTRATIVE RULES AS AMENDED TO BE MUNICIPAL CIVIL INFRACTIONS; TO DESIGNATE AUTHORIZED LOCAL OFFICIALS RESPONSIBLE TO ENFORCE VIOLATIONS OF THE STATE CONSTRUCTION CODE, PUBLIC ACTS, AND ADMINISTRATIVE RULES AS AMENDED; TO ADOPT A SCHEDULE OF FINES; TO PLACE THE MUNICIPAL CIVIL INFRACTIONS VIOLATIONS BUREAU AT THE WASHTENAW COUNTY BUILDING INSPECTION DEPARTMENT; TO ADOPT A SAVINGS CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

THE COUNTY OF WASHTENAW ORDAINS:

SECTION 1. DESIGNATION OF VIOLATIONS OF THE STATE CONSTRUCTION CODE, PUBLIC ACTS, AND ADMINISTRATIVE RULES AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OR LAWS OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, CONSTRUCTION CODE COMMISSION, AND ENFORCED BY WASHTENAW COUNTY, AS MUNICIPAL CIVIL INFRACTIONS.

- A. Pursuant to the authority set forth in the following Codes, Public Acts, and Rules, any violation of any provision of the: 1) State Construction Code Act 230 of 1972, and Part 4 Building Code, all as amended, which have been adopted through rules or laws of the Michigan Department of Licensing and Regulatory Affairs, Construction Code Commission, and which are enforceable by Washtenaw County, or any exception granted thereunder, shall be a municipal civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense, and any omission or failure to act where the act is required by the State Construction Code, Public Acts, or Administrative Rules as amended.
- B. The sanction for any violation of the State Construction Codes, Public Acts, and Administrative Rules as amended, which is a municipal civil infraction, shall be a civil fine as provided herein, plus any cost, damages, expenses and other sanctions, as authorized under Chapter 87 of 1961 PA 236, as amended, and other applicable laws.
- C. The Washtenaw County Building Inspection Department, deputies of the Washtenaw County Sheriff, and other persons specifically designated by the Director of the Washtenaw County Building Inspection Department, are the County officials authorized to issue municipal civil infraction violation notices and municipal civil infraction citations for violations of the State Construction Code, Public Acts, and Administrative Rules as amended.
- D. In addition to enforcement of violations of the State Construction Code, Public Acts, and Administrative Rules as amended as municipal civil infractions, enforcement of violations of the State Construction Code, Public

Acts, and Administrative Rules as amended may be accomplished by civil action, along with any other remedies provided by law. Violation of this Ordinance is hereby declared a nuisance, per se, and adjudication of responsibility for a municipal civil infraction violation of the State Construction Code, Public Acts, and Administrative Rules as amended and shall not preclude other civil proceedings to abate such nuisance.

E. Each day that a violation exists constitutes a separate infraction.

SECTION 2. ADOPTION OF A SCHEDULE OF FINES FOR VIOLATIONS OF THE STATE CONSTRUCTION CODE, PUBLIC ACTS, AND ADMINISTRATIVE RULES AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES AND LAWS OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, CONSTRUCTION CODE COMMISSION, AND ENFORCED BY WASHTENAW COUNTY.

A. Fines to be established by County Board Resolution

The County Board of Commissioners, shall by Resolution, adopt a schedule of fines for violations of the State Construction Code, Public Acts, and Administrative Rules as amended, which may be amended by subsequent Resolution. For purposes of establishing an initial schedule of fines, the following schedule is adopted.

B. Fine for issuance of Violation and Notices

A person, corporation or firm who, as a result of violating any provision of the State Construction Code, Public Acts, or Administrative Rules as amended and receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Washtenaw County Municipal Civil Infractions Violations Bureau of \$50.00.

- (1) In the case of another offense within one year of the date of the initial infraction, the civil fine shall be \$75.00. (This shall be known as the second offense.)
- (2) In the case of another offense within one year of the date of the second offense, the civil fine shall be \$150.00. (This shall be known as the third offense.)
- (3) In the case of another offense within one year of the date of the third offense, the civil fine shall be \$500.00. (This shall be known as the fourth offense.) All subsequent offenses shall be subject to a civil fine of \$500.00.

C. Fines for Municipal Civil Infraction Citations

- (1) A person, corporation or firm who violates any provision of the (State Construction Code, Public Acts, and Administrative Rules as amended), and any other rules or laws adopted through the Michigan Department of Licensing and Regulatory Affairs, Construction Code Commission as amended and is found responsible at the district court for a municipal civil infraction citation, shall pay a civil fine of not less than \$75.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
- (2) Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, a repeat offense, means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the State Construction Code, Public Acts, and Administrative Rules as amended, committed by a corporation, person or firm within any 12-month period and (b) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:
 - (i) The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
 - (ii) The fine for any offense that is a second repeat offense shall be no less than \$300 plus costs and other sanctions.
 - (iii) The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

SECTION 3. ESTABLISHMENT OF MUNICIPAL CIVIL INFRACTIONS VIOLATIONS BUREAU FOR DISPOSITION OF VIOLATIONS OF THE STATE CONSTRUCTION CODE, PUBLIC ACTS, AND ADMINISTRATIVE RULES AS AMENDED, AS ADOPTED AND ENFORCEABLE THROUGH RULES OR LAWS OF THE MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, CONSTRUCTION CODE COMMISSION, AND ENFORCED BY WASHTENAW COUNTY.

The Municipal Civil Infraction Violations Bureau, for disposition of violation notices issued under the State Construction Code, shall be located at the Washtenaw

County Building Inspection Department, 705 N. Zeeb, Ann Arbor, MI 48103, or where ever the Department may reside.

SECTION 4. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 5. SEVERABILITY.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this ordinance.

SECTION 6. SAVINGS CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 7. EFFECTIVE DATE.

The provisions of this ordinance are ordered to take effect after publication.

I, Lawrence Kestenbaum, Washtenaw County Clerk, certify that this ordinance was adopted by the Washtenaw County Board of Commissioners and published on

_____.

Lawrence Kestenbaum
Washtenaw County Clerk

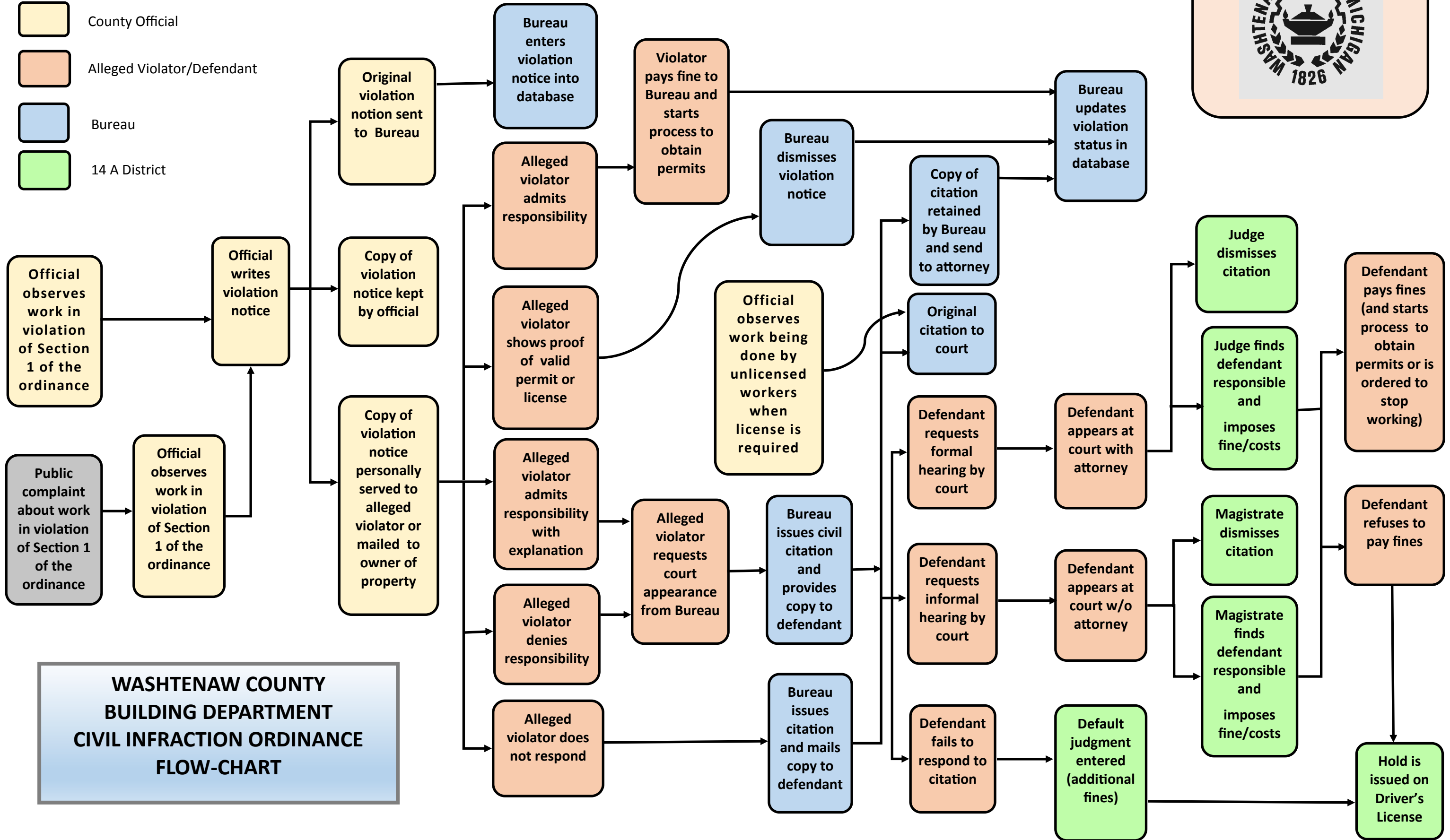
Approved as to form:

CURT HEDGER, P.C.

COLOR KEY

Responsibility for Action

- County Official
- Alleged Violator/Defendant
- Bureau
- 14 A District



**WASHTENAW COUNTY
BUILDING DEPARTMENT
CIVIL INFRACTION ORDINANCE
FLOW-CHART**