

**TOWNSHIP OF BLOOMINGDALE  
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. ~~132~~ 136  
ADOPTED: 12-18-14, 2014  
EFFECTIVE: 1-18-14, 2014

**AN ORDINANCE TO DESIGNATE VIOLATION OF  
STATE CONSTRUCTION CODE AS CIVIL INFRACTIONS**

An ordinance to designate violations of the State Construction Code and the various nationally recognized codes adopted pursuant thereto as adopted and enforced by Bloomingdale Township, Van Buren County, Michigan, as municipal civil infractions; to provide sanctions for violation(s) thereof; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF BLOOMINGDALE, VAN BUREN COUNTY, MICHIGAN, HEREBY  
ORDAINS:**

**Section 1. Purpose.**

Pursuant to the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, being Act 230 of the Public Acts of 1972 (MCL 125.1501), as amended, the Township of Bloomingdale hereby assumes responsibility for the administration and enforcement of the State Construction Code and the nationally recognized codes which comprise the same as incorporated by reference or pursuant to an administrative rule adopted thereunder. The purpose of this Ordinance is to designate violation of the State Construction Code and the nationally recognized codes comprising the same as municipal civil infractions as permitted by MCL 125.1523(3), as amended.

**Section 2. Violation.**

Any violation of the State Construction Code, or of any of the nationally recognized codes incorporated into the State Construction Code, or of any nationally recognized Code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments additions, or deletions as determined appropriate by the State of Michigan, or any part of the same shall be deemed to constitute a municipal civil infraction as authorized by 1972 PA 2003, being MCL 125.1523(3).

**Section 3. Designation as Municipal Civil Infraction.**

Bloomingdale Township, as the administering and enforcing agency for 1972 PA 230, hereby designates violations of the State Construction Code, or of any of the nationally recognized codes incorporated into the State Construction Code, or of any nationally

recognized code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan, municipal civil infractions as authorized by 1972 PA 230, as amended, being MCL 125.1523(3).

**Section 4. Penalties.**

Bloomington Township, as the administering and enforcing agency for 1972 PA 230, as amended, hereby sets forth penalties for violation of the State Construction Code, or of any of the nationally recognized codes incorporated adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions or deletions as determined appropriate by the state of Michigan, by amending the respective "penalty" provision in each as follows:

"Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 <sup>st</sup> Offense	\$ 100	\$ 500
2 <sup>nd</sup> Offense	\$ 200	\$ 500
3 <sup>rd</sup> Offense	\$ 300	\$ 500
4 <sup>th</sup> or more Offense*	\$ 400	\$ 500

\*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Bloomington Township has incurred in connection with the municipal civil infraction. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance. Bloomington Township may retain the civil fine imposed upon judgment (MCL 125.1523(3))."

**Section 5. Severability and Captions.**

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at

the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 6. Repeal.**

All ordinance or parts of ordinances in conflict herewith are hereby repealed. Any proceeding pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous ordinance provisions.

**Section 7. Effective Date.**

This ordinance shall become effective 30 days after publication as required by law.

A motion that said Ordinance be adopted was made by SOMMERFELD and supported by CAN at a REGULAR meeting of the Bloomingdale Township Board on the 17<sup>th</sup> day of Dec., 2014. The names of the Township Board members and their votes are as follows:

NAME	YES	NO	ABSENT
James Lisowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Stange	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald E. Sommerfeld	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Cain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bernard Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Whereupon the Supervisor declared the Ordinance adopted.

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Bloomingdale Township Board at a regular meeting held on the 17<sup>th</sup> day of DECEMBER, 2014, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: 12-17, 2014

Linda Stange  
Linda Stange, Clerk

