

ANTRIM COUNTY BOARD OF COMMISSIONERS Thursday, November 10, 2005

It was moved by Crawford, seconded by Dawson that D&R Electric convert the Sheriff Administration area at the Jail to single phase electrical service. Motion carried by a ye and nay vote as follows: Yes – Dawson, White, Howelman, Crawford, Stanek, Blackmore, Allen; No – None; Absent – None.

It was moved by Stanek, seconded by Blackmore the replaced 911 generator be offered for sale by bids. Motion carried all members present voting yes.

It was moved by Allen seconded by Dawson that Michael McPherson be hired as a full time building inspector contingent on no one else signing the job posting. Motion carried by a ye and nay vote as follows: Yes – Dawson, White, Howelman, Stanek, Blackmore, Allen; No – Crawford; Absent – McLeod, Bargo.

ORDINANCE #01-05 by Joseph Allen, seconded by Eugene Dawson

AN ORDINANCE RELATED TO MAKING CERTAIN VIOLATIONS OF THE
STILLE-DROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT TO
BE CIVIL INFRACTIONS

THE COUNTY OF ANTRIM HEREBY ORDAINS:

The County has the responsibility of administering and enforcing the Stille-Drossett-Hale Single State Construction Code Act (theAct), being P.A. 1974, No. 230, as amended, MCL 125.1501 et seq.

MCL 125.1523 prescribed violations of the Act to be a misdemeanor.

The County, as the enforcing agency, having assumed the responsibility of administering and enforcing the Act, is permitted, pursuant to MCL 125.1523(3), to designate a violation described in subsection MCL 125.1523(1) or (2) as a municipal civil infraction and prescribe the civil fine for such violation.

The County further, pursuant to MCL 46.11, MCL 46.10b, and MCL 600.8701 et seq. has the authority to adopt ordinances and prescribe for the punishment and collection of civil infraction violations.

A new ordinance to the Ordinances of Antrim County, to read in its entirety as follows:

Ordinance 01-05 – continued

Section 100 Designation of Violations to be Civil Infractions

101.1 By the Authority vested in the County, as the enforcing agency, does hereby make certain sections of MCL 125.1523, as set forth below, to be municipal civil infractions. Provisions of MCL 125.1523(1) and (2) not set forth herein or otherwise exempted herein remain punishable under MCL 125.1523 as misdemeanors.

101.2 A person who does any of the following shall be guilty of a civil infraction:

101.2.1 Knowingly violates the Act, the code, or a rule for the enforcement of the Act or code, except that any unlawful continuation of work after a validly issued stop work order has been issued shall remain a misdemeanor under provision MCL 125.1523, and shall be prosecuted as proscribed in MCL 125.1523

101.2.2 Knowingly constructs or builds a structure or building in violation of a condition of a building permit.

101.2.3 Knowingly fails to comply with an order issued by an enforcing agency, a construction board of appeals, a board, or the commission pursuant to the Act, except that any unlawful continuation of work after a validly issued stop work order has been issued shall remain a misdemeanor under provision MCL 125.1523, and shall be prosecuted as proscribed in MCL 125.1523.

101.2.4 Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the commission.

101.2.5 Unreasonably interferes with an authorized inspection.

101.2.6 Knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of the Act or a rule promulgated under the Act or other applicable laws.

101.2.7 Having a duty to report violations of the Act or a rule promulgated under the Act or other applicable laws, knowingly conceals a violation.

101.3 With respect to subsection 101.2.3, a person is guilty of a separate offense for each day that the person fails to comply with a stop construction order validly issued by the County and for each week that the person fails to comply with any other order validly issued by the County. With respect to subsection 101.2.1 or 4, a person is guilty of a separate offense for each knowing violation of this act or a rule promulgated under the Act and for each false or misleading written statement or omission of required information or statement knowingly made in an application, petition, request for approval, or appeal to the County, the County construction board of appeals, a board, or the commission. With respect to subsection 101.2.2, a person is guilty of a separate offense for each knowing violation of a condition of a building permit.

Section 200 Definitions

200-1 Definitions used in the Act shall apply to this ordinance unless otherwise set forth herein.

Ordinance #01-05 – continued

200-2 “Act” means the Stille-Drossett-Hale Single State Construction Code Act, being P.A. 1972, No. 230, as amended, MCL 125.1501 et seq.

200-3 “Person” means: a person, partnership, corporation or other legal entity, including an officer, director, or employee of a partnership, corporation or other legal entity, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures.

Section 300 Penalties

300-1 A person who violates any of the sections mentioned above shall, in accordance with MCL 125.1523(1), MCL 46.10b, MCL 600.8701, et seq, be deemed responsible for a municipal civil infraction, punishable by a fine of not more than \$500.00 plus costs, judicial system assessments, damages and expenses, and such other orders as permitted by MCL 600.8302.

300-2 Pursuant to section 600-1 or Ordinance #02-03 known as “AN ORDINANCE RELATED TO CIVIL INFRACTIONS” the schedule of civil fines payable to the County Violation Bureau for admissions of responsibility by persons served with civil infraction violation notices is hereby established as set forth in Exhibit “A”.

300-3 **Second violation:** If the violation occurs within 1 year of a prior civil infraction conviction (held responsible) the person is responsible for civil infraction second offense and shall pay a civil infraction fine, second offense as set forth in the established schedule.

300-4 **Third and subsequent violation:** If the violation occurs within 1 year of two or more prior civil infraction convictions, (held responsible) the person is responsible for civil infraction third or subsequent offense and shall pay a civil infraction fine, third offense as set forth in the established schedule.

300-5 For the purpose of this section, determining a subsequent civil infraction, the date the person was determined responsible and not the date the citation was issued shall be used. Citation or citations issued to the same person, on the same day and arising out of the same job site or permit shall be considered to be a single violation for the purpose of determining a prior infraction.

300-6 A person found responsible for a civil infraction at either an informal or formal hearing shall pay judicial system assessments, damages and expenses, and such other orders as permitted by law and shall be required to pay the cost of prosecution, including reasonable attorney fees.

Section 400 Authority of Building Inspector/Building Officials to Issue Civil Infraction Citations

400.1 Building Inspectors and Building Officials are “Authorized County Officials” and are granted authority to issue civil infraction citations for violations of the Act, the code, or a rule for the enforcement of the Act or code.

Ordinance #01-05 – continued

Section 500 Municipal Ordinance Violations Bureau

500-1 Civil infraction citations issued under this ordinance are to be processed as set forth in Ordinance #02-03 known as "AN ORDINANCE REALTED TO CIVIL INFRACTIONS".

Section 600 Severability

600.1 The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction adjudges any part, clause, sentence, paragraph, or section unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

600.2 In the event this ordinance is determined to be unconstitutional or invalid, the penalty section as set forth in the Stille-Drossett-Hale Single State Construction Code Act (the Act), being P.A. 1972, No. 230, as amended MCL 125.1501 et seq. MCL 125.1523, shall remain in affect and enforceable as if this ordinance had not been adopted.

Section 700 Effective Date

700.1 This ordinance shall become effective upon publication.

The Amendment to this Ordinance shall take effect upon publication of notice of adoption of the Amendments. If within 50 days after the County Board of Commissioners has adopted an Ordinance, a petition, signed by not less than 20% of the electors residing in the district to be affected by the Ordinance, is filed with the County Clerk asking that the Ordinance be submitted to the electors of the district to be affected by the Ordinance for approval or rejection, then the Ordinance shall not take effect until it has been approved by a majority of the electors of the district affected voting on that issue at a regular election as set by state statute.

Yes – Eugene Dawson, Jack White, David Howelman, Michael Crawford, Laura Stanek
Bernard Blackmore, Joseph Allen;

No - None;

Absent – Robert McLeod, Larry Bargy.

ORDINANCE 01-05 DECLARED ADOPTED.

ANTRIM COUNTY CLERK, BELLAIRE, MI
STATE OF MICHIGAN, COUNTY OF ANTRIM, as
I, Sheryl A. Guy, Clerk of the County of Antrim, do
certify the above is a true and exact copy of the
original record now remaining in this office.
IN TESTIMONY WHEREOF, I have set my hand
and official seal of the County of Antrim
this 22nd day of June, 20 15
Sheryl A. Guy County Clerk