F-03

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: January 30, 2006
SUBJECT: Proposed Municipal Civil Infraction Amendments to Troy City Code

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After the Troy City Council approved the Municipal Civil Infraction Ordinance, our office completed training of the involved City officials and members of the 52-4 District Court. We are now at the point where Troy ordinances need to be amended to designate certain ordinance violations as municipal civil infractions. Enclosed please find some proposed revisions of the Troy ordinances that would accomplish this designation- specifically: Chapter 2 (House Numbering and Street Naming), 3 (Administrative Service), 13 (Historic Preservation), 34 (Sidewalks and Driveway Approaches), 79 (Building Regulations), 80 (Soil Removal and Fill), 82 (Property Maintenance), 82-A (Rental and Dwelling Inspection), 85 (Signs), 86 (Soil Erosion and Sedimentation Control), 88 (Nuisances), and 93 (Fire Prevention). The Planning Commission has also reviewed proposed municipal civil infraction amendments to Chapter 39 (Zoning). These recommendations will be presented to Council under separate cover.

These proposed amendments would designate violations of the ordinances as municipal civil infractions, which would subject violators to the penalties and procedures set forth in the Municipal Civil Infractions Ordinance, Chapter 100 of the City Code. The Municipal Civil Infractions Ordinance is a tool that allows the City to decriminalize zoning, building, property maintenance and other ordinance violations. For the designated offenses, City officials could issue a municipal civil infraction violation. Persons that are not contesting the commission of the violation could then pay a scheduled fine directly to the City, as opposed to involving the 52-4 District Court. Under Chapter 100, the Municipal Ordinance Violations Bureau (under the supervision of the City Treasurer's Office) can accept these direct payments in resolution of the matter. The Municipal Civil Infraction Ordinance also preserves the right of either the cited individual or the City to seek relief from the Court, as opposed to allowing the direct payment in resolution of the matter. However, for most cases, municipal civil infractions will expedite the resolution of matters that were previously adjudicated through the district court criminal misdemeanor process. Perhaps most importantly, the municipal civil infraction process allows the City to seek equitable relief from the District Court when appropriate. This equitable relief is not generally available in criminal misdemeanor cases, which frustrates the City's goal of obtaining compliance.

Under state statute, there are some offenses in Chapter 88 (Nuisances) that cannot be converted to municipal civil infractions. It is for this reason that the language in Chapter 88 is different than the other proposed amendments, which designate violations of any provision in the chapter as a municipal civil infraction, except as otherwise provided.

In addition to addressing the municipal civil infractions, there are other clean-up amendments that are proposed. In Chapter 3, we removed references to ordinances that are no longer in effect, as well as references to non-existent City officials. It is our recommendation that Council adopt the proposed amendments. Please let us know if you have any questions concerning this matter.

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 2 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 2, House Numbering and Street Naming, of the Code of the City of Troy.

Section 2. Amendment

Chapter 2, House Numbering and Street Naming, shall be amended by adding Section 16 as follows:

16. Penalties for Violations

Except as otherwise provided in specific sections of this Chapter, a violation of any section of Chapter 2 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 2 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 3 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 3 – Administrative Service, of the Code of the City of Troy.

Section 2. Amendment

Chapter 3, Sections 1.141(1), 1.141(3), 1.141(5), 1.141(6), 1.141(7), 1.141(8), and 1.141(9) are amended as follows, and Section 1.141(4) is repealed:

1.141(1) A City of Troy Police Service Aide assigned to Road Patrol Duty shall have authority to issue and serve upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 16: Garbage and Rubbish

Chapter 26: Parks - General Regulations

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to the parking of vehicles)

Chapter 47: House Trailers and Trailer Courts

Chapter 48: Litter

Chapter 75: Pet Shops

Chapter 88: Nuisances

Chapter 90: Animals

Chapter 98.07.01: Hunting

Chapter 98-07.02 Trapping

Chapter 106: Traffic (Provisions related to the parking of vehicles)

1.141(3) A City of Troy Animal Control Officer shall have authority to issue and serve upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 26: Parks - General Regulations

Chapter 75: Pet Shops

Chapter 88: Nuisances

Chapter 90: Animals

Chapter 98.07.01: Hunting

Chapter 98.07.02: Trapping

Chapter 98.06.05: Willfully and knowingly torture, etc., any dog used by the City of Troy Police Department.

Chapter 106 § 8 Stopping, Standing and Parking Violations

~~1.141(4) A City of Troy Weighmaster shall have authority to issue and serve upon a person an appearance ticket if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:~~

~~Chapter 18: City Water Utility~~

~~Chapter 21: Underground Electric Lines~~

~~Chapter 33: Streets~~

~~Chapter 34: Sidewalks~~

~~Chapter 48: Litter~~

~~Chapter 81: Moving of Buildings~~

~~Chapter 85: Signs~~

~~Chapter 88: Nuisances~~

~~Chapter 94: Axle Load~~

1.141(5) A City of Troy Water Division Inspector shall have the authority to issue and serve upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable

cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 33: Streets

1.141(6) A City of Troy Building Department Inspector shall have authority to issue and serve upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code.

Chapter 2: House Numbering and Street Naming

Chapter 13: Historic Preservation

Chapter 16: Garbage and Rubbish

Chapter 18: City Water Utility

Chapter 19: City Sewer Service

Chapter 20: Water and Sewer Rates

Chapter 39: Zoning Chapter 47: House Trailers and Trailer Courts

Chapter 48: Litter Chapter 64: Gasoline Stations

Chapter 67: Dances and Dance Halls

Chapter 68: Amusements and Recreation Places

Chapter 69: Miscellaneous Licensed Businesses

Chapter 70: Self Service Laundries and Dry Cleaners

Chapter 71: Auto Wash

Chapter 73: Drive-In Restaurant

Chapter 79: General Building Regulations

~~Chapter 79-A: One and Two Family Dwellings~~

~~Chapter 81: Moving of Buildings~~

Chapter 82: Property Maintenance Regulations

Chapter 82-A: Rental and Dwelling Inspection and Enforcement

Chapter 82-B: Dangerous Buildings

Chapter 83: Fences

Chapter 85: Signs

Chapter 88: Nuisances

Chapter 93: ~~Fire and Explosives~~ Fire Prevention (provisions related to building codes)

Chapter 97: Coin-Operated Amusement Devices and Arcades

1.141(7) A City of Troy Fire Department Staff Lieutenant, Division Assistant Chief or Chief shall have authority to issue and serve upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 2: House Numbering and Street Naming

Chapter 67: Dances and Dance Halls (provisions related to fire safety)

Chapter 68: Amusements and Recreation Places (provisions related to fire safety)

Chapter 69: Miscellaneous Licensed Businesses (provisions related to fire safety)

Chapter 70: Self Service Laundries and Dry Cleaners (provisions related to fire safety)

Chapter 79: General Building Regulations (provisions related to fire safety)

Chapter 82: Property Maintenance Regulations (provisions related to fire safety)

Chapter 82-A. Rental and Dwelling Inspection and Enforcement (provisions related to fire safety)

Chapter 82-B. Dangerous Buildings (provisions related to fire safety)

Chapter 84: Garbage, Rubbish, and Refuse Transfer Station (provisions related to fire safety)

Chapter 88: Nuisances (provisions related to fire safety)
Chapter 93: ~~Fire and Explosives~~ Fire Prevention

Chapter 97: Coin-Operated Amusement Devices and Arcades (provisions related to fire safety)

Chapter 106: Traffic (provisions related to fire safety)

1.141(8) A City of Troy Engineering Inspector. Inspection Supervisor, Engineering Technician or Environmental Specialist shall have authority to issue and serve upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 17: Rubbish Fill Operation

Chapter 34: Sidewalks

Chapter 42: Flood Plain Management

Chapter 79: General Building Regulations

Chapter 80: Soil Removal and Fill

Chapter 86: Soil Erosion and Sedimentation Control

1.141(9) A City of Troy Foreman of Parks Maintenance Division, Superintendent of Public Grounds, or Director of Parks and Recreation shall have authority to issue and service upon a person an appearance ticket, a municipal civil infraction notice of violation, and/or a municipal civil infraction citation, if he/she has reasonable cause to believe that the person has committed a violation of any of the following provisions of the Troy City Code:

Chapter 28: Tree Regulations

Chapter 29: Cemetery

Chapter 39: Zoning (provisions related to landscaping)

Chapter 41: Subdivision Control (provisions related to landscaping)

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such

proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, ____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 13 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 13 of the Code of the City of Troy.

Section 2. Amendment

Chapter 13 – Historic Preservation, Section 15, is amended as follows:

(*Underlining denotes changes*).

15. ENFORCEMENT; VIOLATIONS

A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.

B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a ~~Misdemeanor and subject to the penalties as provided by law for Misdemeanors~~ Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day a violation continues is a separate Municipal Civil Infraction Violation. Sanctions for violation shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100. ~~The Director of Building and Zoning or his or her representative is hereby legally authorized to issue a citation for a violation of this chapter.~~

C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance

specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 34 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 34, Sidewalks and Driveway Approaches, of the Code of the City of Troy.

Section 2. Amendment

Chapter 34, of the Troy City Code is hereby amended by the addition of a new section 34.14 to read as follows:

34.14 Penalties for Violation

Except as otherwise provided in this Chapter, a violation of any section of Chapter 34 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 34 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 79 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 79, General Building Regulations, of the Code of the City of Troy.

Section 2. Amendment

Chapter 79, General Building Regulations, shall be amended by adding Article 29, Section 2900 as follows:

Article 29

Penalties for Violations

2900 Except as otherwise provided in other sections or articles of this Chapter, a violation of any section, article or provision of Chapter 79 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 79 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 80 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 80, Soil Removal and Fill, of the Code of the City of Troy.

Section 2. Amendment

Section 8.192 of Chapter 80, Soil Removal and Fill, shall be amended to read as follows

8.192 **Penalties for Violations** ~~**ViolationPenalties.**~~ ~~**Any person, firm, or corporation who shall violate this Chapter or any provision thereof shall be punished by a fine not exceeding five hundred ($500.00) dollars or by imprisonment in the County Jail or any place of imprisonment provided by the City or the laws of the State of Michigan, for a period not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the Court.**~~ **Except as otherwise provided in specific sections of this Chapter, a violation of any section of Chapter 80 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 80 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.**

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 82 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82, Property Maintenance Code, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82, Property Maintenance Code, shall be amended by adding Section 4 as follows:

4. Penalties for Violations: Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 82 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 82-A
OF THE CODE OF THE
CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 82-A, Rental and Dwelling Inspection and Enforcement, of the Code of the City of Troy.

Section 2. Amendment

Chapter 82-A, Rental and Dwelling Inspection and Enforcement, shall be amended by adding Section 10 as follows:

10. Penalties for Violations: Except as otherwise provided by other sections of this Chapter, a violation of any section of Chapter 82 -A is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 82-A shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 85 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 85, Signs, of the Code of the City of Troy.

Section 2. Amendment

Chapter 85, Signs, Section 85.01.09 (A) is amended to read as follows:

A. It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be ~~guilty of a misdemeanor, and upon conviction of any such violation, shall be punished with a fine of between $50 and $500 and/or incarceration of up to 90 days.~~ responsible for committing a municipal civil infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is deemed a separate municipal civil infraction. Sanctions for each violation of Chapter 85 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Building Inspector at the expense of the owner of the sign or other responsible party, in the discretion of the Building Inspector.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 86 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 86, Soil Erosion and Sedimentation Control, of the Code of the City of Troy.

Section 2. Amendment

Section 7(C) of Chapter 86, Soil Erosion and Sedimentation Control, is amended to read as follows:

C. Penalties for Violations

1. ~~Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than $500.00 and the costs of prosecution or, in default thereof, shall be punished by imprisonment in the County Jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.~~ Except as otherwise provided in specific sections of this Chapter, a violation of any section of Chapter 86 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Sanctions for each violation of Chapter 86 shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

2. A default in the payment of a civil fine or costs ordered under this ordinance or an installment of the fine or cost may be remedied by any means authorized under the revised judicature act of 1961, being Sections 600.101 to 600.9947 of the Michigan Compiled Laws~~.~~, as amended.

3. Fines, ~~Imprisonment~~Costs, Damages, Injunctive Orders:

The owner of any land, premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be ~~guilty of~~ responsible for a separate offense and upon ~~conviction~~ a finding or admission of responsibility for such offense thereof shall be ~~liable to the~~ responsible for payment of fines, costs and damages and subject to each applicable injunctive order~~imprisonment herein provided~~.

4. Each Day a Separate Offense:

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

5. Rights and Remedies are Cumulative:

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

6. If any part of this ordinance is declared by a court to be invalid, the invalid part shall not affect the remaining parts of the ordinance which can be given effect without the invalid part. The validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 88 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 88, Nuisances, of the Code of the City of Troy.

Section 2. Amendment

Chapter 88 is hereby amended by the addition of a new section 24 as follows:

24. Municipal Civil Infractions

A violation of sections 9.1, 9.2, 9.3, 9.5, 9.9, 9.13, 9.14, 9.15, 9.17, 9.18, 9.20, and 15 of this Chapter is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of said sections shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

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Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 93 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 93, Fire Prevention, of the Code of the City of Troy.

(Underlining denotes changes).

Section 2. Amendment

Section 109.3 of Chapter 93 of the Code of the City of Troy is amended as follows:

109.3 Penalties for Violations.~~Violations Penalties.~~ Persons who shall violate a provision of this code or shall fail to comply with any requirements thereof or who shall erect, install, alter, repair, service, test or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be ~~guilty of a misdemeanor punishable~~ responsible for a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy.~~by a fine of not more than five hundred (500) dollars, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment as determined by a judge in a court of law.~~ Each day that a violation continues after due notice has been served shall be deemed a separate offense. Sanctions for each violation shall include a fine of not more than $500, costs, damages and injunctive orders as authorized by Chapter 100.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on March 1, 2006.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, _____.

_____
Louise E. Schilling, Mayor

_____
Tonni Bartholomew. City Clerk