

ORDINANCE NO. 2023-11a
AN ORDINANCE TO AMEND SECTION 1 VILLAGE CODE OF 1970; CONTENTS, INTERPRETATION AND EFFECT OF THE VILLAGE OF BLISSFIELD CODE OF ORDINANCES.

WHEREAS, this ordinance amendment will aid in the Village being successful; and

WHEREAS, this ordinance amendment is expected to establish municipal civil infractions for code violations within municipal code; and

WHEREAS, the ordinance amendment will establish a clear process for code violations and repeat offenders; and

WHEREAS, this ordinance amendment will be effective from date of publication; and

NOW, THEREFORE, be it ordained by the governing body of the Village of Blissfield, Michigan that Section 1 Village Code of 1970; Contents, Interpretation and Effect be amended following passage and publication to adopt hereinafter specified:

1.000 - VILLAGE CODE OF 1970; CONTENTS, INTERPRETATION AND EFFECT Chap. No. 1001 Adopted: June 8, 1970

An ordinance to provide for the exercise of certain municipal powers of the Village of Blissfield and for the health, safety and welfare of persons and property in the Village, and to provide penalties for the violation of the provisions thereof.

THE VILLAGE OF BLISSFIELD ORDAINS:

Article I

1.001 Publication and Distribution of Code.

Sec. 1. The within Ordinance Code is hereby adopted as an ordinance of the Village of Blissfield.

Seventeen copies of this Code shall be published in loose-leaf form and shall be distributed as follows:

Officer	Number of Copies
Clerk	1
Chief of Police	1

The Clerk shall keep one of the copies of the Code assigned to him/her available for public inspection during office hours.

1.002 Effective Date.

Sec.2. This Ordinance Code shall take effect 20 days after its passage.

1.003 Contents of Code.

Sec. 3. This Code contains all ordinances of a general and permanent nature of the Village. Excluded from the contents of this Code are special or temporary ordinances such as ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks or other public works, ordinances authorizing the borrowing of money or the issuance of bonds and ordinances establishing salaries for Village officers and employees. Ordinances hereafter adopted which are not of a general or permanent

nature shall be numbered consecutively, authenticated, published, and recorded in the record of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the Village in effect on the effective date of this Code. All ordinances of a general and permanent nature in effect on the effective date of this Code are hereby repealed expressly saving from repeal the following Village ordinances:

Ordinance Dated	Subject	Included in Code as Chapter No.
June 12, 1961	Superintendent of Public Works	1131
September 1, 1954	Garbage Disposal	2021
August 10, 1964	Swimming Pool	3101
August 9, 1965	Zoning	5001
August 11, 1969	Mobile Homes	5021
August 9, 1965	Building Code	8001

1.004 Short Title.

Sec. 4. This ordinance shall be known and cited as the "Blissfield Village Code".

1.005 Definitions.

Sec. 5. The following words and phrases, when used in this Code and any amendment thereof or addition thereto, shall for the purposes of this Code, have the meanings respectively ascribed to them in this section, except as otherwise specifically provided or where the context clearly indicates a different meaning:

1. Village shall mean the Village of Blissfield.
2. Person shall include any individual, co-partnership, corporation, association, club, joint adventure, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
3. Public place shall mean any place to or upon which the public resorts, or travels, whether such place is owned or controlled by the Village or any agency of the State of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.
4. Street or highway shall mean the entire width subject to an easement for public right of way, or owned in fee by the Village, County, or State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right for purposes of public travel. Alley shall mean any such way or place providing a secondary means of ingress and egress from a property.
5. Sidewalk shall mean that portion of a street between the curb lines or lateral lines and the right of way lines which is intended for the use of pedestrians.
6. Charter shall mean Act 3 of the Public Acts of 1895, State of Michigan, in its application to the Village.

1.006 Amendment Procedure.

Sec. 6. This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

1. To amend any section:

AN ORDINANCE TO AMEND SECTION _____ (OR SECTIONS _____ AND _____) OF CHAPTER _____ OF THE VILLAGE CODE.

2. To insert a new section or chapter:

AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING A NEW SECTION (_____ NEW SECTIONS OR A NEW CHAPTER, as the case may be) WHICH NEW SECTION (SECTIONS OR CHAPTER) SHALL BE DESIGNATED AS SECTION _____ (SECTIONS _____ AND _____) OF CHAPTER _____ (or proper designation if a chapter is added) OF SAID CODE.

3. To repeal a section or chapter:

AN ORDINANCE TO REPEAL SECTION _____ (SECTIONS _____ AND _____ OR CHAPTER _____) CHAPTER _____, (as the case may be) OF THE VILLAGE CODE.

1.007 Publication and Distribution of Amendments.

Sec. 7. Amendments to the Code shall be published as required by section 4, Chapter VI of the Village Charter, and not less than 17 copies of each amendment shall be published in form suitable for insertion in this Code. The Clerk shall distribute such copies to the officers of the Village having copies of the Code assigned to them. Each officer assigned a copy of the Code shall be responsible for maintaining the same and for the proper insertion of amendatory pages as received. Each copy of said Code shall remain the property of the Village and shall be turned over by each officer having custody thereof upon expiration of his/her term of office to his/her successor or to the Village Clerk, in case he/she shall have no successor.

1.008 Responsibility.

Sec. 8. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act.

1.009 Headings.

Sec. 9. No provision of this Code shall be held invalid by reason of deficiency in any chapter or section heading.

1.010 Title of Officer to Include Deputy or Subordinate.

Sec. 10. Whenever, by the provisions of this Code, any officer of the Village is assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer or his deputy or authorized subordinate.

1.011 Tense.

Sec. 11. Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

1.012 Severability

Sec. 12. It is the legislative intent of the Village Council, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety, and welfare of the residents of the Village and should any provision or section of this Code be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that this Ordinance Code shall stand, notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section or chapter or this Code and to any chapter added hereto, whether or not the wording of this section is set forth in the amendatory ordinance.

1.013 Notice.

Sec. 13. Notice regarding sidewalk construction or repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the Village may be assessed against the premises under the provisions of this Code, shall, except as otherwise provided by the Village Charter, be served:

1. By delivering the notice to the owner personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or
2. By mailing said notice by registered or certified mail to such owner at his last known address, or
3. If the owner is unknown, by posting said notice in some conspicuous place on the premises for five days.

No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any Village officer unless permission is given by said officer to remove said notice.

1.014 - Penalty.

Sec. 14.

1. Except as otherwise provided by law or ordinance, a violation of this Code is a misdemeanor.
2. In this section, the term "violation of this Code" means any of the following:
 - a. Doing an act that is prohibited or made or declared unlawful, an offense, a violation by statute, ordinance, or rule or regulation authorized by ordinance.
 - b. Failure to perform an act that is required to be performed by ordinance, or by rule or regulation authorized by ordinance.
 - c. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation by statute, ordinance, or rule or regulation authorized by ordinance.
3. The term "violation of this Code" does not include the failure of a village officer or 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.
4. Except as otherwise provided in this Code, a person convicted of violating this Code shall be guilty of a misdemeanor, punishable by incarceration for up to 90 days and/or a fine of not more than \$500.00, or both. If the violation of this Code substantially corresponds to a violation of state law in which the maximum period of incarceration is 93 days, a person convicted of such a violation shall be guilty of a misdemeanor, punishable by incarceration for up to 93 days and/or a fine of not more than \$500.00, or both.
5. Except as otherwise provided by law or ordinance:
 - a. If a violation of this Code is continuous with respect to time, each day that the violation continues constitutes a separate offense.
 - b. If a violation of this Code is not continuous with respect to time, each violation constitutes a separate offense.
6. In addition to any penalties described in this section, the Village reserves the right to declare a violation of this Code as a nuisance per se, and seek any other and further remedy under the law

and equity, including, but not limited to, seeking injunctive relief. The imposition of a penalty under this section does not prevent suspension or revocation of a license, permit or franchise, or other administrative sanctions.

Article II

1.201 Municipal Civil Infraction Bureau.

Sec. 1. This section shall be known and cited as the “Village of Blissfield Municipal Ordinance Violations Bureau Ordinance.

1.202 Definitions.

Sec. 2. As used in this section:

1. Authorized Village Official means police officer or other personnel of the village authorized by this ordinance or any other village ordinance to issue municipal civil infraction citations.
2. Municipal Civil Infraction means an act or omission that is prohibited by any ordinance of the village, but which is not a crime under the ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of any village ordinance that is a criminal offense.
3. Municipal civil infraction citation means a written complaint prepared by an authorized village official and filed with the court, in those cases where the alleged violator either denies responsibility or admits responsibility with explanation following the issuance of a municipal civil infraction notice.
4. Municipal civil infraction notice means a written notice issued and served by an authorized village official which shall notify an alleged violator of the proposed action to be commenced by an authorized village official regarding the occurrence or existence of a municipal civil infraction violation.

1.203 Bureau Authority.

Sec. 3. The bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this division or other applicable ordinance. The bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

1.204 Civil Infraction Action.

Sec. 4.

1. Commencing action. A municipal civil infraction action shall be commenced by the issuance of a municipal civil infraction notice by an authorized village official directing the alleged violator to contact the bureau for purposes of admitting or denying responsibility for the violation.
2. Grounds for issuing notice. An authorized Village of Blissfield official may issue a municipal civil infraction notice to a person if:
 - a. The authorized village official witnesses that person commit a municipal civil infraction; or
 - b. Based upon investigation, the official has reasonable cause to believe that that person is responsible for a municipal civil infraction; or

- c. Based upon investigation of a complaint by someone who allegedly witnessed that person commit a municipal civil infraction, the official has reasonable cause to believe that that person is responsible for an infraction and if the village attorney approves in writing the issuance of the municipal civil infraction notice.

1.205 Civil Infraction Notice.

Sec. 5. Contents of notice.

1. Municipal civil infraction violation notices shall be issued and served by authorized village officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:
 - a. The name and address of the alleged violator;
 - b. The violation;
 - c. The time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;
 - d. The amount of the scheduled fines/costs for the violation;
 - e. The methods by which the violation may be admitted or denied;
 - f. The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
 - g. The address and telephone number of the bureau; and
 - h. The days and hours that the bureau is open.
2. Rights of violator. Further, the municipal civil infraction notice shall inform the alleged violator that he or she may do one of the following:
 - a. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - b. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or in person, or by representation.
 - c. Deny responsibility for the municipal civil infraction by doing either of the following:
 - i. Request an informal hearing in which event he or she shall appear in person for a hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Village; or
 - ii. Request a formal hearing before a judge, with the opportunity of being represented by an attorney.
 - d. Effect of failure to admit. The municipal civil infraction notice shall also inform the alleged violator that in the event the alleged violator admits responsibility "with explanation", denies responsibility or fails to contact the bureau within the prescribed time, a municipal civil infraction citation shall be issued and served.

1.206 Civil Infraction Citation.

Sec. 6. When a citation shall issue. Where a person fails to admit responsibility without explanation for a violation within the jurisdiction of the bureau and pay the required civil fine and costs within the designated time period, the bureau clerk or other designated Village of Blissfield employee(s) shall advise the authorized village official to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter, pursuant to Article III of this Ordinance.

1.207 Schedule of Civil Fines/Costs.

Sec. 7. Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance

violation notices shall be determined pursuant to the annually adopted fee schedule by the Village Council.

1.208 Records and Accounting.

Sec. 8. The bureau clerk or other designated village official/employee shall retain a copy of all municipal ordinance violation notices and shall account to the village council once a month or at such other intervals as the village council may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the bureau and the amount of fines/costs collected with respect to such violations.

1. The civil fines/costs collected shall be delivered to the Village Treasurer at such intervals as the treasurer shall require and shall be deposited in the general fund of the village.

1.209 Availability of Other Enforcement Options.

Sec. 9. Nothing in this section shall be deemed to require the village to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the village may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

Article III

1.301 Municipal Penalty, Civil Infraction and Appearance Tickets.

Sec. 1. This section shall be known as the "Village of Blissfield Municipal Penalty, Civil Infraction and Appearance Tickets Ordinance".

1.302 Definitions.

Sec. 2. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Act means Act No. 236 of the Public Acts of 1961, as amended, and Public Acts 12 and 26 of 1994, as amended.
2. Authorized village official means a village official, police officer or other personnel or agent of the village authorized by this section or any ordinance to issue municipal civil infraction citations.
3. Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
4. Municipal civil infraction citation means a written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
5. Village means Village of Blissfield.

1.303 Municipal Civil Infraction Action; Commencement.

Sec. 3. A municipal civil infraction action may be commenced upon the issuance by an authorized village official of a municipal civil infraction directing the alleged violator to appear in court.

1.304 Municipal Civil Infraction Citations; Issuance and Service.

Sec. 4. Municipal civil infraction citations shall be issued and served by authorized village officials as follows:

1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
2. The place for appearance specified in a citation shall be the district court that has jurisdiction over Village of Blissfield.
3. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by Section 8705 of the Act.
4. A citation for a municipal civil infraction signed by an authorized village official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature to the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
5. An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
6. An authorized village official may issue a citation to a person if:
 - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction;
 - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the village attorney approves in writing the issuance of the citation; or
 - c. Municipal civil infraction citations shall be served by an authorized village official as follows:
 - i. Except as otherwise provided below, an authorized village official shall personally serve a copy of the citation upon the alleged violator.
 - ii. If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

1.305 Municipal Civil Infraction Citations; Contents.

Sec. 5.

1. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
2. Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - a. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - b. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - c. Deny responsibility for the municipal civil infraction by doing either of the following:

- i. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
 - ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
3. The citation shall also inform the alleged violator of all of the following:
 - a. That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance, and obtain a scheduled date and time for an appearance.
 - b. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - c. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village.
 - d. That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - e. That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
4. The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

1.306 General Penalties and Sanctions for Violations of Village Ordinances; Continuing Violations; Injunctive Relief.

Sec. 6.

1. Unless a violation of an ordinance of the Village of Blissfield is specifically designated in the ordinance as a municipal civil infraction, the violation shall be deemed to be a criminal misdemeanor.
2. The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 93 days, or both, unless a specific penalty is otherwise provided for the violation by the ordinance involved.
3. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinances involved, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, Public Acts 12-26 of 1994, as amended, and other applicable laws.
 - a. Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Village Council by resolution), the civil fine for a municipal civil infraction violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.
 - b. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this Ordinance, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by the same person for the same property within any three-year period and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance

for a particular municipal infraction violation, the increased fine for a repeat offense shall be as follows:

- i. The fine for any offense which is a first repeat offense shall be not less than \$50.00, plus cost.
 - ii. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$125.00, plus costs.
4. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.
 5. Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
 6. In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Village ordinance.

1.307 Authorized Persons- Civil Infraction Tickets.

Sec. 7. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Village of Blissfield ordinance to the contrary, the following officials are hereby designated as the authorized village officials to issue and serve municipal civil infraction citations of village ordinances which provide for a municipal civil infraction for a violation thereof:

1. The village building inspector.
2. Any officer of the Blissfield Police Department.
3. The village Administrator.
4. The village mechanical, plumbing, and electrical inspectors.
5. The Village Zoning Administrator.

1.308 Authorized Persons- Misdemeanor Appearance Tickets.

Sec. 8. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Village of Blissfield ordinance to the contrary, the following officials are hereby designated as the authorized village officials to issue and serve misdemeanor citations of village ordinances which provide for a misdemeanor ticket for a violation thereof:

1. Any officer of the Blissfield Police Department.

1.309 Applicability of the Act.

Sec. 9. If this section is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

Yeas: 7

Nays: 0

PASSED, APPROVED AND ADOPTED this 13th day of November, 2023.