

**Village of Onekama
Manistee County, Michigan
ORDINANCE NUMBER 01 of 2015**

**AN ORDINANCE TO AMEND ORDINANCE NO. 30 of 2002 ADOPTED ON MAY 9, 2002
AND STYLED:**

AN ORDINANCE ADOPTED PURSUANT TO 1994 PA 12, BEING MCL 600.8396, ET SEQ. AND 1985 PA 3, BEING MCL 66.2, ET. SEQ. FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL ORDINANCE VIOLATIONS BUREAU; ESTABLISHING MUNICIPAL ORDINANCE VIOLATION ENFORCEMENT AUTHORITY; SETTING FORTH THE REQUIREMENTS FOR INITIATION OF CIVIL INFRACTION ACTIONS AND ISSUANCE, NOTICE AND SERVICE REQUIREMENTS FOR CIVIL INFRACTION CITATIONS AND NOTICES.

THE VILLAGE OF ONEKAMA ORDAINS:

SECTION 1 - ORDINANCE NO. 30 of 2002 is amended, as follows:

Add at the end of Section 3:(C), a sentence stating that "The Village Clerk is designated as the Bureau Clerk."

SECTION 3:(D) is amended and restated, as follows:

" (D) Enforcement: The Onekama Village Zoning Administrator shall be authorized to enforce the Onekama Village Zoning Ordinance and to have necessary legal action initiated pursuant to Section 9805 of the Zoning Ordinance. The Zoning Administrator shall be "an authorized village official" pursuant to this Ordinance and shall be the Enforcement Officer under Section 6.B of the Village of Onekama Property Maintenance Ordinance, Number 42. The Zoning Administrator shall have the authority under the circumstances set forth in this Ordinance to issue Municipal Civil Infraction Violation Notices and Municipal Civil Infraction Citations for violations of the Zoning Ordinance and for violations of Ordinance Number 42. The Village Council President shall be authorized to enforce all other ordinances and shall be an "authorized village official" pursuant to this Ordinance.

Delete from SECTION 5:A.(1) the words "which citation shall be submitted to the Village Attorney and the Village Council for approval prior to issuance and service"

Delete from SECTION 5:A.(2)(i) the word "belief" and insert in place of the deletion the word "believe" and delete the words "and the Village Council and Village Attorney approves in writing the issuance of the citation".

Delete from SECTION 5:A.(2)(ii) the words "and if the Village Council and Village Attorney approves in writing the issuance of the

citation" and renumber the Divisions which follow as (3) through (9), respectively.

Re-designate Paragraph "(iv)" of original SECTION 5:A.(6) as Subparagraph "(a)" of Subdivision (iii) of renumbered Division(7) of SECTION 5:A.

Re-designate Paragraph "(v)" of original SECTION 5:A.(6) as Subparagraph "(b)" of Subdivision (iii) of renumbered Division (7) of SECTION 5:A.

Delete in Subdivision (ii) of renumbered Division (8) of SECTION 5:A the second word "and" add in place of the deletion the word "a".

Insert in the title of Section 5:B the word "INFRACTION" between the words "CIVIL VIOLATION".

The text of Section 5:B.(3) is amended and restated as follows:

"If a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines and costs within the designated time period, the Bureau Clerk or other designated village employee shall advise the authorized village official (complainant) to issue and file a municipal civil infraction citation for such violation with the 85th District Court, Manistee County, Michigan according to the provisions of Section 5:A herein EXCEPT THAT the service of the citation may be made by first class mail upon the alleged violator at his or her last known address."

Delete in SECTION 6 the word "coasts" and add in place of the deletion the word "costs".

The text of SECTION 9 is amended and restated as follows:

"The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect."

Delete in SECTION 11 the words "by the Village Council" and add in place of the deletion the words "as required by law

SECTION 2 - ORDINANCE NO.30 of 2002 AS AMENDED AND COMPLETELY RESTATED

Ordinance No.30 of 2002 as amended and completely restated is attached hereto.

SECTION 3 - Effective Date

This Ordinance shall be effective on the 21st day following publication as required by law.

THOSE VOTING IN FAVOR: Miller, Drumm, Hendricks, Milasich, Bauer,
Burger

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING: Hudson

CERTIFICATION BY VILLAGE PRESIDENT

I, ROGER BURGER, President of the Village of Onekama, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of the Ordinance as adopted by the Village Council at a meeting held on the 20th day of May, 2015.

Dated: May 20, 2015

/s/ Roger Burger
Roger Burger, President
Village of Onekama

CERTIFICATION BY TEMPORARY CLERK OF THE VILLAGE OF ONEKAMA

I, /s/ Alice E. Hendricks, Temporary Clerk of the Village of Onekama, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of the Ordinance as adopted by the Village Council at a meeting held on the 20th day of May, 2015.

Dated: May 20, 2015

/s/ Alice E. Hendricks
Temporary Clerk,
Village of Onekama

CERTIFICATION OF PUBLICATION BY VILLAGE CLERK

I, RUTH HUDSON, Clerk of the Village of Onekama, Manistee County, Michigan, do hereby certify that a notice of Ordinance adoption was published on the ___ day of _____ of 2015, in the Manistee News Advocate, a newspaper having general circulation in the Village as required by law.

Dated: _____, 2015

Ruth Hudson
Village of Onekama Clerk