

PROPOSED ORDINANCES #292-#297

Adopted 4-20-16

CITY OF HANCOCK

ORDINANCE # 292

"AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE HANCOCK CODE OF ORDINANCES TO MAKE VIOLATIONS THEREOF A MUNICIPAL CIVIL INFRACTION; TO ESTABLISH A MUNICIPAL VIOLATIONS BUREAU FOR THE PURPOSE OF ACCEPTING CIVIL INFRACTIONS ADMISSIONS OF RESPONSIBILITY; TO COLLECT AND RETAIN CIVIL FINES FOR VIOLATIONS OF THE CODE OF ORDINANCES; TO AUTHORIZE CERTAIN CITY OFFICIALS TO ENFORCE THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE."

THE CITY OF HANCOCK ORDAINS:

Chapter 131: Municipal Civil Infractions Actions and Citations, and the Hancock Municipal Ordinance Violations Bureau

131.01 Definitions. As used in this section

"Act" means Act 236 of the Public Acts of 1961, as amended

"Authorized City official" means a police officer or other personnel of the City authorized by these codified ordinances or by resolution of the Hancock City Council to issue municipal civil infraction citations or municipal ordinance violation notices.

"Bureau" means the Hancock Municipal Ordinance Violations Bureau, as established by this chapter.

"Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal civil infraction citation" or "citation" means a written complaint or notice prepared by an authorized City official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal ordinance violation notice" or "violation notice" means a written notice, other than a citation, prepared by an authorized City official, directing a person to appear at the Hancock Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the City, as authorized under Section 8396 and 8707(6) of the Act.

131.02 Commencement of Municipal Civil Infraction Actions. A municipal civil infraction action may be commenced upon the issuance by an authorized City official of:

a. A municipal civil infraction citation directing the alleged violator to appear in court; or

b. A municipal ordinance violation notice directing the alleged violator to appear at the Hancock Municipal Ordinance Violations Bureau.

131.03 Issuance and Service of Municipal Civil Infraction Citations. Municipal civil infraction citations shall be issued and served by authorized City officials as follows:

a. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

b. The place for appearance specified in a citation shall be the district court.

c. 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 City and issued to the alleged violator as provided by Section 8705 of the Act.

d. A citation for a municipal civil infraction, signed by an authorized City official shall be treated as if it were 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 of the official "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

e. An authorized City 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.

f. An authorized City official may issue a citation to a person if:

1. Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction;

2. 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 such an infraction and if the prosecuting attorney or City attorney approved in writing the issuance of the citation.

g. Municipal civil infraction citations shall be served by an authorized City official as follows:

1. Except as provided by paragraph 131.03(g)2, an authorized City official shall personally serve a copy of the citation upon the alleged violator.

2. 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 the 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.

1.04 Contents of Municipal Civil Infraction Citations

- a. A municipal civil infraction 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.
- b. Further, the citation shall inform the alleged violator that he or she may do one of the following:
 1. Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.
 2. Admit responsibility for the municipal civil infraction “with explanation” by mail, by the time specified for appearance, or in person or by representation
 3. Deny responsibility for the municipal civil infraction by doing either of the following:
 - A. 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 City.
 - B. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- c. The citation shall also inform the alleged violator of all of the following:
 1. 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.
 2. 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.
 3. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the City.
 4. 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.
 5. That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- d. 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.

131.05 Municipal Ordinance Violations Bureau.

a. Establishment. The City establishes a Municipal Ordinance Violations Bureau, as authorized under Section 8396 of the Act, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized City officials, and to collect and retain civil fines and costs as prescribed by these codified ordinances or any ordinance

b. Location; supervision, rules and regulations; employees. The Bureau shall be located at City hall and shall be under the supervision and control of the Clerk/Treasurer. The City Manager, subject to the approval of the City Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified employees to administer the Bureau.

c. Disposition of violations. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal ordinance violation notice has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this section shall prevent or restrict the City from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau, and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish that person's rights, privileges and protection accorded by law.

d. Scope of authority. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

131.06 Issuance and Service of Municipal Ordinance Violation Notices.

a. Contents. Municipal ordinance violation notices shall be issued and served by authorized City officials under the same circumstances and upon the same persons as are provided for municipal civil infraction citations in Subsection 131.03 herein. In addition to any other information required by these codified ordinances or any other ordinance, the violation notice shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation and the consequences for failure to appear and pay the required fine within the required time.

b. Appearance; payment of fines and costs. An alleged violator receiving a municipal ordinance violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal ordinance violation notice. An appearance may be made by mail, in person or by representation.

c. Procedure where admission of responsibility is not made or fine is not paid. If an authorized City official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and cost, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

131.07 Civil Infraction Penalties

a. A schedule of civil fines payable to the Hancock Municipal Ordinance Violations Bureau, located at Hancock City Hall, for admissions of responsibility by persons served with municipal ordinance violation notices shall be established by the City Manager and approved by resolution of the City Council. A copy of the schedule, as amended from time to time, shall be posted at the Municipal Ordinance Violations Bureau.

A separate offense shall be deemed committed each day or on which a violation or noncompliance occurs or continues, unless otherwise provided.

b. Violation of the provisions of the following Chapters of the Hancock City Code shall be deemed to constitute civil infractions:

CHAPTER 51 SEWERS

CHAPTER 52: WASTE COLLECTION

CHAPTER 53: WATER SUPPLY CROSS CONNECTION

CHAPTER 54: WATER AND SEWER REGULATIONS

CHAPTER 90: ABANDONED OR JUNKED MOTOR VEHICLES

CHAPTER 91: ANIMALS

CHAPTER 95: FIRE PREVENTION

CHAPTER 96: NUISANCES

CHAPTER 97: PARKS AND RECREATION

CHAPTER 98: STREETS AND SIDEWALKS

CHAPTER 99: RENTAL REGISTRATION

CHAPTER 110: ADVERTISING

CHAPTER 111: CIRCUS PERFORMERS, STREET VENDORS AND THE LIKE

CHAPTER 112: JUNK DEALERS; SECOND-HAND DEALERS

CHAPTER 114: TRANSIENT MERCHANTS

CHAPTER 151: COMMERCIAL TRAILERS OR TRUCKS

c. Any provision contained within the Code that purports to make the violation of any of the above-stated provisions of the Code a misdemeanor is hereby repealed.

Section 3. Publication and Effective Date.

This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 16th of March, 2016.

This ordinance was adopted/enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2016.

This ordinance shall take effect 30 days from the date of adoption according to the Hancock City Charter.

Effective date: May 20, 2016.

Karen Haischer, CMC City Clerk

CITY OF HANCOCK

SCHEDULE OF CIVIL FINES

Violation of the provisions of the following Chapters of the Hancock City Code have been deemed to constitute civil infractions.

CHAPTER 51 SEWERS

CHAPTER 52: WASTE COLLECTION

CHAPTER 53: WATER SUPPLY CROSS CONNECTION

CHAPTER 54: WATER AND SEWER REGULATIONS

CHAPTER 90: ABANDONED OR JUNKED MOTOR VEHICLES

CHAPTER 91: ANIMALS

CHAPTER 95: FIRE PREVENTION

CHAPTER 96: NUISANCES

CHAPTER 97: PARKS AND RECREATION

CHAPTER 98: STREETS AND SIDEWALKS

CHAPTER 99: RENTAL REGISTRATION

CHAPTER 110: ADVERTISING

CHAPTER 111: CIRCUS PERFORMERS, STREET VENDORS AND THE LIKE

CHAPTER 112: JUNK DEALERS; SECOND-HAND DEALERS

CHAPTER 114: TRANSIENT MERCHANTS

CHAPTER 151: COMMERCIAL TRAILERS OR TRUCKS

Failure to comply with any provisions of the above named chapters of the Hancock City Code shall be punishable by fines as follows:

For the first offense: \$25.00

For the first repeat offense: \$50.00

For subsequent repeat offenses: \$250.00

A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues, unless otherwise provided.

ORDINANCE #293

"AN ORDINANCE TO REVOKE CERTAIN CHAPTERS AND SUBCHAPTERS OF THE HANCOCK CODE OF ORDINANCES."

THE CITY OF HANCOCK ORDAINS:

Section 1.

A. Chapter 113 of Title XI, entitled "Taxicabs" is revoked in its entirety, and Section 113 of Title XI is reserved for future use.

B. Subsection 150.01 of Chapter 150 of Title XV, entitled "BOCA National Building Code" is revoked in its entirety, and Subsection 150.01 of Chapter 150 of Title XV is reserved for future use.

C. Subsection 150.29 of Chapter 150 of Title XV, entitled "Dwellings over One Story in Height" is revoked in its entirety, and Subsection 150.29 of Chapter 150 of Title XV Is reserved for future use.

Section 2. Publication and Effective Date.

This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 16th day of March, 2016.

This ordinance was adopted/enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2016.

This ordinance shall take effect 30 days from the date of adoption according to the Hancock City Charter.

Effective date: May 20, 2016.

ORDINANCE NO. 294

AN ORDINANCE TO PROHIBIT INDOOR FURNITURE, BED BOX SPRINGS AND MATTRESSES BEING LOCATED OR STORED OUTDOORS

THE CITY OF HANCOCK ORDAINS:

Section 1. It shall be unlawful for any person, to keep upholstered furniture, bed box springs, and mattresses not specifically designed for outdoor patio or deck use by the manufacturer in front yard, side yards or rear yard of a property within the City of Hancock for a period of more than twenty four (24) hours.

Section 2. For the purpose of this ordinance a person is defined as a natural person, tenant, corporation, limited liability company, firm or business.

Section 3. Upholstered furniture, bed box springs and mattresses that is not designed for outdoor use by the manufacturer is prohibited to be used or stored on an exterior balcony, porch, deck, roof, landing, garage roof or other areas exposed to the weather.

Section 4. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 5. Civil infraction. Willful or negligent violation of any section of this chapter shall be a municipal civil infraction.

Section 6. Publication and Effective Date. This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 16th day of March, 2016.

This ordinance was adopted/enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2016.

This ordinance shall take effect 30 days from the date of adoption according to the Hancock City Charter.

Effective date: May 20, 2016.

ORDINANCE #295

"An ordinance adopting the 2015 edition of the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures by providing standards for buildings and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; the condemnation of buildings and structures unfit for human occupancy and use, the demolition of such existing structures in the City of Hancock; providing for the issuance of permits and collection of fees therefor; amending Chapter 152 of Title XV of the Hancock Code of Ordinances, and all other ordinances or parts of laws in conflict therewith."

THE CITY OF HANCOCK ORDAINS:

Section 1.

A. Chapter 152 of Title XV of the Hancock Code of Ordinances is amended by revoking the name "Housing Code." Hereafter the name of Chapter 153 shall be "Property Maintenance Code."

B. Chapter 152 of Title XV of the Hancock Code of Ordinances is amended by revoking the language of Subsection 152.01 which adopted the Basic Housing Code, 1970, Second Edition by reference, and the following Sections are added to Chapter 152:

152.01 The International Property Maintenance Code, 2015 edition, as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the City of Hancock (hereafter "the code"), for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Hancock are hereby adopted by reference as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

C. 152.99 Penalty. The language of 152.99 is revoked and is amended to read "The violation or non-compliance with this chapter shall be civil Intractions and the penalties for such violation and non-compliance shall be as they are contained within the code and according the Schedule of Civil Fines as posted in Hancock City Hall.

Section 2. The following sections of the International Property Maintenance Code are hereby revised:

Section 101.1. Insert: "the City of Hancock."

Section 103.5. Insert: "A schedule of fees shall be adopted by resolution of the City Council, and a copy shall be posted in the Hancock City Hall."

Section 112.4. Insert "Violation of the code constitutes a civil infraction and is subject to the fines contained in the current Schedule of Civil Fines as adopted and posted in Hancock City Hall."

Section 302.4. Delete Section 302.4 in its entirety.

Section 304.14. Insert: "April 1st" and "November 1st."

Chapter 4. All existing structures in continuous use prior to the adoption of the code are exempt from the requirements of Sections 402.1, 403.1, 404.2, 404.3, 404.4.

Section 602.3. Insert: "September 1st" and "June 1st."

Section 602.4. Insert: "September 1st" and "June 1st."

Section 3. Publication and Effective Date.

This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 16th day of March, 2016.

This ordinance was adopted/enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2016.

This ordinance shall take effect 30 days from the date of adoption according to the Hancock City Charter.

Effective date: May 30, 2016.

ORDINANCE # 296

"AN ORDINANCE TO AMEND CHAPTER 96 OF TITLE IX OF THE HANCOCK CODE OF ORDINANCES RELATING TO THE GROWTH OF NOXIOUS WEEDS AND GRASS."

THE CITY OF HANCOCK ORDAINS:

Section 1.

A. Chapter 96.21 of Title IX is amended by replacing "Downtown Development Authority (DDA)" with "City Limits of Hancock" and "Exhibit A" referenced therein shall be revised to show the boundary of the City of Hancock.

B. Chapter 96.26 of Title IX is amended by adding the following sentence:

“Land that is dangerous or too difficult to cut or effectively maintain due to topography, limited access, or other physical limitations or natural barriers may be exempted from this section at the sole discretion of the City Manager upon written application to the City.”

C. Chapter 96.99 of Title IX is hereby revoked and the following language is inserted:

“The violation of this Chapter constitutes a Civil Infraction.”

Section 2. Publication and Effective Date.

This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 16th of March, 2016.

This ordinance was adopted/enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2016.

This ordinance shall take effect 30 days from the date of adoption according to the Hancock City Charter.

Effective date: May 20, 2016.

ORDINANCE #297

"AN ORDINANCE TO AMEND CHAPTER 91 OF THE HANCOCK CODE OF ORDINANCES BY ADDING A SUBSECTION

RELATING TO INDOOR PETS.”

THE CITY OF HANCOCK ORDAINS:

Section 1.

A. Chapter 91 of Title IX, is amended by adding the following Subsection:

91.07 Indoor Pets.

Any small animal or bird which is kept as a pet and is kept entirely within a residence at all times is permitted under this ordinance. A residence is defined for the purposes of this subsection as a home, trailer, dwelling unit or house that is occupied by one or more persons and is sanctioned by a governmental agency as being suitable for occupancy.

Section 2. Publication and Effective Date.

This ordinance was introduced by the City Council of the City of Hancock, Houghton County, Michigan on the 16th day of March, 2016.

This ordinance was adopted/enacted by the City Council of the City of Hancock, Houghton County, Michigan on the 20th day of April, 2016.

This ordinance shall take effect 30 days from the date of adoption according to the Hancock City Charter.

Effective Date: May 20, 2016