

ORDINANCE NO. 307

AN ORDINANCE TO AMEND SECTION 1.12 OF CHAPTER 1 OF TITLE I OF THE CODE OF ORDINANCES OF THE CITY OF BESSEMER TO PROVIDE GENERAL PENALTIES FOR VIOLATIONS OF THE CODE OF ORDINANCES WHICH ARE MISDEMEANORS AND SANCTIONS FOR VIOLATIONS OF THE CODE OF ORDINANCES WHICH ARE MUNICIPAL CIVIL INFRACTIONS.

THE CITY OF BESSEMER HEREBY ORDAINS:

Section 1. Amendments to Section 1-12 of Code of Ordinances.

Section 1-12 of Chapter 1, Title I of the Bessemer City Code is hereby amended to read as follows:

Section 1-12. General Penalties and Sanctions for Violations of Code and City Ordinances; Continuing Violations; Injunctive Relief.

- (a) Unless a violation of this Code or any Ordinance of the City is specifically designated in the Code of Ordinance to be a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (b) The penalty for a misdemeanor violation shall be a fine not to exceed five hundred (\$500.00) dollars and costs of prosecution, or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation of this Code or any Ordinance.
- (c) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any Ordinance, 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, and other applicable laws.
 - 1. Unless otherwise specifically provided for a particular municipal infraction violation by this Code or any Ordinance, the civil fine for a violation shall not be less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.
 - 2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any Ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any six (6) month period (unless some other period is specifically provided by this Code or any Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (A) The fine for any offense which is a repeat offense shall be not less than \$250.00, plus costs.
 - (B) The fine for any offense which is a second repeat offense or any subsequent offense shall be not less than \$500.00, plus costs.
- (d) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or Ordinance; and any omission or failure to act where the act is required by this Code or Ordinance.
- (e) Each day on which any violation of this Code or any Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

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- (f) In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Code or any City Ordinance.

Section 2. Severability.

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

Section 3. Effective Date.

This Ordinance shall become effective twenty (20) days after the Notice of Adoption has been published in a newspaper of general circulation in the City of Bessemer.


At a regular meeting of the Common Council of the City of Bessemer held on October 2, 1995, adoption of the foregoing Ordinance was moved by Semmerling and supported by Michelli.

AYES: Semmerling, Michelli, Coleman, Frello, Bonovetz


NAYS: None

The Mayor declared the Ordinance adopted.

Vivian Coleman, Mayor



Bruce Carlson, Clerk

ATTEST: 

Bruce Carlson, Clerk

CERTIFICATION

ABG449