

**VILLAGE COUNCIL
VILLAGE OF NASHVILLE
ORDINANCE NO. 01-13-2022-3**

Council Member Hodge, seconded by Council Member Hartwell, moved the adoption of the following ordinance:

AN ORDINANCE TO AMEND VILLAGE OF NASHVILLE ORDINANCE NO. 1-27-2000, SECTION 10; ORDINANCE NO. 12-27-1956, SECTION 7; ORDINANCE NO. 10-25-07, SECTION 18; ORDINANCE NO. 9-12-2019, SECTION 9; ORDINANCE NO. 3-13-2003, SECTION 021; ORDINANCE NO. 1-22-2004-B, SECTION 3; ORDINANCE NO. 9-5-1910, SECTION 2; ORDINANCE NO. 7-23-1888, SECTION 2; ORDINANCE NO. 10-8-1964, SECTION 7; ORDINANCE NO. 11-9-2006-A, SECTION 5; ORDINANCE NO. 1-11-1979-B, SECTION 8; ORDINANCE NO. 7-12-2007-A, SECTION III; AND ORDINANCE NO. 10-23-1997 A, SECTION 1 (6.)

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1. Amendment of Section 10, Ordinance No. 1-27-2000. That Village of Nashville Ordinance No. 1-27-2000, Section 10, is amended to read in its entirety as follows:

Section 10. PENALTIES AND ENFORCEMENT

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 2. Amendment of Section 7, Ordinance No. 12-27-1956. That Village of Nashville Ordinance No. 12-27-1956, Section 7, is amended to read in its entirety as follows:

Section 7.

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 3. Amendment of Section 18, Ordinance No. 10-25-07. That Village of Nashville Ordinance No. 10-25-07, Section 18, is amended to read in its entirety as follows:

Section 18. Penalties

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 4. Amendment of Section 9, Ordinance No. 9-12-2019. That Village of Nashville Ordinance No. 9-12-2019, Section 9, is amended to read in its entirety as follows:

Section 9. PENALTIES

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

For purposes of this Exterior Housing Ordinance, the Village officials authorized to issue municipal civil infraction citations and notices include, but are not limited to, any Authorized Inspector, as defined by the Exterior Housing Ordinance. You may contact City Hall for possible resources to help with any issues.

SECTION 5. Amendment of Section 021, Ordinance No. 3-13-2003. That Village of Nashville Ordinance No. 3-13-2003, Section 021, is amended to read in its entirety as follows:

Section 021. Penalties

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 6. Amendment of Section 3, Ordinance No. 1-22-2004-B. That Village of Nashville Ordinance No. 1-22-2004-B, Section 3, is amended to read in its entirety as follows:

Section 3. Enforcement

- a. A person who violates this ordinance is responsible for a municipal civil infraction. To the extent permitted by law, the civil penalties for violating this ordinance may include, without limitation, ejection of any person from the above-described areas and impoundment as evidence of the vehicle or device(s) used in violation of this ordinance pending prosecution of the civil violation. They may also include an assessment or requirement to pay the owner of the property, including the Village, for the costs of repairing or replacing any damaged property.
- b. Upon admission or determination of responsibility for a violation, the person responsible shall be assessed the following fines: \$50 for a first violation; \$150 for a second violation; and \$300 for a third or subsequent violation.
- c. If a civil fine ordered, the judge or magistrate shall also summarily tax and impose as costs all expenses, direct and indirect, to which the Village has been put in connection with the prosecution of the civil infraction up to a maximum of \$500.

SECTION 7. Amendment of Section 2, Ordinance No. 9-5-1910. That Village of Nashville Ordinance No. 9-5-1910, Section 2, is amended to read in its entirety as follows:

Section 2.

Penalties for Violation: Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 8. Amendment of Section 2, Ordinance No. 7-23-1888. That Village of Nashville Ordinance No. 7-23-1888, Section 2, is amended to read in its entirety as follows:

Section 2.

Penalties for Violation: Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 9. Amendment of Section 7, Ordinance No. 10-8-1964. That Village of Nashville Ordinance No. 10-8-1964, Section 7, is amended to read in its entirety as follows:

Section 7.

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 10. Amendment of Section 5, Ordinance No. 11-9-2006-A. That Village of Nashville Ordinance No. 11-9-2006-A, Section 5, is amended to read in its entirety as follows:

Section 5. Violations/Civil Infractions

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500. Each sale, attempted sale, and each act of entering upon a premises or remaining on any premises in violation of this section shall be a separate offense.

SECTION 11. Amendment of Section 8, Ordinance No. 1-11-1979-B. That Village of Nashville Ordinance No. 1-11-1979-B, Section 8, is amended to read in its entirety as follows:

Section 8.

Any person, firm, corporation, or other entity who violates any term or provision of this ordinance, or any written order of the Nashville Water Department, in pursuance thereof, shall be responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this ordinance.

SECTION 12. Amendment of Section III, Ordinance No. 7-12-2007-A. That Village of Nashville Ordinance No. 7-12-2007, Section III, is amended to read in its entirety as follows:

Section III. Penalty and Enforcement

Any person, firm, corporation, or other entity who violates any term or provision of this Ordinance is responsible for a municipal civil infraction and shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and may be summarily ejected from the council room and the village hall.

SECTION 13. Amendment of Section 1 (6.), Ordinance No. 10-23-1997 A. That Village of Nashville Ordinance No. 10-23-1997 A, Section 1 (6.), is amended to read in its entirety as follows:

6. Schedule of civil fines established.

(a) A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with Municipal Ordinance Violation Notices is hereby established. The fines for violations of ordinance listed below shall be as follows:

ORDINANCE	1st VIOLATION	2nd VIOLATION	3rd OR REPEAT VIOLATION
NO. 11-01-50	\$50	\$150	\$300
NO. 1-01-67	\$50	\$150	\$300
NO. 6-16-02	\$50	\$150	\$300
NO. 3-02-05	\$50	\$150	\$300
NO. 3-23-37	\$50	\$150	\$300
NO. 12-27-56	\$50	\$150	\$300
NO. 1-22-81	\$50	\$150	\$300
NO. 10-08-81	\$50	\$150	\$300
NO. 4-17-39	\$50	\$150	\$300
NO. 10-09-86	\$50	\$150	\$300
NO. 7-22-82	\$50	\$150	\$300
NO. 12-15-54	\$50	\$150	\$300
NO. 8-01-1892	\$50	\$150	\$300
NO. 5-21-34	\$50	\$150	\$300
NO. 6-12-1878 #1	\$50	\$150	\$300
NO. 6-11-1878 #3	\$50	\$150	\$300
NO. 6-18-06	\$50	\$150	\$300
NO. 7-26-79	\$50	\$150	\$300
NO. 6-11-1878 #5	\$50	\$150	\$300
NO. 9-05-10	\$50	\$150	\$300
NO. 10-23-97C	\$50	\$150	\$300
NO. 8-10-89	\$50	\$150	\$300
NO. 10-08-64	\$50	\$150	\$300
NO. 7-23-1888	\$50	\$150	\$300
NO. 5-21-34	\$50	\$150	\$300
NO. 6-12-11 #29	\$50	\$150	\$300
NO. 6-12-1878 #6	\$50	\$150	\$300
NO. 6-20-04	\$50	\$150	\$300
NO. 6-12-11 #25	\$50	\$150	\$300
NO. 5-12-55	\$50	\$150	\$300
NO. 8-05-40	\$50	\$150	\$300
NO. 8-15-1892	\$50	\$150	\$300
NO. 4-13-37	\$50	\$150	\$300
NO. 10-25-07	\$50	\$150	\$300
NO. 1-27-2000	\$50	\$150	\$300
NO. 9-12-2019	\$50	\$150	\$300
NO. 3-13-2003	\$50	\$150	\$300
NO. 1-22-2004-B	\$50	\$150	\$300
NO. 11-9-2006-A	\$50	\$150	\$300

NO. 1-11-1979 B	\$50	\$150	\$300
NO. 7-12-2007 A	\$50	\$150	\$300
ZONING ORDINANCE	\$50	\$150	\$300

(b) Unless another penalty is expressly provided, any person, firm or entity determined responsible for a violation of a Village Ordinance which has been designated as a civil infraction shall be punished by a civil fine of \$50 for a first violation, \$150 for a second violation and \$300 for a third or subsequent violation and shall be liable for the payment of costs in an amount of not less than \$9.00 and not more than \$500.

SECTION 14. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

SECTION 15. Effective Date. This Ordinance shall be published in accordance with state law and shall become effective twenty (20) days after its adoption or upon its publication, whichever occurs later.

PASSED and adopted by the Village Council of the Village of Nashville on January 13th, 2022.

YEAS: Hartwell, Callton, Courtney, Priddy, Hodge, Felder and Kenyon

NAYS: None

ABSENT: None

Ordinance No. 01-13-2022-3 adopted.

Kayce Nelson, Village Clerk

Mike Kenyon, President

I, Kayce Nelson, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village Council of the Village of Nashville at a regular meeting held on January 13th, 2022.

Kayce Nelson, Village Clerk

Adopted: January 13th, 2022
Published: January 22nd, 2022
Effective: February 2nd, 2022