

10.99 GENERAL PENALTY.

(A) Penalties in general.

(1) Whenever in this code or in any rule or regulation adopted under this code an act is prohibited or is made or declared to be unlawful or an offense is a misdemeanor, or wherever in the code or rule or regulation the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any provision of this code or rule or regulation shall be punishable by a fine of not more than \$500 and costs of prosecution, or by imprisonment of not more than ~~90~~ 93 days, or by both the fine and imprisonment.

(2) Each set of violations and every day upon which any violation shall occur shall constitute a separate offense.

(3) (a) The penalty provided by this section, unless another penalty is expressly provided, shall apply to any amendment of this code, whether or not the penalty is reenacted in the amendatory ordinance.

(b) In addition to the penalties provided in this section, the city may enjoin or abate any violation of this code or any rule or regulation adopted under this code by appropriate action, and may avail itself of any other remedy provided by law to enforce this code or the rule or regulation.

(c) Additional penalties or costs applicable to particular sections of this code appear in those sections.

(B) *Civil infractions.* Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this code, for which violation is designated as a civil infraction, may be ordered to pay a civil fine of not more than \$100 plus costs of prosecution. The words **MUNICIPAL CIVIL INFRACTION** mean an act or omission that is prohibited by this code or any ordinance of the city, but which is not a crime under this code or other ordinance, and for which civil sanctions; including, without limitation, fines, damages, expenses, and costs; may be ordered, as authorized by Public Act 236 of 1961, M.C.L.A. ' ' 600.8701 *et seq.* A municipal civil infraction is not a lesser-included offense of violation of this code that is a criminal offense.

(C) *General penalties and sanctions for violations; continuing violations.*

(1) Unless a violation of this code or any ordinance of the city is specifically designated in the code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(2) The penalty for a misdemeanor violation shall be a fine not exceeding \$500 plus costs of prosecution, or imprisonment not exceeding ~~90~~ 93 days, or both, unless a specific penalty is otherwise provided for the violation by this code or ordinance.

(3) 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 Public Act 236 of 1961, M.C.L.A. ' ' 600.8701 *et seq.*, and other applicable laws.

(4) Unless otherwise specifically provided for a particular municipal civil infraction violation by this code or any ordinance, the civil fine for violation shall be not less than \$50 plus costs and other sanctions for each infraction.

(5) 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 infraction violation of the same requirement or provision committed by a person within any 6-month period (unless some other period is specifically provided by this code or any ordinance) and 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 first repeat offense shall be not less than \$125 plus costs.

(b) The fine for any second repeat offense shall be not less than ~~\$250~~ \$500 plus costs.

(c) A **VIOLATION** includes any act which is prohibited or made or declared to be unlawful or an offense by this code or any ordinance; and any omission or failure to act where the act is required by this code or any ordinance.

(d) Each day of 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.

(D) *Injunctive relief.* The foregoing penalties shall not prohibit the city from seeking injunctive relief against a violator, or other appropriate relief as may be provided by law. Costs of prosecution and/or enforcement and/or repair, alteration, or razing may be assessed to anyone in violation hereof.

(E) *Cost recovery.*

(1) That in addition to all other penalties, the City of Hartford may bring an action for costs of enforcement and prosecution expense upon person(s) that have violated any provision of the City of Hartford Code of Ordinances, City Charter, or Zoning Ordinance. The action shall be a civil action in a court of competent jurisdiction. The action shall be entitled in the name of the city and shall be against the person that has allegedly violated the ordinance of the city.

(2) Should the city receive a judgment and should the judgment not be satisfied within 60 days of service upon the defendant, the city may, upon 30 days written notice, submit a copy of the judgment to the City Treasurer and County Treasurer for the costs to be added to the tax roll of the defendant's property.

(3) The cost of enforcement and prosecution shall be the actual amount of attorneys fees for enforcement of the ordinance. An itemized list given under oath shall be prima facie evidence of the attorneys fees.

(1993 Code, ' 1.4) (Am. Ord. 303-07, passed 1-28-2008)