

A RESOLUTION ADOPTING A SCHEDULE OF CIVIL MONETARY PENALTIES OF \$1,000 PER VIOLATION OF LOCAL HEALTH ORDERS ISSUED IN RESPONSE TO COVID-19, EFFECTIVE AT 12:00 PM ON OCTOBER 22, 2020, IN ACCORDANCE WITH THE PUBLIC HEALTH CODE, ACT 368 OF 1978, MCL 333.2461

WASHTENAW COUNTY BOARD OF COMMISSIONERS

October 21, 2020

Presented By: Jimena Loveluck, Health Officer, Washtenaw County Health Department

WHEREAS, the Public Health Code, act 368 of 1978, exists to protect and promote the public health; and

WHEREAS, the Public Health Code provides for several general provisions including the health departments powers, duties and authority to prevent and control diseases; and

WHEREAS, COVID19 response has put exceptional pressures on the operating structure of the public health system; and

WHEREAS, existing and evolving orders at the local level are established to reduce / eliminate the spread of COVID19 within our community; and

WHEREAS, adherence to executive and local COVID19 orders has not been consistently followed and forced the health department to initiate several violation letters; and

WHEREAS, the current violation control model outlined in MCL 333.2443 allows for an individual to be arrested and charged with a misdemeanor punishable by up to 6 months of imprisonment and places an unnecessary burden on our prison system, courts and law enforcement; and

WHEREAS, a civil monetary penalty for violations of local health officer orders will deter dangerous behaviors that contribute to disease spread and will allow the health department to hold violators accountable; and

WHEREAS, this matter has been reviewed by Corporation Counsel, the Finance Department, Human Resources, the County Administrator's Office, and the Ways and Means Committee.

NOW THEREFORE BE IT RESOLVED, in accordance with the Public Health Code, MCL 333.2461, the Washtenaw County Board of Commissioners hereby adopts a schedule of civil monetary penalties for violations of local health orders issued pursuant to MCL 333.2451, 333.2453 or 333.2455, to become effective at 12:00 PM on October 22, 2020 as follows:

Public Health Code	Brief Description	Penalty Amount
MCL 333.2451	Imminent danger to health or lives	\$1,000/day
MCL 333.2453	Epidemic; emergency order to protect the public's health	\$500/day

MCL 333.2455	Condition violating health laws that may cause illness	\$500/day
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BE IT FURTHER RESOLVED, individuals, businesses, entities or property owners issued a civil monetary penalty by the health department shall have the opportunity to pursue administrative review as outlined in MCL 333.2462 which provides the Board of Commissioners with the position to confirm, dismiss or modify the violation.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Beeman	X			LaBarre	X			Shink	X		
Brabec	X			Maciejewski	X						
Jamnick	X			Morgan	X						
Jefferson	X			Scott	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY ROLL CALL VOTE: 9 0 0

STATE OF MICHIGAN)

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on October 21, 2020, as it appears of record in my office.

COUNTY OF WASHTENAW)SS.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 22nd day of October, 2020.

LAWRENCE KESTENBAUM, Clerk/Register

BY: _____ Deputy Clerk



Res. No. 20-146