

**TOWNSHIP OF HARTLAND  
ORDINANCE NO. 74**

**MUNICIPAL CIVIL INFRACTION AND VIOLATIONS BUREAU ORDINANCE**

**(Repeal Ordinance Nos. 45, 46 and 45-1)**

**SECTION 1 TITLE**

This ordinance shall be known and cited as the “Municipal Infraction Ordinance”.

**SECTION 2 DEFINITIONS**

As used in this Ordinance:

- A. *Act* means Act 236 of Public Acts of 1961, as amended.
- B. *Authorized township official* means the Township Manager, Planning Director, Zoning Administrator, Department of Public Works Director, Code Enforcement Officer, Township Police Officers, including the Livingston County Sherriff, Fire Chief, Marshall or Inspector or any other personnel of the Township that it may designate by resolution.
- C. *Bureau* means the Township of Hartland Municipal Ordinance Violations Bureau as authorized by the Act, being MCL 600.8396, and established by this Ordinance.
- D. *Code* means the Ordinances of the Township of Hartland, Livingston County, Michigan.
- E. *Municipal civil infraction* means an act or omission that is prohibited by the Code, but is not a crime under the Code, and for which civil sanctions including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of the Code that is a criminal offense.
- F. *Municipal civil infraction action* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- G. *Municipal civil infraction citation or citation* means a written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- H. *Municipal civil infraction notice* means a written notice, other than a citation, prepared by an authorized Township official directing a person to appear at the Township of Hartland Municipal Ordinance Violations Bureau and to pay the fine and costs prescribed by this Ordinance, as authorized under Sections 8396 and 8707 of the Act.
- I. *Repeat offense* means any second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one

(1) year period (unless some other period is specifically provided by any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible.

- J. *Township* means Hartland Township, Livingston County, Michigan.
- K. *Violation* means an act which is prohibited and made or declared to be a municipal infraction by the Code, including any omission or failure to act where the act is required by the Code.
- L. *Warning Notice* means a written notice, other than a municipal civil infraction notice or citation, prepared by an authorized Township official advising the recipient of an alleged municipal civil infraction and directing the person to correct the alleged violation within a prescribed time.

### **SECTION 3 ORDINANCES ENFORCED**

The Township, as permitted by law, may enforce ordinances designated as municipal civil infractions by issuing a warning notice, municipal civil infraction notice, municipal civil infraction citation or by any other means permitted by law.

### **SECTION 4 ESTABLISHMENT, LOCATION AND PERSONNEL OF THE BUREAU**

#### **A. Establishment.**

The Bureau is hereby established pursuant to Public Act 236 of 1961 (MCL 600.8396), as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines and costs for such violations as prescribed herein.

#### **B. Location.**

The Bureau shall be located at the Township Hall.

#### **C. Personnel.**

All personnel of the Bureau shall be Township employees. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.

### **SECTION 5 BUREAU AUTHORITY**

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal civil infraction notice has been issued and served, and to collect and retain the scheduled civil fines and costs for such violations specified pursuant to this Ordinance. The Bureau shall not accept payment of fines and costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

## **SECTION 6 RECORDS AND ACCOUNTING**

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal civil infraction notices, and shall account to the Township Board in an annual report, or at such other intervals as the Township Board may require, the number of admissions and denials of responsibility for ordinance violations and the amount of fines and costs collected with respect to such violations. All civil fines and costs collected shall be delivered to the Township Treasurer on the business day received and shall be deposited in the general fund of the Township.

## **SECTION 7 WARNING NOTICE**

Prior to commencing a municipal civil infraction action, an authorized Township official may issue a warning letter in person or by regular or certified mail advising the recipient of an alleged municipal civil infraction and directing that the alleged violation be corrected within ten (10) days of the date the warning letter was issued. If the authorized Township official determines that the recipient requires additional time to resolve the infraction the official may grant up to thirty (30) days for the initial time frame. If the authorized Township official determines that the recipient has made substantial progress to correct the violation within the initial time frame, the period to correct the violation may be extended in writing, provided that the extension does not exceed an additional thirty (30) days. In the event the violation is not corrected within the specified time or any written extension, the authorized Township official may commence a municipal civil infraction action as permitted by this Ordinance. Nothing contained in this subsection shall be construed to require a warning notice prior to commencing a municipal civil infraction action.

A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of (1) a municipal civil infraction notice directing the alleged violator to appear at the Bureau or 2) a municipal civil infraction citation directing the alleged violator to appear in court.

## **SECTION 8 MUNICIPAL CIVIL INFRACTION NOTICES REQUIREMENTS**

Municipal civil infraction notices shall be issued and served by authorized Township officials as provided by law. In addition to any other information required by the Code, the municipal civil infraction notice shall indicate the following:

1. The violation;
2. The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
3. The amount of the scheduled fines/costs for the violation;
4. The methods by which the violation may be admitted or denied;
5. The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
6. The address and telephone number of the Bureau;
7. The days and hours that the Bureau is open.

## **SECTION 9 DISPOSITION OF A MUNICIPAL CIVIL INFRACTION NOTICE**

### **A. Appearance; payment of fines and costs.**

An alleged violator receiving a municipal civil infraction notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction notice. An appearance may be made by mail, in person or by representation.

**B. Denial or admission with explanation of responsibility.**

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. Where a person fails to admit responsibility (without explanation) for a violation and pay the required civil fine and costs within the designated time period, an authorized township official shall issue and file a municipal civil infraction citation for such violation pursuant to Section 11 of this Ordinance.

**C. Procedure where admission of responsibility is not made or fine is not paid.**

If an authorized Township official issues and serves a municipal civil infraction notice and if an admission of responsibility is not made and the civil fine and costs prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation shall be filed with the district court and a copy of the citation served upon the alleged violator pursuant to law.

**SECTION 10 SCHEDULE OF CIVIL FINES**

A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal civil infraction violation notice is hereby established. The fines for the violations shall be as follows:

<b>Offense (Violation)</b>	<b>Fine</b>
Failure to comply with any provision of the Ordinance	\$100.00
First Repeat Offense	\$250.00
Subsequent Repeat Offense	\$500.00

**SECTION 11 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT**

A Municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in court.

## SECTION 12 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE

Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:

- A. The time for appearance specified in a citation shall be within 10 days 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 court. Copies of the citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
- D. A municipal civil infraction citation signed by an authorized Township official shall be treated as 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 Township 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 Township official may issue a municipal civil infraction citation to a person if:
  - 1. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - 2. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the authorized Township official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or township attorney approves in writing the issuance of the citation.
- G. Municipal civil infraction citations shall be served by an authorized Township official as follows:
  - 1. Except as provided below (Section 12 G.2.), an authorized Township 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 a copy on the land or attaching a copy to the building 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 owners' last known address.

### **SECTION 13      MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS**

- 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. 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:
    - i) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity to be represented by an attorney, unless a formal hearing before the judge is requested by the Township.
    - ii) Appearing in court for a formal hearing before a judge, with the opportunity to be 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 Township.

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.

#### **SECTION 14 SCHEDULE OF CIVIL FINES/COSTS**

- A. The penalty for civil infractions shall be the amounts set forth in Section 7, unless otherwise specified in the Code, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Act, and any other applicable laws.
- B. The judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in an ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment.
- C. Each day on which any violation of this Ordinance or any Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- D. In addition to any remedies available by law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance or any other Township Ordinance.

#### **SECTION 15 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS**

Nothing in this Ordinance shall be deemed to require the Township to issue a municipal civil infraction notice. As to each ordinance violation designated as a municipal civil infraction, the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

#### **SECTION 16 FAILURE TO APPEAR PENALTY**

A person served with a municipal civil infraction citation as provided herein who fails to appear within the time specified in the citation or at the time scheduled for hearing or appearance is guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars.

Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.

**SECTION 17 SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**SECTION 18 REPEAL**

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 19 EFFECTIVE DATE**

The Ordinance shall take effect thirty (30) days following its publication after adoption.