

Civil Infraction Ordinance

An ordinance providing for municipal civil infractions of certain township ordinances and penalties pursuant thereto; establishing procedures relating thereto; authorization of which township officials can issue civil infraction tickets and appearance tickets; penalties; and procedures relating to such matters.

THE TOWNSHIP OF SALINE, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

Section 1. Title

This Ordinance shall be known as the Saline Township Civil Infraction Ordinance."

Section 2. Definitions.

As used in this Chapter:

- 2.1 "Act" means Act No. 236 of the Public Acts of 1961, as amended, and Public Acts 1226 of 1994, as amended.
- 2.2 "Authorized township official" means a township official, police officer or other personnel or agent of the township authorized by this Ordinance or any ordinance to issue municipal civil infraction citations.
- 2.3 "Municipal civil infraction action" means an act or omission that is prohibited by any ordinance of the township, but which is not a crime under the ordinance, 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 any township ordinance that is a criminal offense.
- 2.4 "Municipal civil infraction citation" means a written complaint or notice 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.
- 2.5 "Township" means Saline Township.

Section 3. 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 4. Municipal Civil Infraction Citations; Issuance and Service

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

- 4.1 The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- 4.2 The place for appearance specified in a citation shall be the District Court that has jurisdiction over Township.
- 4.3 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 District 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.
- 4.4 A citation for a municipal civil infraction 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 to the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- 4.5 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.
- 4.6 An authorized township official may issue a citation to a person if:
 - A. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - B. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.
- 4.7 Municipal civil infraction citations shall be served by an authorized township official as follows:
 - A. Except as otherwise provided below, an authorized township official shall personally serve a copy of the citation upon the alleged violator.
 - B. 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 the copy to the building or 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 owner's last known address.

Section 5. Municipal Civil Infraction Citations; Contents

- 5.1 A municipal ordinance 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.
- 5.2 Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - A. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - B. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - C. 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 of being represented by an attorney, unless a formal hearing before a judge is requested by the township.
 - ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- 5.3 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 6. Schedule of Civil Fines/Costs

- 6.1 Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule and on the basis of the date of the violation(s):
 - A. First violation.....\$100
 - B. Second violation within a 3-year period \$200*
 - C. Third violation within a 3-year period \$400*

D. Fourth or subsequent violation within a 3-year period \$500*

*Determined on the basis of the date of commission of the offense(s)

- 6.2 In addition to the above prescribed civil fines, costs in the amount of \$10 shall be assessed by the bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the bureau.
- 6.3 A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.
- 6.4 Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- 6.5 In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

Section 7. Authorized Persons-Civil Infractions Tickets

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Saline Township ordinance to the contrary, the following officials are hereby designated as the authorized Township officials to issue and serve municipal civil infraction citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

- The Washtenaw County building, mechanical and electrical inspectors
- The Washtenaw County Sheriff and all other deputy county sheriffs of said county
- The Township supervisor
- The Township ordinance enforcement officer
- The Township zoning administrator
- Any certified officers of a private company or companies contracted with the township for enforcement purposes.

Section 8. Applicability of the Act

If this Ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

Section 9. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be

severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 10. Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 11. Effective Date

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Saline Township.

YEAS: (5) Prehn, J. Marion, K. Marion, Gordon, R. Marion

NAYS: (0)

ORDINANCE DECLARED ADOPTED ON FEBRUARY 11, 2013.