

CHAPTER 11

MUNICIPAL CIVIL INFRACTIONS

An ordinance adopted pursuant to 1994 Public Act No. 12 to set forth the authority and procedures for designating violations of township ordinances as municipal civil infractions for which municipal civil infraction citations may be issued and served by authorized officials; and to repeal all conflicting ordinances or parts of ordinances.

(Ord. No. 31, Adopted June 4, 2002)

SECTION 11.00 - TITLE

This Chapter shall be known and cited as the Rives Township Municipal Civil Infraction Violation Ordinance.

(Ord. No. 31, Adopted June 4, 2002)

SECTION 11.01 - DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

- A. **“Authorized Township Official”** means a peace officer or other personnel of the Township authorized by this Chapter or any other ordinance to issue municipal civil infraction citations.
- B. **“Municipal Civil Infraction Action”** means a civil action in which a person is alleged to be responsible for a municipal civil infraction.
- C. **“Municipal Civil Infraction 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.

SECTION 11.02 - AUTHORIZED TOWNSHIP OFFICIALS

The following personnel are authorized to issue municipal civil infraction violation citations:

- A. Any Peace officer or Deputy Sheriff;
- B. The Township Building and Construction Code Officials; and
- C. The Township Zoning Administrator.

The Township Board may by resolution authorize such other personnel to issue municipal civil infraction citations as it deems necessary and proper.

SECTION 11.03 - 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 11.04 - ISSUANCE AND SERVICE OF MUNICIPAL CIVIL INFRACTION CITATION

- A.** Issuance. An authorized local official may issue a municipal civil infraction citation to a person when:
- (i) The official witnesses a person violate a provision of this Code or an ordinance which is a municipal civil infraction;
 - (ii) Based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction; or
 - (iii) Based upon an investigation of a complaint by someone who allegedly witnessed the person violate a municipal civil infraction ordinance, the official has reasonable cause to believe that said person is responsible for a municipal civil infraction and the Township attorney approves in writing the issuance of a citation pursuant to this Chapter.
- B.** Personal Service. The authorized local official must personally serve a copy of the municipal civil infraction citation upon the alleged violator, except as provided in subsection C).
- C.** Posting. If the alleged violation involves the use or occupancy of land, or a building or other structure, the municipal civil infraction citation may be served by posting the citation on the land, building or structure and mailing a copy by first-class mail to the owner of the land, building or structure at the owner's last known address.

SECTION 11.05 - MUNICIPAL CIVIL INFRACTION CITATION REQUIREMENTS

Citation Requirements. Municipal civil infraction citations shall be issued and served by authorized Township officials as provided in this Chapter and by law. A municipal civil infraction citation shall comply with the following requirements:

- A.** The citation shall be in a form approved by the State Court Administrator.
- B.** Citations shall be numbered consecutively.
- C.** The original shall constitute a complaint and notice to appear and shall be filed with the district court. The first copy shall be retained by the enforcing agency. The second copy (and any duplicate copies as needed) shall be issued to the alleged violator.

- D.** The citation shall be signed by an authorized local official and shall be treated as made under oath.
- E.** The citation shall specify the time and place for the violator to appear in court.
- F.** The citation shall contain all the following information:
 - (i)** The name and address of the alleged violator;
 - (ii)** The violation charged;
 - (iii)** The name, address, and phone number of the court where the alleged violator must appear; and
 - (iv)** The time at or by which the appearance shall be made.
- G.** The citation shall advise the alleged violator of the following alternatives:
 - (i)** The alleged violator may admit responsibility at or by the time set for appearance in court by mail, in person, or by representation.
 - (ii)** The alleged violator may admit responsibility with explanation. If the alleged violator wished 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.
 - (iii)** The alleged violator may deny responsibility. 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.
 - (iv)** A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the municipality.
 - (v)** At an informal hearing the alleged violator must appear in person before a judge or magistrate without the opportunity of being represented by an attorney.
 - (vi)** At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
 - (vii)** A notice 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 11.06 - SANCTIONS AND AVAILABILITY OF OTHER ENFORCEMENT OPTIONS

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinance violated, plus any costs, attorney fees, damages, expenses, and other sanctions as authorized under Chapter 87 of Act No, 236 of the Public Acts of 1961 as amended, and other applicable laws. Nothing in this Chapter shall be deemed to require the Township to initiate municipal infraction citation. As to each violation designated as a municipal civil infraction the Township may, at its sole discretion, proceed directly with the issuance of a citation or take such other enforcement action as is authorized by law, including an action to restrain, prevent, or abate any violation which is declared to be a public nuisance.

SECTION 11.07 - SEVERABILITY

The provisions of this Chapter 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 Chapter which shall continue in full force and effect.

SECTION 11.08 – ADOPTION HISTORY

The provisions of this Chapter were first made effective by adoption of Ordinance No. 31 on June 4, 2002.