

MILAN
IDA TOWNSHIP
MONROE COUNTY, MICHIGAN

Municipal Civil Infraction Ordinance
Ordinance No. #

SECTION 1: DEFINITIONS:

Act means Public Act No. 236 of 1961 (MCL 600.101 et seq.).

Authorized township official means a zoning enforcement officer or other personnel of the township authorized by this article or any township ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

Bureau means the Ida Township Municipal Ordinance Violations Bureau, as established by this ordinance.

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

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.

Municipal civil infraction violation notice means a written notice, prepared by an authorized township official, directing a person to appear at the Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township, as authorized under section 8396 of the act (MCL 600.8396) and section 8707(6) of the act (MCL 600.8707(6)).

Repeat offense means a second or any subsequent municipal civil infraction violation of the same requirement or provision committed by a person within any six-month period (unless some other period is specifically provided by ordinance) and for which the person admits responsibility or is determined to be responsible.

SECTION 2: TITLE:

- 2.1 This Ordinance shall be known and cited as the Ida Township Municipal Civil Infraction Ordinance.

SECTION 3: PURPOSE:

- 3.1 The Ida Township Municipal Ordinance Violations Bureau (Bureau) is hereby established pursuant to section 8396 of the Revised Judicature Act of 1961 (MCL 600.8396) for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed in this ordinance.

SECTION 4: LOCATION:

- 4.1 The Ordinance Violations Bureau shall be located at the Township Hall or such other location in the township as may be designated by the Township Board.

SECTION 5: PERSONNEL:

- 5.1 All personnel of the Ordinance Violations Bureau shall be township employees.

SECTION 6: AUTHORITY:

- 6.1 Acceptance of infractions: The Ordinance Violations Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation for who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsehood of any fact or matter relating to an alleged ordinance violation.
- 6.2 Enforcement of infractions: The township zoning enforcement officer shall be authorized to issue municipal civil infraction citations or municipal civil infraction violation notices within the township. In addition, any other township official designated as having civil infraction issuing authority in any other township ordinance shall have such jurisdiction in relation to the empowering ordinance.

SECTION 7: ORDINANCE VIOLATION NOTICE REQUIREMENTS; ADMISSION/ DENIAL OF RESPONSIBILITY

- 7.1 *Ordinance violation notice requirements.* Municipal civil infraction violation notices shall be issued and serve by authorized township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:

- (a) The violation

- (b) The time within which the person must contact the Ordinance Violations Bureau for purposes of admitting or denying responsibility for the violation.
- (c) The amount of the scheduled fines/costs for the violation.
- (d) The methods by which the violation may be admitted or denied.
- (e) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time.
- (f) The address and telephone number of the Bureau.
- (g) The days and hours that the Bureau is open.

7.2 *Admission of responsibility.* Alleged violator 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 by doing either of the following:
 1. 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.
 2. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

7.3 *Denial of responsibility.* Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and to pay the required civil fines/costs within the designated time period, the Ordinance Violations Bureau Officer or other designated township employee shall advise the Ida Township Board, thereafter the Board can decide to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice, and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

SECTION 8: SCHEDULE OF CIVIL FINES:

8.1 Any person, firm, corporation, owner, or entity of whatever kind who violates a provision of any Ida Township Ordinance is responsible for a municipal civil infraction as outlined below and subject payment of a civil fine of no less than \$50.00 and no more than \$5,000.00 plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 600.8701 et. seq., as amended. The Ida Township Zoning Administrator is hereby authorized to process and issue municipal civil infraction

citations in accordance with law. If a person is found responsible for a municipal civil infraction under this Ordinance, a civil fine shall be assessed as follows:

A. **Special Uses:** For violation of the provisions of the Zoning Ordinance governing the operation of Special Uses in all Districts, including the failure to obtain a Special Use Permit:

1 st violation within a 3 year period	\$500.00
2 nd violation within a 3 year period	\$1,000.00
3 rd violation within a 3 year period	\$2,000.00
4 th violation within a 3 year period	\$5,000.00

B. **Other Ordinance Violations:** A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established as follows:

1 st violation	\$100.00
2 nd violation within a 3 year period	\$200.00
3 rd violation within a 3 year period	\$300.00
4 th violation within a 3 year period	\$500.00

A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

SECTION 9: RECORDS AND ACCOUNTING:

9.1 The Ordinance Violations Bureau Officer shall retain a copy of all municipal ordinance violation notices, and shall account to the Township Board once a month, or at such other intervals as the Township Board may require, concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the treasurer shall require, and shall be deposited in the general fund of the township.

SECTION 10: AVAILABILITY OF OTHER ENFORCEMENT OPTIONS:

10.1 Nothing in this ordinance shall be deemed to require the township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation 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 11: STOP WORK ORDER:

- 11.1 Upon notice from the Zoning Enforcement Officer that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, such work shall be immediately stopped. The stop-work order shall be in writing and state the conditions under which the work may be resumed. It shall be posted on the property or premises and delivered in person or by first class mail to the owner of the property or the person doing the work. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order or after such stop work order has been posted on the property or premises, except such work as he is directed by the Zoning Administrator to perform to remove a violation or unsafe conditions, shall be liable to a fine in the amount of \$500.00 for each day the stop work order is violated, and subject to other sanctions as outlined in Section 7.1, Sanctions for Violations. If the violation is not corrected within ten (10) days from service of the notice of the stop work order the Zoning Administrator may issue additional violations as prescribed in Section 7.1 or, if necessary request the township Supervisor to proceed with an appropriate equitable action in the Monroe Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance.

SECTION 12: NUISANCE PER SE:

- 12.1 Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, changed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se

SECTION 13: REMEDIES NOT EXCLUSIVE:

- 13.1 Nothing in this section shall be interpreted as abrogating the township's right to proceed with an appropriate equitable action in the Monroe County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

State law reference- Municipal ordinance violation notices, MCL 600.8707.