

Koylton Township
Tuscola County, Michigan
Municipal Civil Infraction Ordinance

Purpose:

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

The township of Koylton ordains:

Section 13.01 Title. This Ordinance shall be known as the Koylton Township Municipal Civil Infraction Ordinance.

Section 13.02 Definitions. As used in this Chapter:

- “Act” means Act No. 236 of the Public Acts of 1961, as amended and Public Acts 12-26 of 1994, as amended.
- “Authorized Township Official” means a township official, police officer, Code Compliance Officer or agent of the Township authorized by this Ordinance or any Township Ordinance, resolution, or contract to issue municipal civil infraction citations, or, where applicable, notices.
- “Municipal Civil Infraction action” means a written complaint prepared by an authorized township official, directing a person to appear in district court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- “Township” means Koylton Township.

Section 13.03 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 13.04 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 fifteen (15) days after the citation is issued or as specified by the Court.
- B. The place for appearance specified in a citation shall be the District Court which has jurisdiction over the Township.
- 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 district court. Copies of the citation shall be retained by the Township and issued to the alleged violator as provided by the Act.
- D. 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 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 may issue a citation to a person if:
 - i. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction.
- F. Municipal civil infraction citations shall be served by an authorized Township official as follows:
 - i. Except as otherwise provided below, an authorized township official (or other process server hired by the Township) shall personally serve a copy of the citation upon the alleged violator.
 - ii. If a municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation may personally be served upon an owner or occupant of the land, building, or structure, or 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 13.05 Municipal Civil Infraction Citations; Contents. 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.

Section 13.06 General Penalties and Sanctions for Violations of Township Ordinances;
Continuing Violations; Injunctive Relief.

- A. The sanction for a violation which is a municipal civil Infraction shall be a civil fine in the amount as provided by the Ordinance (s) involved, plus any costs, damages, expenses and other sanctions, as authorized under the Act.
 - i. Unless otherwise specifically provided for a particular municipal civil infraction violation by an Ordinance (or if the Ordinance involved is silent, as set by the Township Board by Resolution), the civil fine for a municipal civil infraction violation shall be not less than \$100.00, plus costs and other sanctions, for each infraction.
 - ii. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this Ordinance, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (a) committed by a person within any three-year period (unless some other period is specifically provide by an ordinance) and (b) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offence shall be as follow;
 - 1. The fine for any offense which is a repeat offense shall be not less than \$ 300.00 plus costs.
 - 2. Then fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.
- B. 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.
- C. 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.
- D. 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 13.07 Authorized Persons- Municipal Civil Infractions Tickets. Unless prohibited by State law or unless otherwise provided by specific provisions of a particular Township Ordinance to the contrary, the following official 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 Township Ordinance or Code Compliance Officer
- Other Township Officials authorized by Koylton Township Board.

Section 13.08 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 13.09 Change Misdemeanor to Municipal Civil Infraction. Where ever within the Koylton Township Ordinance it states, “Misdemeanor” it will be referred to as a “Municipal Civil Infraction” and be subject to this Koylton Township Ordinance.

Section 13.10 Authority name change. From here forth the Koylton Township Zoning Administrator will be known as the Koylton Township Code Compliance Officer.

Section 13.11 Severability. The various parts, sections and clauses of this Ordinance are declared to be severable. If any pert, sequence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected hereby.

Note: See Article XIII, pg. 28- Violations & Penalties

Section 13.12 Effective Date. This Ordinance shall become effective one day after its publication (or publication of a summary thereof) in a newspaper in general circulation within the Township.

CERTIFICATION

I certify that the above is a true copy of an Ordinance adopted by the Koylton Township Board and the date and place specified above pursuant to required statutory procedures.

Dated: Month 00, 2016

Douglas Kramer

Koylton Township Supervisor

Jim Borek

Koylton Township Clerk

Article XIII

VIOLATIONS AND PENALTIES

PUBLIC NUISANCE, PER SE.

Any building or structure which is erected, constructed, altered, converted, occupied or used, or any division, subdivision or platen, or any use of the land which is begun or changed subsequent to the effective date of the Ordinance, which is in violation of any of the provisions of requirements of this Ordinance is hereby declared to be a public nuisance per se, subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

VIOLATION.

Any firm, corporation, partnership or person, who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any provisions or requirements of this Ordinance, or any amendments thereto, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner by deed or by lands contract, lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

SEPARATE OFFENSE.

Each and every day during which a violation of this Ordinance shall exist shall constitute a separate offense.

RIGHTS AND REMEDIES.

The rights and remedies provided herein are cumulative and are in addition to any other remedies provided by law.

MONEY RECEIVED FROM PENALTIES.

All monies received from penalties assessed shall be placed in the Koylton Township General Fund.

MUNICIPAL CIVIL INFRACTION.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

OFFENSE WITHIN 3 YEAR PERIOD FROM THE MOST RECENT OFFENSE.

	MINIMUM FINE	MAXIMUM FINE
<u>FIRST:</u>	<u>\$ 100.00</u>	<u>\$500.00</u>
<u>SECOND:</u>	<u>\$200.00</u>	<u>\$500.00</u>
<u>THIRD:</u>	<u>\$300.00</u>	<u>\$500.00</u>
<u>FOURTH OR MORE:</u>	<u>\$500.00</u>	<u>\$500.00</u>

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Koylton Township has incurred with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

REMEDIAL ACTION.

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Koylton Township Municipal Civil Infraction Ordinance.

Adopted: Month 00, 2016