

TOWNSHIP OF VERNON
SHIAWASSEE COUNTY, MICHIGAN
CIVIL INFRACTION ORDINANCE

Ordinance No. 16-29

At a meeting of the Township Board of Vernon Township, Shiawassee County, Michigan, held at the Vernon Township Hall on December 12, 2016, at 7:00 p.m., Township Board Member Clarke moved to introduce the following Ordinance for publication and adoption, which motion was seconded by Township Board Member Bannister:

An Ordinance to provide for the enforcement of Vernon Township Ordinance violations through the issuance of Municipal Civil Infraction Violation Notices and Municipal Civil Infraction Citations, establish the Vernon Township Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for Ordinance violations designated as municipal civil infractions for which Municipal Civil Infraction Violation Notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein, to establish that the Township Ordinance Enforcement Officer, Township Zoning Administrator, and members of the Shiawassee County Sheriff's Department who provide services to the Township may issue Municipal Civil Infraction Violation Notices and Municipal Civil Infraction Citations, and to repeal all conflicting Ordinances or parts of Ordinances.

VERNON TOWNSHIP, SHIAWASSEE COUNTY, MICHIGAN HEREBY ORDAINS:

SECTION 1: TITLE: This Ordinance shall be known and cited as the Vernon Township Civil Infractions Ordinance.

SECTION 2: DEFINITIONS: For the purpose of this Ordinance, certain terms are herein defined.

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means the Township Supervisor, Township Ordinance Enforcement Officer, the Township Zoning Administrator, a police officer or other personnel of the Township authorized by this Ordinance or any Ordinance to issue Municipal Civil Infraction Violation Notices or Municipal Civil Infraction Citations, including members of the Shiawassee County Sheriff's Department who provide services to the Township.
- C. "Bureau" means the Vernon Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- D. "District Court" means the 66th District Court, Shiawassee County, Michigan.

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 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 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 an 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 by Section 4(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 5: MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS

A. A Municipal Civil Infraction Citation shall contain

(1) A description of the violation;

(2) The amount of the scheduled fines and/or costs for the violation;

(3) The name and address of the alleged violator; and

(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 Citation.

SECTION 6: ESTABLISHMENT, LOCATION AND PERSONNEL OF THE MUNICIPAL ORDINANCE VIOLATIONS BUREAU

A. The Township hereby establishes a Municipal Ordinance Violations Bureau as authorized under the Act to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Violation Notices issued and served by Authorized Township Officials, and to collect and retain civil fines and costs as prescribed by this Ordinance and any related Ordinance.

B. The Bureau shall be located at the Vernon Township Hall, and shall be under the direct supervision and control of the Township clerk. The Township clerk, subject to the approval of the Township Board, may adopt rules and regulations for the operation of the Bureau and appoint the Township treasurer or any other necessary qualified Township employees to administer the Bureau.

C. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Violation Notice (as compared to a Citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Ordinance shall prevent or restrict the Township from issuing a Municipal Civil Infraction Citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a Municipal Civil Infraction Violation at the Bureau, and instead may choose to have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

D. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions arising out of Municipal Civil Infraction Violation Notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the veracity of any fact or matter relating to an alleged violation.

E. Municipal civil infraction violation notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for citations as prescribed in this Ordinance. In addition to any other information required by the Township Ordinances, the notice of violation shall indicate the time by which the

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 9: AVAILABILITY OF OTHER ENFORCEMENT OPTIONS: Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction Ordinance enforcement activity through the issuance of a Municipal Civil Infraction 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, including, without limitation, injunctive relief or criminal enforcement.

SECTION 10: 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 11: REPEAL: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 12: EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

YEAS: Clarke, Bannister, DeClerg
NAYS: Edwards, Aprague
ABSENT/ABSTAIN: 0 none

ORDINANCE DECLARED ADOPTED.

Bert DeClerg
Bert DeClerg, Vernon Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Vernon Township Board at a duly scheduled and noticed meeting of that Township Board held on 2-12, 2016, pursuant to the required statutory procedures.
2. The complete text of the proposed Ordinance was posted at the Township Clerk's office and on the Township's website on 2-13, 2016.
3. The attached Notice of Posting of the Ordinance was duly published in the Argus Press newspaper, a newspaper that circulates within Vernon Township, on 1-15-17, ~~2016~~, within not more than seven (7) days after the posting.

ATTESTED:



Charlotte Clarke, Vernon Township Clerk

NOTICE OF ADOPTION
CIVIL INFRACTION ORDINANCE
Vernon Township
Shiawassee County, Michigan
ORDINANCE NO. 16-29

Please take notice that, on December 12, 2016, the Township Board of Vernon Township adopted Ordinance No. 16-29, which regulates and authorizes civil infractions in the Township. Copies of the Ordinance may be obtained from Charlotte Clark, Vernon Township Clerk, at 6801 Durand Road, Durand, MI 48429, by calling the Township Clerk at (989) 288-4403.

The Ordinance provides, in summary, for the enforcement of certain township ordinances by the civil infraction process. The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Municipal Civil Infraction Action; Commencement; Section 4: Municipal Civil Infraction Citations; Issuance and Service; Section 5: Municipal Civil Infraction Citations; Contents, Section 6: Establishment, Location and Personnel of the Municipal Ordinance Violations Bureau; Section 7: Schedule of Civil Fines/Costs; Section 8: Records and Accounting; Section 9: Availability of Other Enforcement Options; Section 10: Severability; Section 11: Repeal; and Section 12: Effective Date. This Ordinance shall be effective thirty (30) days after publication of this Notice.

Published by Order of the Township Board
Vernon Township, Shiawassee County, Michigan
Charlotte Clark, Township Clerk
(989) 288-4403

Publication Date: 1-15-17, ~~2016~~