

BRIDGEWATER TOWNSHIP

**Municipal Civil Infractions and
Municipal Civil Infractions Bureau**

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 and to establish a municipal civil infractions ordinance violations bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines and costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF BRIDGEWATER, COUNTY OF WASHTENAW, STATE OF MICHIGAN, ORDAINS:

Section 1. Definitions.

For purposes of their use in this Ordinance, the following words and terms are herein defined. Any word or term not herein defined shall be considered to be defined in accordance with its common or standard definitions.

- 1.1 "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- 1.2 "*Authorized Township Official*" means a police officer or other personnel of the Township authorized by Township Ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.
- 1.3 "*Bureau*" means Bridgewater Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- 1.4 "*Municipal civil infraction*" means an act or omission that is prohibited by Ordinance of the Township, but which is not a crime under this Ordinance or other Ordinances of the Township, 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 any violation of the Ordinances of the Township, which is a criminal offense.
- 1.5 "*Municipal civil infraction action*" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

- 1.6 "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized Township official, directing a person to appear at the Bridgewater Township Municipal Ordinance Violations Bureau or a court of law regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- 1.7 "Municipal civil infraction determination" means a determination that a defendant is responsible for a municipal civil infraction by one of the following: (1) An admission of responsibility for the municipal civil infraction, (ii) An admission of responsibility for the municipal civil infraction "with explanation, " (iii) A preponderance of the evidence at an informal hearing or formal hearing, or (iv) A default judgment for failing to appear as directed by citation or other notice.
- 1.8 "Municipal civil infraction violation notice" means a written notice prepared by an authorized Township official, directing a person to appear at Bridgewater Township 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 Sections 8396 and 8707(6) of the Act.
- 1.9 "Township" means Bridgewater Township.

Section 2. Municipal Civil Infraction Action; Commencement.

A municipal civil infraction may be commenced upon the issuance by an authorized Township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at Bridgewater Township Municipal Ordinance Violations Bureau.

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

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

- 3.1 The time for appearance specified on a citation shall be within a reasonable time after the citation is issued.
- 3.2 The place for appearance specified on a citation shall be the 14A-4 District Court unless the person cited for a municipal civil infraction is under the age of 17 at the time of the occurrence of the violation, in which case the matter shall be referred to the Washtenaw County Probate Court.
- 3.3 Each citation shall be numbered consecutively, shall be in the form approved by the state court administrator and shall consist of the following parts:
- A. The original, which is a complaint and notice to appear, shall be filed with the 14A-4 District Court;
 - B. The first copy shall be retained by the Township and/or the ordinance

enforcing agency;

- C. The second copy shall be issued to the alleged violator if the violation is a municipal civil infraction;
 - D. The third copy shall be issued to the alleged violator if the violation is a misdemeanor.
- 3.4 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 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."
- 3.5 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.
- 3.6 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.
- 3.7 Municipal civil infraction citations shall be served by an authorized Township official as follows:
- A. Except as 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 municipal civil infraction 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 the 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. A citation served in accordance with this subsection for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant.

Section 4. Municipal Civil Infraction Citations; Contents.

- 4.1 A municipal civil infraction citation shall contain the name of the Township and the name and the 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.
- 4.2 A municipal civil infraction 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, 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.
- 4.3 The citation shall also inform the alleged violator of all of the following:
- A. That if the alleged violator desires 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.
 - B. That 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 to appear for a hearing, unless a hearing date is specified on the citation.
 - A. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - C. That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - D. That at a formal hearing the alleged violator must appear in person before

a judge with the opportunity of being represented by an attorney.

- 4.4 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 5. Municipal Ordinance Violations Bureau.

- 5.1 The Township hereby establishes a Municipal Ordinance Violations Bureau (the "Bureau") as authorized under Section 8396 of 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 Ordinance. The expenses of operating the Bureau shall be borne by the Township, and the personnel of the Bureau shall be Township employees.
- 5.2 The Bureau shall be located at the Bridgewater Township Hall, and shall be under the supervision and control of the Township Treasurer. The Township Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified Township employees to administer the Bureau.
- 5.3 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 with 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 if a citation has been issued for the violation by the Authorized Township Official. Nothing in this Chapter 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 may 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 right, privileges and protection accorded by law.
- 5.4 The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine 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 truth or falsity of any fact or matter relating to an alleged violation.

Section 6. Municipal Civil Infraction Notices; Contents, Issuance and Service.

- 6.1 An authorized Township official may issue and serve a municipal civil infraction

violation notice instead of a citation under the same circumstances and upon the same persons as provided for service of municipal civil infraction citations. In addition to any other information required by this Ordinance or other Ordinances, the violation notice shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

- 6.2 An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs, if any, at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- 6.3 If an authorized Township official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the Washtenaw County District Court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

Section 7. Penalties and Sanctions for Violations of Township Ordinances; Continuing Violations, Injunctive Relief

- 7.1 Unless a violation of an ordinance of the Bridgewater Township is specifically designated in the ordinance as a misdemeanor, the violation shall be deemed to be a municipal civil infraction.
- 7.2 Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable 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 of the date of the violation(s):

First violation	\$100
Second violation within a 3-year period	\$250
Third or subsequent violation within a 3-year period.....	\$500

- 7.3 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.
- 7.4 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.

7.5 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 8. Authorized Persons-Civil Infractions Tickets

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Bridgewater 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 Township building inspector
- The Washtenaw County Sheriff and all other deputy county sheriffs of said county
- The Township supervisor
- The Township ordinance enforcement officer
- The Township zoning enforcement officer
- Any certified officers of a private company or companies contracted with the Township for enforcement purposes.

Section 9. 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 10. Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 11. Administrative Liability.

No officer, agent, or employee of the Township or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 12. Effective Date

This ordinance shall take effect 30 days after the publication of this ordinance. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

YEAS: Faust, Fromhart, Smith.
NAYS: None.
ABSENT: McQueer, Oliver.

Ordinance declared adopted on August 6, 2015.

Ronald Smith
Bridgewater Township Supervisor

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Laurie Fromhart, the duly elected Township Clerk, certify that the foregoing ordinance was properly enacted by the Township board of the Township of Bridgewater, Washtenaw County, Michigan on August 6, 2015 and that it was published in the Sun Times News on August 12, 2015.

Laurie Fromhart
Bridgewater Township Clerk