

**TOWNSHIP OF HUDSON  
ORDINANCE NO. #O2016-01**

**MUNICIPAL CIVIL INFRACTION AND VIOLATIONS BUREAU ORDINANCE**

**Section 1: Title.**

This ordinance shall be known and cited as the "Hudson Township Municipal Civil Infraction Ordinance."

**Section 2: Definitions.**

As used in this Ordinance, the following terms have the following meanings:

- A. *Act* means Act 236 of Public Acts of 1961, as amended.
- B. *Authorized township official* means the person or agency the Township Board assigns pursuant to this Ordinance; authorizes by resolution adopted under this Ordinance; or contracts with to issue municipal civil infraction citations or municipal civil infraction violation notices.
- C. *Bureau* means the Township of Hudson Municipal Ordinance Violations Bureau as established by this Ordinance.
- D. *Municipal civil infraction* means an act or omission that is prohibited by any Township ordinance that specifies the violation as a municipal civil infraction. A municipal civil infraction is not a lesser included offense of a violation of any Township ordinance that is a criminal offense.
- E. *Municipal civil infraction action* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- F. *Municipal civil infraction citation or 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.
- G. *Municipal civil infraction notice* means a written notice prepared by an authorized Township official directing a person to appear at the Township of Hudson 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 Board, as authorized under Sections 8396 and 8707 of the Act.

- H. *Repeat offense* means any second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any one (1) year period (unless some other period is specifically provided by any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible.
- I. *Township* means Hudson Township, Lenawee County, Michigan.
- J. *Violation* means an act that is prohibited and declared to be a municipal infraction by any Township ordinance, including any failure to act where the ordinance requires action.
- K. *Warning* means a correspondence prepared by an authorized Township official advising the recipient of a possible municipal civil infraction and directing the person to correct the alleged violation.

### **Section 3: Ordinances Enforced.**

The Township, as permitted by law, may enforce ordinances designated as municipal civil infractions by issuing a municipal civil infraction warning, municipal civil infraction violation notice, municipal civil infraction citation or by any other means permitted by law.

### **Section 4: Designation of Authorized Township Officials**

The following personnel of the Township of Hudson or other agency have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this Chapter:

- A. Township Supervisor; and
- B. Zoning Administrator; and
- C. The Michigan State Police or any of its troopers, the Lenawee County Sherriff or any of his or her deputies and any other police officer of any law enforcement agency that contracts with the Township to provide law enforcement services.

### **Section 5: Establishment, Location and Personnel of Bureau.**

#### **A. Establishment.**

The Township establishes the Hudson Township Municipal Civil Infractions Bureau ("Bureau") pursuant to Public Act 236 of 1961 (MCL 600.8396). The Bureau's purpose is to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violations that an authorized Township official issues, and to collect and retain civil fines and costs for such violations as prescribed herein.

**B. Location.**

The Bureau shall be located at the Hudson Township Hall.

**C. Personnel.**

All personnel of the Bureau shall be Township employees. The Township Clerk (or the Clerk's designee) is designated as the Bureau Clerk with the duties prescribed herein.

**Section 6: Bureau Authority.**

The 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 and costs for such violations specified pursuant to this Ordinance or other applicable ordinances. The Bureau shall not accept payment of fines and costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

**Section 7: Records and Accounting.**

The Bureau Clerk (or the Clerk's designee) shall retain a copy of all municipal civil infraction violation notices, and shall account to the Township Board in an annual report 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 Bureau's jurisdiction and the amount of fines and costs collected with respect to such violations. All civil fines and costs collected shall be delivered to the Township Treasurer on the business day received and shall be deposited in the general fund of the Township.

**Section 8: Ordinance Violation Notice Requirements.**

Municipal civil infraction violation notices shall be issued and served by an authorized Township official in the same manner as provided for citations. In addition to any other information other Township ordinances require, the notice of violation shall indicate the following:

1. The violation;
2. The time within which the person shall contact the Bureau for purposes of admitting or denying responsibility for the violation;
3. The amount of the scheduled fines and costs for the violation;
4. The methods by which the violation may be admitted or denied;
5. The consequences of failing to pay the required fines and costs or contact the Bureau within the required time;
6. The address and telephone number of the Bureau;
7. The days and hours that the Bureau is open.

**Section 9: Disposition of the Notice.**

**A. Appearance; payment of fines and costs.**

An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs 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.

**B. Denial or admission with explanation of responsibility.**

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. Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines and costs within the designated time period, the Bureau Clerk (or Clerk's designee) shall issue and file a municipal civil infraction citation for such violation with the district court having jurisdiction of the matter, pursuant to Section 12.

**C. Procedure where admission of responsibility is not made or fine is not paid.**

If an authorized Township official issues and serves a municipal civil infraction 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 district court having jurisdiction 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, pursuant to Section 12, municipal civil infraction action.

**Section 10: Schedule of Civil Fines Payable to the Bureau.**

A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal civil infraction violation notice is established as follows:

Offense (Violation)	Fine
Failure to comply with any provision of the Ordinance	\$100.00
First Repeat Offense	\$250.00
Subsequent Repeat Offense	\$500.00

**Section 11: 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 12: Municipal Civil Infraction Citations; Issuance and Service.**

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

- A. The time for appearance specified in a citation shall be within 10 days after the citation is issued.
- B. The place for appearance specified in a citation shall be the district court having jurisdiction over the matter.
- 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 court. One copy shall be retained by the Township. A second copy shall be issued to the alleged violator.
- D. A municipal civil infraction citation 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 citation 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, as soon as possible and as completely as possible, issue 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 below (Section 12. 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 13: Municipal Civil Infraction Citations; Contents.**

- A. 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 by which the appearance shall be made.
- B. The citation shall inform the alleged violator that he or she may do one of the following:
1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  2. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
  3. 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 to be represented by an attorney, unless a formal hearing before the judge is requested by the Township.
- ii) Appearing in court for a formal hearing before a judge, with the opportunity to be represented by an attorney.

C. The citation shall also inform the alleged violator of all of the following:

- 1. That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator shall 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.
- 2. That if the alleged violator desires to deny responsibility, the alleged violator shall 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.
- 3. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
- 4. That at an informal hearing, the alleged violator shall appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- 5. That at a formal hearing, the alleged violator shall appear in person before a judge with the opportunity of being represented by an attorney.

D. The citation shall contain a municipal civil infraction 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 14: Schedule of Civil Fines and Costs.**

A. The penalty for violation of civil infractions shall be the amount set forth in Section 10, unless otherwise specified in Township ordinances, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of the Act, and any other applicable laws.

- B. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in an ordinary civil action and may include all expenses, direct and indirect, to which the plaintiff has incurred in connection with the municipal civil infraction, up to the entry of judgment.
- C. Each day on which any violation of this Ordinance or any 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 by law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance or any other Township Ordinance.

**Section 15: Availability of Other Enforcement Options.**

Nothing in this Ordinance requires the Township to initiate this Ordinance's enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction violation notice, the Township may proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

**Section 16: Failure to Appear Penalty.**

A person served with a municipal civil infraction citation as provided herein, who fails to appear within the time specified in the citation or at the time scheduled for hearing or appearance, is guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars. Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.

**Section 17: Severability.**

The provisions of this Ordinance are 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 18: Repeal.**

All ordinances or parts of ordinances in conflict with this Ordinance are repealed, including Ordinance No. 3-A, an Ordinance to Amend the Hudson Township Zoning Ordinance, Ordinance No. 3, and to Establish and Provide for Civil Infraction Fines for Violation of the Ordinance in Addition to Other Remedies.



**Section 19: Effective Date.**

The Ordinance takes effect 30 days after it (or a proper summary of it) is published as required by law after the Township Board adopts it.

ADOPTED:

YEAS Matt Smith, Sue Jacobs, Marcy Griffin, Brad Hart and Ken Moore  
NAYS None

STATE OF MICHIGAN     )  
  )  
LENAWEE COUNTY        )

I, Marcy Griffin, the duly elected clerk for Hudson Township, Lenawee County, Michigan, do certify that the foregoing is a true and complete copy of an ordinance adopted at a regular meeting of the Hudson Township Board on June 13, 2016, and that a summary of the ordinance was published in accordance with law on the 21 day of July, 2016.

  
\_\_\_\_\_  
Marcy Griffin, Township Clerk