

**CHASSELL TOWNSHIP CIVIL INFRACTION ORDINANCE NO. 08-09-17-2**

Adopted: August 9, 2017

Effective: August 9, 2017

**ARTICLE I. IN GENERAL**

**Definitions.**

As used in this Ordinance:

**Act** means Act No. 236 of the Public Acts of 1961, as amended by Acts No. 12 and 13 of the Public Acts of 1994.

**Authorized Township Official** means the Constable or other personnel of the Township authorized by this or any other ordinance to issue township civil infraction citations or township civil infraction violation notices.

**Violations Resolved with the Township Clerk** means with the Chassell Township Clerk as set forth in this ordinance.

**Bureau** means the Chassell Township Municipal Ordinance Violations Bureau as established in this ordinance.

**Township civil infraction action** means a civil action in which the defendant is alleged to be responsible for a township civil infraction.

**Township civil infraction violation notice** means a written complain/notice prepared by an authorized township official, directing a person to appear at the Chassell 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 relevant township ordinances.

**ARTICLE II. ADMINISTRATION**

**Commencement**

A township civil infraction action may be commenced upon the issuance by an authorized township official of a Township civil infraction citation directing the alleged violator to appear before the Chassell Township Municipal Ordinance Violations Bureau.

**Issuance and Service**

Township civil infraction violation notices shall be issued and served by authorized township officials as follows:

- (a) Each notice shall be numbered consecutively. 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.
- (b) An authorized township official who witnesses a person commit a township civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (c) An authorized township official may issue a civil infraction violation notice to a person if:
  - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a township civil infraction; or
  - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a township civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction.
- (d) Township civil infraction violation notices shall be served by an authorized township official as follows:
  - (1) Except as provided by (g)(2), an authorized township official shall personally serve a copy of the citation upon the alleged violator.
  - (2) If the township civil infraction action involves the use or occupancy of land, a building or other structure, 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.
- (e) Each day that a Township Civil Infraction continues shall be deemed to constitute a separate Township Civil Infraction for which a separate Township Civil Infraction Violation Notice may be issued, for which civil fines may be levied in accordance with the schedule of civil fines set forth below in this ordinance relating to repeat offenses.

#### **Contents.**

- (a) A township civil infraction violation notice shall contain the name and address of the alleged violator, the township civil infraction alleged, the place where the alleged violator can appear before the Chassell Township Municipal Ordinance Violations Bureau, the telephone number of the township, and the time at or by which the ticket shall be paid or contested.
- (b) Further, the notice shall inform the alleged violator that he or she may do one of the following:
  - (1) Admit responsibility for the township civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - (2) Admit responsibility for the township civil infraction with explanation by mail by the time specified for appearance or, in person, or by representation.
  - (3) Deny responsibility for the township civil infraction by doing either of the following:
    - A. 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.
    - B. Appearing in court for a formal hearing before a judge with the opportunity of being 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 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 appearance.

(2) 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 for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the notice.

(3) That at the 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 must 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 must appear in person before a judge with the opportunity of being represented by an attorney.

(d) The notice shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the notice 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 township civil infraction.

#### **Violations Bureau.**

(a) Bureau established. The Township hereby establishes the Chassell Township Municipal Ordinance Violations Bureau as authorized under Sec. 8396 of Act 236 of the Act to accept admissions of responsibility for township civil infractions in response to township 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.

(b) Location; supervision; employees; rules. The Bureau shall be located at the Chassell Township Office, and shall be under the supervision and control of the Township Clerk who will adopt rules for operation of the Bureau.

(c) Disposition of violations. The Bureau may dispose only of township civil infraction violations for which a fine has been scheduled and for which a township civil infraction violation notice 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 township civil infraction notice for any violation or from prosecuting any violation in a court of competent jurisdiction. No person

- shall be required to dispose of a township 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 rights, privileges and protection accorded by law.
- (d) Bureau limited to accepting admissions of responsibility. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for township 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 retaining to an alleged violation.
  - (e) Township civil infraction violation notices. Township civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for above. In addition to any other information required by this ordinance or other ordinances, the notice of violation 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.
  - (f) Appearance; payment of fines and costs. An alleged violator receiving a township 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 township civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
  - (g) Procedure where admission of responsibility not made or fine not paid. If an authorized township official issues and serves a township 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 township civil infraction notice may be filed with the 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 notice filed with the court does not need to comply in all particulars with the requirements for citations provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the township civil infraction violation notice and shall fairly inform the alleged violator how to respond to the notice.

**Civil infractions and related fines.**

- (a) All township civil infraction fines will be \$100.00, unless otherwise identified by a particular ordinance. A first repeat and additional repeat offenses shall be two times the initial fine.
- (b) The aforesaid fines shall be payable to Chassell Township located at 41950 Willson Memorial Drive, Chassell, Michigan 49916

**Severability.**

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

Approved and ordained by the Chassell Township Board this 9<sup>th</sup> day of August, 2017.

Dave Mattson



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Chassell Township Supervisor

I further certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Chassell, County of Houghton, State of Michigan, at a regular meeting conducted on the 9<sup>th</sup> day of August, 2017, and that public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of 1976, as amended, of the state of Michigan.

I further certify that the following members were present at said meeting: Dave Mattson, Lynn Gierke, Ryan Kuntze, Dan Palosaari

And the following members were absent: Kelly Holmes

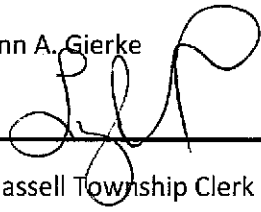
I further certify that the following members of the Township Board voted in favor of adoption of the above Ordinance:

Dave Mattson, Lynn Gierke, Ryan Kuntze, Dan Palosaari

And that the following members voted against adoption of this Ordinance: 0

I further certify that this Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signature of the Supervisor and Township Clerk.

Lynn A. Gierke

A handwritten signature in black ink, appearing to read 'Lynn A. Gierke', written over a horizontal line.

Chassell Township Clerk