

AUGUSTA CHARTER TOWNSHIP
COUNTY OF WASHTENAW
STATE OF MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND
SERVICE OF MUNICIPAL CIVIL INFRACTION CITATIONS.

AUGUSTA CHARTER TOWNSHIP ORDAINS:

ARTICLE I. ADOPTION OF MUNICIPAL CIVIL INFRACTIONS ORDINANCE.

“SECTION A. Short title.

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

SECTION B. Definitions.

For the purpose of the provisions of this ordinance, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended:

Act means Act No. 236 of the Public Acts of 1961, as amended.

Authorized official means a Washtenaw County Sheriff's Department law enforcement officer or other personnel of Augusta Charter Township authorized by this ordinance or any other ordinance to issue municipal civil infraction citations.

Municipal civil infraction action means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal civil infraction citation means a written complaint prepared by an authorized official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

SECTION C. Designation of authorized officials.

The following persons have the authority to issue municipal civil infraction citations pursuant to this ordinance:

- (1) Washtenaw County Sheriff's Department deputized law enforcement officers;
- (2) Augusta Charter Township fire chief;
- (3) Augusta Charter Township zoning administrator;

- (4) Augusta Charter Township supervisor.

SECTION D. Municipal civil infraction action; commencement.

A municipal civil infraction action 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.

SECTION E. Municipal civil infraction citations; issuance and service.

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

- (1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (2) The place of appearance specified in a citation shall be the 14A district court.
- (3) 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 14A district court within five business days of its issuance. A copy of the citation shall be issued to the alleged violator as provided by § 8705 of the Act.
- (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.
- (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.
- (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.
- (7) Municipal civil infraction citations shall be served by an authorized township official as follows:
 - (a) Except as provided by subsection Section E(7)(b), 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 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 of the citation 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.

SECTION F. Municipal civil infraction citations; contents.

- (1) A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged to have been violated, 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.
- (2) Further, the 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 or, 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.
- (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 for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - (c) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the township.
 - (d) 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.

- (e) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (f) The citation shall contain a notice in boldface 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 will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

SECTION G. Failure to appear; penalty.

A person served with a municipal civil infraction citation as provided in Section E(7) who fails to appear within the time specified in the citation or at the time scheduled for a hearing or appearance shall have a default judgment entered against them in the amount provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, including an order to show cause why the defaulted person should not be held in civil contempt.”

ARTICLE II. SEVERABILITY

This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided the remainder of the ordinance shall not be affected thereby.

ARTICLE III. REPEALER

All ordinances or portions of an ordinance in conflict with or inconsistent with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE IV. EFFECTIVE DATE

- (1) This Ordinance shall become effective thirty (30) days after its publication in a paper of general Township circulation.

Adopted this ___ day of _____, 20__.

- (2) Publication/Posting

A true copy of the within ordinance shall be posted within 30 days after the first reading and a notice of posting shall be published in the Ypsilanti Courier. This ordinance shall be effective 30 days after the second reading or adoption by the Township Board.

Amended: First Reading _____

Second Reading _____

Effective: _____

Kathleen Jackson, Supervisor

Kathy Giszczak, Clerk