

CHARTER TOWNSHIP OF UNION  
ORDINANCE NUMBER 20-09  
MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

Please take notice that the Charter Township of Union Board of Trustees adopted a new Municipal Ordinance Violations Bureau Ordinance Number 20-09 following a Second Reading at their regular meeting on November 10, 2020, held as an electronic meeting via video/telephone conference with notice and instructions for access posted at the Township Hall and on the Township website's homepage per the Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 to 15.272).

The First Reading of the proposed ordinance was held during the regular October 28, 2020 Board of Trustees meeting, also as an electronic meeting with notice and instructions for access posted per the Open Meetings Act. Following the First Reading, an ordinance summary and notice of the date, time, and place of the Second Reading was published in The Morning Sun newspaper and posted at the Township Hall as required by the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.1 et seq.).

A true copy of the adopted ordinance may be inspected or obtained by appointment upon request via telephone call to (989) 772-4600 during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, and at any time on the Township's website at <http://www.uniontownshipmi.com>. The following is a summary of the ordinance:

**Section 1 (Title)** establishes the title of the ordinance.

**Section 2 (Municipal Ordinance Violations Bureau)** reaffirms the establishment of the Township's Municipal Ordinance Violations Bureau.

**Section 3 (Authorized Officials)** identifies the officials authorized to issue and serve municipal civil infraction notices and citations.

**Section 4 (Initiating a Municipal Civil Infraction Action)** summarizes the process by which a municipal civil infraction action is initiated.

**Section 5 (Municipal Civil Infraction Notices)** establishes civil infraction notice requirements.

**Section 6 (Municipal Civil Infraction Citations)** establishes civil infraction citation requirements.

**Section 7 (Schedule of Fines and Costs)** allows for adoption and amendment of civil fines and costs by Board of Trustees resolution.

**Section 8 (Additional Provisions)** provides for timing of a civil infraction citation action, what constitutes a separate violation, and use of other remedies provided by law.

**Section 9 (Definitions)** defines certain terms used in the ordinance.

**Section 10 (Severability)** confirms that ordinance elements are severable as provided by law.

**Section 11 (Repeal)** confirms the repeal and replacement of Ordinance No. 1999-02.

**Section 12 (Publication)** confirms that state law publication requirements will be met.

**Section 13 (Effective Date)** establishes the ordinance effective date, based on adoption and publication requirements.

Publication of the adopted ordinance was made by this notice and posting of the true copy of the ordinance at the Charter Township of Union office and on the Township's website pursuant to Charter Township Act requirements. The ordinance is effective immediately upon publication of this notice.

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE NO. 20-09**

[An ordinance adopted under provisions of the Revised Judicature Act (Public Act 236 of 1961, as amended), being MCL 600.101 – MCL 600.9948, and the Charter Township Act (Public Act 359 of 1947, as amended), being MCL 42.1 – MCL42.34, to protect the general health, safety, and welfare by providing for municipal civil infractions of certain Township ordinances, and procedures and penalties pursuant thereto; authorizing which Township officials can issue civil infraction notices and citations; establishing and defining the authority of the Municipal Ordinance Violations Bureau; and providing for severability, repeal, publication, and an effective date.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

**Section 1. Title.**

This ordinance shall be known as the “Municipal Ordinance Violations Bureau Ordinance” and referred to herein as “this Ordinance.”

**Section 2. Municipal Ordinance Violations Bureau.**

The Municipal Ordinance Violations Bureau is hereby established for the purposes of accepting admissions of responsibility and collecting civil fines and costs for ordinance violations designated as municipal civil infractions for which municipal civil infraction notices have been issued by authorized officials.

- A. The Bureau shall be located at the Township Hall, or other such location in the Township as may be designated by resolution of the Board of Trustees, and under the supervision and control of the Township Manager.
- B. All personnel of the Bureau shall be designated by the Township Manager and shall be Township employees.
- C. 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.
- D. 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.

**Section 3. Authorized Officials.**

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Township ordinance to the contrary, the following officials are hereby designated as the authorized officials to issue and serve municipal civil infraction notices and citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

- A. The Township Manager, Community and Economic Development Director, Building Official, Zoning Administrator, and Rental Inspector.
- B. Other Township ordinance enforcement official(s) as designated by the Township Manager.
- C. Law enforcement officers with jurisdiction in the Township.

**Section 4. Initiating a Municipal Civil Infraction Action.**

A municipal civil infraction action may be commenced upon the issuance by an authorized official of a municipal civil infraction notice in accordance with Section 5 of this Ordinance, directing the alleged violator to appear at the Municipal Ordinance Violations Bureau; or a municipal civil infraction citation in accordance with Section 6 of this Ordinance, directing the alleged violator to appear in court.

**Section 5. Municipal Civil Infraction Notices.**

Municipal civil infraction notices shall be numbered consecutively, shall be in the form approved by the state court administrator, and shall be issued and served by authorized officials as provided by law.

- A. A municipal civil infraction notice shall include, at a minimum, all of the following:
  - 1. The municipal civil infraction alleged.
  - 2. The name and the address of the alleged violator.
  - 3. The timeframe within which the alleged violator must contact the Bureau for purposes of admitting or denying responsibility for the violation.
  - 4. The amount of the fine for the violation.
  - 5. The methods by which the violation may be admitted or denied.
  - 6. The consequences of failing to pay the fine or contact the Bureau within the timeframe.
  - 7. Contact information for the Bureau.
- B. If an authorized official issues and serves a municipal civil infraction 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 court having jurisdiction of the matter 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 Public Act 236, but shall consist of a sworn complaint containing the allegations stated in the municipal civil infraction notice and shall fairly inform the alleged violator how to respond to the citation.

**Section 6. Municipal Civil Infraction Citations.**

Municipal civil infraction violation citations shall be numbered consecutively, shall be in the form approved by the state court administrator, and shall be issued and served by authorized officials as provided by law.

- A. A municipal civil infraction citation shall include, at a minimum, all of the following:
  - 1. The municipal civil infraction alleged.
  - 2. The name and the address of the alleged violator.
  - 3. Contact information for the court where the alleged violator shall appear in court and timeframe within which the appearance shall be made.
  - 4. The amount of the fine for the violation.
  - 5. The consequences of failing to pay the fine or make an appearance within the timeframe.

- B. A municipal civil infraction 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, in person or by representation.
  3. Deny responsibility for the municipal 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 an 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 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 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 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.
- E. Municipal civil infraction citations shall be issued and served by authorized officials as follows:
1. The original, which is a complaint and notice to appear, shall be filed with the court.
  2. The first copy shall be retained by the Township.
  4. The second copy shall be issued to the alleged violator if the violation is a misdemeanor.
  3. The third copy shall be issued to the alleged violator if the violation is a civil infraction.
- F. Except as provided below, an authorized official shall personally serve a copy of the citation upon the alleged violator.
1. 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.

2. A copy of the citation shall also 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.
- G. A citation for a municipal civil infraction signed by an authorized official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the authorized 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."

#### **Section 7. Schedule of Civil Fines and Costs.**

Unless a different schedule of civil fines is provided for by an applicable ordinance, the fee schedule for the following civil infraction violation fines and costs shall be established and amended from time to time by resolution of the Board of Trustees:

- A. First violation within a three-year period.
- B. Second violation within a three-year period.
- C. Third violation within a three-year period.
- D. Fourth or subsequent violation within a three-year period.
- E. Additional cost for fines paid more than ten (10) days after the date of service of the municipal civil infraction.

#### **Section 8. Additional Provisions.**

- A. Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of municipal civil infraction notice. As to each ordinance violation designated as a municipal civil infraction, the Township may, at its discretion, proceed directly with the issuance of a municipal civil infraction citation.
- B. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.
- C. Each day a violation continues to exist constitutes a separate violation.
- D. The rights and remedies set forth in this Ordinance shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain, prevent, correct, remedy or abate noncompliance with a Township ordinance.
- E. The civil fines and costs collected shall be deposited in the general fund of the Township.

#### **Section 9. 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 defined in accordance with its common or standard definition.

**Public Act 236** means the Revised Judicature Act (Public Act 236 of 1961, as amended), being MCL

600.101 – MCL 600.9948.

**Authorized official** means a person authorized by this Ordinance to issue municipal civil infraction notices or citations.

**Board of Trustees** means the elected Board of Trustees for the Charter Township of Union, Isabella County, Michigan.

**Bureau** means the Municipal Ordinance Violations Bureau of the Charter Township of Union as established by this Ordinance.

**Municipal civil infraction** means a violation of a Township ordinance for which civil sanctions, including without limitation, fines, damages, expenses, and costs, may be ordered as authorized by Public Act 236.

**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 at a court of law regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**Municipal civil infraction notice** means a written complaint prepared by an authorized official, directing a person to appear at the Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the adopted schedule of civil fines and costs, as authorized by MCL 600.8707(6).

**Township** means the Charter Township of Union, Isabella County, Michigan.

#### **Section 10. Severability.**

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

#### **Section 11. Repeal.**

The Municipal Ordinance Violations Bureau Ordinance No. 1999-02 is hereby repealed in its entirety. This Ordinance shall not repeal the penalty or enforcement sections of existing Township ordinances. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are, to the extent necessary to resolve the conflict, hereby repealed.

#### **Section 12. Publication.**

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

#### **Section 13. Effective Date.**

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on November 10, 2020 after a first reading by the Township Board of Trustees on October 28, 2020 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

**CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE**

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the tenth day of November, 2020, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

(a) Voting in favor of the Ordinance: \_\_\_\_\_  
\_\_\_\_\_

(b) Voting against adoption of the Ordinance: \_\_\_\_\_  
\_\_\_\_\_

I further certify that a summary and notice of adoption of this Ordinance were published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Lisa Cody, Clerk

I, Ben Gunning, the duly elected Supervisor of the Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

\_\_\_\_\_  
Ben Gunning, Supervisor

Date: \_\_\_\_\_, 2020