

ORDINANCE NO: 1

**TOWNSHIP OF MICHIGAMME
MARQUETTE COUNTY, MICHIGAN
CIVIL INFRACTION ORDINANCE**

SECTION I: TITLE

Michigamme Township Civil Infraction Ordinance

SECTION II: Purpose

To establish that Michigamme Township ordinance violations constitute a civil infraction, to designate the ordinance enforcement officer and to establish fines for ordinance violations.

SECTION III: DEFINITIONS

A. Act:

Act Number 236 of Public Acts of 1961, as amended

B. Ordinance Enforcement Officer

A police officer or other personnel of Michigamme Township authorized by this Ordinance, or any other Michigamme Township Ordinance, to issue municipal civil infraction citations.

C. Municipal Civil Infraction

An act or omission that is prohibited by any Michigamme Township Ordinance which is not a crime under the Ordinance for which civil sanctions; including, but without limitation, fines, damages, expenses, and costs, may be ordered as authorized by Chapter 87 of Public Act 236 of 1961, as amended.

D. Municipal Civil Infraction Action

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

E. Municipal Civil Infraction Citation

A written complaint or notice prepared by an authorized Michigamme Township Enforcement Officer directing a person to appear in Court regarding the occurrence or the existence of a municipal civil infraction violation by the person cited.

F. Township

Michigamme Township, Marquette County, Michigan

SECTION IV: MUNICIPAL CIVIL INFRACTION ACTION - COMMENCEMENT

A municipal civil infraction action may be commenced by the issuance of a municipal infraction citation by an authorized Enforcement Officer directing the alleged violator to appear in Court.

SECTION V: MUNICIPAL CIVIL INFRACTION CITATIONS - ISSUANCE AND SERVICE

A municipal civil infraction citation shall be issued and served by an authorized Enforcement Officer as follows.

- A. The time for appearance specified in the citation shall be within 30 (thirty) days after the citation is issued.
- B. The place for the appearance specified in the citation shall be in Marquette County District Court.
- 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 District Court. Copies of the citation shall be retained by the Township and alleged violator as provided in this Section.
- D. The citation for a municipal civil infraction violation signed by an authorized Enforcement Officer shall be treated as if made under oath if the violation alleged in the citation occurred in the presence of the Township 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 and to the best of my information, knowledge and belief".
- E. An authorized Enforcement 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 a person commit a municipal civil infraction, the official has reason to believe that the person is responsible for an infraction and, if the prosecuting attorney or Township attorney approves in writing of the issuance of the citation.
- F. Municipal civil infraction citations shall be served by an authorized Township enforcement officer as follows;

1. Except as provided in Section V.F.2, an authorized Township enforcement official shall personally serve a copy of the citation upon the alleged violator.

2. If the municipal infraction 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 the owner or occupant of the land, building or structure, by posting a copy on the land, or attaching a 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 VI: MUNICIPAL CIVIL INFRACTIONS - CONTENTS

A. A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal 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.

B. Further, 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, by the time specified for in the appearance.
2. Admit responsibility for the municipal civil infraction "with explanation" by mail, by the time specified for in the appearance, in person, or by representation.
3. Deny responsibility for the municipal civil infraction by doing either of the following:
 - a. appear in person for an informal hearing before a judge or a 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. appears 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 the following:

1. If the alleged violator desires to admit responsibility "with explanation" in court or by representation, the alleged violator must apply to the Court in person, by mail, by telephone, or by representation within the time specified to obtain a scheduled date for a time to appear
2. 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 in the citation.

3. A hearing shall be an informal hearing, unless a formal hearing is requested by the violator or the Township.

4. 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. 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 must contain in bold face type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for hearing or appearance will result in the entry of default judgment against the violator on the municipal civil infraction.

SECTION VII: PENALTIES and ENFORCEMENT

Any person who violates the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to civil penalties.

SCHEDULE OF FINES

A. The fine for violation shall be as follows:

1. The failure to comply with any provision of the Township Ordinance which provides a violation, thereof is a civil infraction - \$100.00 fine with 15 more days to comply.

2. The second, repeat, offense - \$200.00 with 15 days to comply.

3. The third (or any subsequent repeat offense) - \$350.

B. Each day that a violation continues to exist shall constitute a separate infraction. This ordinance shall not preclude any other civil action against the violator for injunctive or other relief.

SECTION VIII: ORDINANCE ENFORCEMENT OFFICER

The Michigamme Township Board is hereby authorized, by Resolution, at any regular meeting of the Board, to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designed in said Resolution. Said Board may further, by Resolution, remove any person from said office, at the discretion of the Board, without cause.

SECTION IX: DUTIES

The Ordinance Enforcement Officer is hereby authorized to enforce all Ordinances of Michigamme Township, including the Michigamme Township Zoning Ordinance, whether currently, or hereinafter enacted, and whether such Ordinance specifically designates a different official to enforce is so designated in such Ordinance, the authority of said Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. Any

Ordinance enforcing the authority of the Township Supervisor specifically designated in any Township Ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within Ordinance.

SECTION X: VIOLATION

The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies proved herein are civil in nature. The imposition of any fine, shall not exempt the violator from compliance with the provisions of this, or any other Michigamme Township Ordinance.

SECTION XI: SEVERABILITY

The sections of this ordinance shall be deemed severable, and should any section, clause paragraph, or provision thereof be deemed unconstitutional or contrary to the laws of the State of Michigan and thereafter voided by any court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any other part thereof other than that part or section so declared to be unconstitutional or invalid.

SECTION XII. REPEALER

All ordinances, resolutions, orders or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict, hereby repealed.

Michigamme Township Board

By: Alvar Maki Date July 25, 2013

Alvar Maki, Michigamme Township Supervisor

By: Jean Howe Date July 25, 2013
Jean Howe, Township Clerk

Township Clerk Certification

I, HEARBY CERTIFY that the above ordinance is a true copy of the ordinance adopted by the Michigamme Township Board at its meeting held on the 25th day of July, 2013.

Vote 5 ayes 0 nays

Board members voting aye Tembreull, Perry, Skytta, Howe, Maki

Board members voting nay _____

I, FURTHER CERTIFY THAT THIS ORDINANCE WAS:

Published in the Mining Journal: July 31, 2013

Filed with the Marquette County Clerk: August 30, 2013

Michigamme Township Clerk

Jean Howe

08/30/13

Jean Howe