

## **ARTICLE II. MUNICIPAL CIVIL INFRACTIONS<sup>1</sup>**

### **Sec. 30-19. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means Public Act No. 236 of 1961 (MCL 600.101 et seq.).

*Authorized city official* means a police officer or other personnel of the city authorized by this Code or any city ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

*Bureau* means the city municipal ordinance violations bureau as established by this article.

~~*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 or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

*Municipal civil infraction violation notice* means a written notice prepared by an authorized city official, directing a person to appear at the ~~city 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 city, as authorized by sections 8396 and 8707(6) of the Act ~~(MCL 600.8396 and 600.8707(6))~~.

(Code 1999, § 200.01)

### ~~**Sec. 30-20. Municipal civil infraction actions; commencement.**~~

~~A municipal civil infraction action may be commenced upon the issuance by an authorized city official of a municipal civil infraction citation directing the alleged violator to appear in court, or a municipal civil infraction violation notice directing the alleged violator to appear at the city municipal ordinance violations bureau.~~

~~(Code 1999, § 200.02)~~

### ~~**Sec. 30-21. Municipal civil infraction citations—Issuance and service.**~~

~~Municipal civil infraction citations shall be issued and served by authorized city 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 for appearance specified in a citation shall be the district court for the district, whose jurisdiction encompasses the city.~~

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<sup>1</sup>State law reference(s)—Municipal civil infractions, MCL 600.8701 et seq.

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~~(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 district court. A copy of the citation shall be retained by the city and issued to the alleged violator as provided by section 8705 of the Act (MCL 600.8705).~~

~~(4) A citation for a municipal civil infraction signed by an authorized city 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 penalty of perjury that the statements above are true to the best of my information, knowledge, and belief."~~

~~(5) An authorized city 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 city 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 prosecuting attorney or city attorney approves in writing the issuance of the citation.~~

~~(7) Municipal civil infraction citations shall be served by an authorized city official as follows:~~

~~a. Except as provided by subsection (7)b of this section, an authorized city 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 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.~~

~~(Code 1999, § 200.03)~~

### **~~Sec. 30-22. Same—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 at or by which the appearance shall be made.~~

~~(b) Further, the citation shall inform the alleged violator that he 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:~~

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- 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 city;~~
- 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 for appearance and obtain a scheduled date and time to appear for a hearing, unless the 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 city;~~
  - ~~(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 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, is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.~~
- ~~(Code 1999, § 200.04)~~

### **Sec. 30-203. Municipal ordinance violations bureau; violation notices.**

- (a) *Established.* The city hereby establishes a municipal ordinance violations bureau, ("**bureau**") as authorized under section 8396 of the Act ~~(MCL 600.8396)~~ to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any city ordinance.
- (b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at city hall, and shall be under the supervision and control of the city treasurer. The city treasurer, subject to the approval of the city commission, shall adopt rules and regulations for the operation of the bureau and appoint any necessary, qualified city employees to administer the bureau.
- (c) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal 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 section or article shall prevent or restrict the city from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction 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 afforded by law.

- (d) *Limitation on accepting admissions of responsibility.* 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.
- (e) *Municipal civil infraction violation notices.* Municipal 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 citations as provided in ~~section 30-21(6) and (7)~~the Act. In addition to any other information required by this Code or other city ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the method 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 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.
- (g) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city 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 a schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be filed with the district court, pursuant to the Act, 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 the Act (MCL 600.8705 and 600.8709)~~the Act but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(Code 1999, § 200.05)

**Sec. 30-214. ~~Issuance of an appearance ticket by designated public servants~~Authorized city officials.**

- ~~(1) (a) — The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~
- ~~(2) *Appearance ticket* means a complaint or written notice issued and subscribed by a police officer or other public servant authorized by law or ordinance to issue such appearance ticket, directing a designated person to appear before a judge of the 96th District Court for the county to answer his alleged commission of the violation or violations of state law or local ordinance as set forth on the appearance ticket. The form of the appearance ticket shall be as provided by MCL 764.9f.~~
- ~~(3) *Public servant* means any officer or employee empowered to issue and serve an appearance ticket.~~
- ~~(4) (b) — A public servant of the city who has authorization to issue and serve an appearance ticket of the city may, pursuant to MCL 764.9a et seq., and subject to the provisions hereof, serve an appearance ticket on a person if the public servant has reasonable cause to believe that the person has committed the offense charged.~~
- (1) (€1) The following personnel of the city have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this article:

- ~~a. Police officers.~~
- ~~b. Fire chief.~~
- ~~c. Zoning administrator or zoning officials.~~
- ~~d. Code enforcement officer.~~
- ~~e. Community services director.~~
- ~~f. City manager.~~
- a. City manager.
- b. Police chief.
- c. Police officers.
- d. Fire chief.
- e. Fire marshal.
- f. Fire officers.
- g. Rental inspector.
- h. Zoning administrator or zoning officials.
- i. Code enforcement officer.
- j. Community services director.
- k. Other individuals designated as authorized officials by the city manager, police chief, or fire chief.

~~(5)(2)~~ (2) ~~(d)~~ — The city manager may establish an appropriate training program to instruct each public servant authorized to issue an appearance ticket.

(Code 1999, § 200.06)

**Sec. 30-225. Fines ~~and sanctions~~; repeat offenses.**

- (1) A schedule of fines shall be adopted by the city commission as part of the annual fee schedule and fines stated therein shall be payable to the bureau for admissions of responsibility by persons served with municipal civil infraction violation notices.
- (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of any ordinance. As used in this section, the term “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any one-year period, unless some other period is specifically provided by ordinance, and for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by any ordinance.

~~The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code, plus any costs, damages, expenses and other sanctions, as authorized under PA 236 of 1961, as amended, and other applicable laws.~~

- ~~(1) Unless otherwise specifically provided by this Code, the civil fine for a violation shall be \$50.00, plus costs and other sanctions, for each infraction.~~

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~~(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code. As used in this section "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any six-month period (unless some other period is specifically provided by this Code) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code, the increased fine for a repeat offense shall be as follows:~~

~~a. The fine for any offense which is a first repeat offense shall be \$100.00, plus costs.~~

~~b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.00, plus costs.~~

~~(Code 1999, § 200.07; Ord. No. 665, § 4, 5-14-2018)~~

~~Editor's note(s)—Ord. No. 665, § 4, adopted May 14, 2018, changed the title of § 30-25 from "Fines" to read as herein set out.~~

~~Sec. 30-26. Failure to appear; penalty.~~

~~A person served with a municipal civil infraction citation as provided in section 30-24 who fails to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is guilty of a misdemeanor, punishable by a fine of not more than \$500.00. Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.~~

~~(Code 1999, § 200.08)~~