

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 105**

At a meeting of the Township Board for Martin Township held at the Township offices on January 11, 2012, the following Ordinance was offered for adoption by Township Board Member Tiemeyer, and was seconded by Township Board Member Coburn:

AN ORDINANCE PROVIDING FOR MUNICIPAL CIVIL INFRACTIONS FOR THE VIOLATION OF CERTAIN TOWNSHIP ORDINANCES AND PENALTIES PURSUANT THERETO; ESTABLISHING PROCEDURES RELATING THERETO; IDENTIFYING WHICH TOWNSHIP OFFICIALS CAN ISSUE CIVIL INFRACTION TICKETS; PENALTIES; AND PROCEDURES RELATING TO SUCH MATTERS

The Township of Martin ordains:

Section_1. Title. This Ordinance shall be known as the “Martin Township Municipal Civil Infraction Ordinance.”

Section_2. Definitions. As used in this Chapter:

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

“Authorized township official” means a township official, police officer or other personnel or agent of the township authorized by this ordinance or any Township ordinance, resolution, or contract to issue municipal civil infraction citations or, where applicable, notices.

“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 township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

“Township” means Martin Township.

Section_3. Municipal Civil Infraction Action; Commencement. A municipal civil infraction action may be commenced upon the issuance by an authorized township official of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 4. Municipal Civil Infraction Citations; Issuance and Service. Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

A. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

B. The place for appearance specified in a citation shall be the district court which has jurisdiction over the Township.

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 issued to the alleged violator as provided by the Act.

D. An authorized township 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 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.

E. Municipal civil infraction citations shall be served by an authorized township official as follows:

(1) Except as otherwise provided below, an authorized township official (or other process server hired by the Township) shall personally serve a copy of the citation upon the alleged violator.

(2) 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 a 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.

Section 5. General Penalties and Sanctions for Violations of Township Ordinances; Continuing Violations; Injunctive Relief.

A. Unless a violation of a Township ordinance is specifically designated as a municipal civil infraction, the violation shall be deemed to be a criminal misdemeanor.

B. The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by the ordinance involved.

C. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinance(s) involved, plus any costs, damages, expenses and other sanctions, as authorized under the Act.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Township Board by resolution), the civil fine for a municipal civil infraction violation shall be not less than \$100.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this ordinance, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by a person within any two-year period (unless some other period is specifically provided by an ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal civil infraction violation, 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 not less than \$300.00, plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.

D. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.

E. Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

F. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

Section 6. Authorized Persons-Civil Infractions Tickets. 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 township officials to issue and serve municipal civil infraction citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

The Township Building Inspector
The Allegan County Sheriff and all other Deputy County Sheriffs of Allegan
County
The Township Fire Marshal or Fire Chief
The Township Supervisor
The Township Mechanical and Electrical Inspectors

The Township Ordinance or Code Enforcement Officer
The Township Zoning Administrator
The Township Clerk

Section 7. Applicability of the Act. If this ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

Section 8. Severability. The various parts, sections and clauses of this ordinance are 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.

Section 9. Effective Date. This ordinance shall become effective one day after its publication (or publication of a summary thereof) in a newspaper in general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Carrie Coburn, Susan Tiemeyer, and Jim Brenner

NAYS: None

ABSENT: Glenn Leep and Jack Sipple

ORDINANCE NO. 105 DECLARED ADOPTED.

CERTIFICATION

I certify that the above is a true copy of an ordinance adopted by the Martin Township Board at the date and place specified above pursuant to required statutory procedures.

By

Dated: January 11, 2012

Carrie Coburn
Martin Township Clerk

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