

Chapter 45

VIOLATIONS BUREAU; MUNICIPAL CIVIL INFRACTIONS

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[HISTORY: Adopted by the Township Board of the Charter Township of Rutland 9-10-2003 by Ord. No. 2003-99. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinance Enforcement Officer — See Ch. 33.

§ 45-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT — Public Act 12 of 1994, as amended.¹

AUTHORIZED TOWNSHIP OFFICIAL — A police officer, zoning inspector, building inspector, or other personnel of the Township authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

BUREAU — The Charter Township of Rutland Municipal Ordinance Violations Bureau as established by this chapter.²

CITATION — A written complaint or notice to appear in court upon which an authorized local official records the occurrence of one or more municipal civil infractions by the person cited.

MUNICIPAL CIVIL INFRACTION — An act or omission that is prohibited by this Code or ordinance of the Township, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitations, fines, damages, expenses and costs, may be ordered, as authorized by law.³

VIOLATION NOTICE — A written notice prepared by an authorized Township official, directing a person to appear at the Rutland Charter Township Violations Bureau and pay a

1. Editor's Note: See MCL § 600.8701 et seq.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

fine and costs, prescribed for the violation by the Schedule of Civil Fines adopted by the Township, as authorized under Sections 8396 and 8707(6) of the Act.⁴

§ 45-2. Commencement of municipal civil infraction action.

A municipal civil infraction action is commenced upon the issuance by the authorized Township official of one of the following:

- A. A violation notice directing the alleged violator to appear at the Rutland Charter Township Ordinance Violations Bureau; or
- B. A citation directing the alleged violator to appear in court.

§ 45-3. Ordinance violation notice requirements.

- A. Municipal civil infraction. Violation notices and civil infraction citations shall be issued and served by authorized Township officials in accordance with the provisions of Section 8707 and 8709 of the Act.⁵
- B. A violation notice issued under this Act shall indicate the time by which the alleged violator must appear at the Bureau, the methods 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.
- C. A municipal civil infraction citation shall contain the information required under Section 8709 of the Act.⁶
- D. At the discretion of the authorized Township official, he or she may issue either a violation notice or citation under the following circumstances:
 - (1) The authorized Township official witnesses a person commit a municipal civil infraction violation; or
 - (2) Based upon an investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction violation; or
 - (3) Based upon the investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction violation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction violation, and the Township Attorney approves in writing the issuance of the citation.

4. Editor's Note: See MCL §§ 600.8396 and 600.8707(6).

5. Editor's Note: See MCL §§ 600.8707 and 600.8709.

6. Editor's Note: See MCL § 600.8709.

§ 45-4. Designation of misdemeanor or municipal civil infraction.⁷

Unless a violation of this chapter or any Code of the Township is specifically designated in the ordinance or Code as a misdemeanor, the violation shall be deemed to be a municipal civil infraction.

§ 45-5. Municipal Ordinance Violations Bureau.

- A. Establishment. The Township hereby establishes a Bureau as authorized under Section 8396 of the Act⁸ to accept admissions of responsibility for municipal civil infractions in which a violation notice was issued and served, and to collect and retain civil fines and costs as prescribed by this Code.
- B. Location. The Bureau shall be located at the Rutland Charter Township Hall and shall be under the supervision and control of the Township Treasurer. The Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau.
- C. Personnel. The Bureau Clerk or other designated Township official shall be an employee of the Township. They shall retain a copy of all municipal ordinance violation notices and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require and shall be deposited in the general fund of the Township.
- D. Responsibility. The Bureau shall only be authorized to accept admissions of responsibility for municipal civil infractions upon which a violation notice has been issued. The Bureau shall collect and retain civil fines and costs as set forth on the Schedule of Fines adopted by the Township Board. The Bureau may not dispose of municipal civil infraction citations, and any citations received by the Bureau shall be transferred to the 56B District Court for handling.⁹
- E. Failure to appear. If a violation notice is not returned to the Bureau with payment made, within 14 calendar days of the time it is issued and served, the Bureau shall return the violation notice to the authorized Township official who issued the notice. The authorized Township official, upon receiving notice from the Bureau that a person accused of a municipal civil infraction violation has failed to respond to the violation notice within 14 days, may issue a municipal civil infraction citation by filing the original of the citation with the District Court and mailing a copy of the citation to the alleged violator by first class mail at the alleged violator's last known address. Service is complete upon mailing.¹⁰

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8. Editor's Note: See MCL § 600.8396.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 45-6. Enforcement; Schedule of Fines.

- A. Except as otherwise provided by this Code, a person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Code shall be responsible for a municipal infraction and shall pay a fine according to the following schedule:¹¹
- (1) The Township hereby establishes a Schedule of Fines for municipal civil infractions which are received at the Bureau or assessed by the District Court. The fines for the violations listed below shall be as follows:
 - (a) First offense: minimum \$150.
 - (b) Second offense: minimum \$325.
 - (c) Third offense: minimum \$500.
 - (2) A copy of the schedule, as amended from time to time, shall be posted at the Bureau.
- B. Each day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this chapter.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PART II

GENERAL LEGISLATION

