

**Ordinance No. 155-2022**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, VILLAGE OF UNIONVILLE, MICHIGAN BY ADDING ARTICLE VI, MUNICIPAL CIVIL INFRACTIONS, WHICH NEW SECTIONS SHALL BE DESIGNATED AS SECTIONS 201 THROUGH 208 OF CHAPTER 2, ADMINISTRATION OF THE CODE OF ORDINANCES, VILLAGE OF UNIONVILLE, MICHIGAN.

**THE VILLAGE OF UNIONVILLE, COUNTY OF TUSCOLA, STATE OF MICHIGAN, ORDAINS:**

**Section 1.** Chapter 2, Administration, Article VI, Municipal Civil Infraction, of the Village of Unionville Code of Ordinances is added to read as follows:

**§ 2-201. Purpose of article.**

The purpose of this article is to create a civil infraction violation bureau, establish a civil infraction fine schedule and authorize village personnel to issue civil infraction citations and notices.

**§ 2-202. 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 Act No. 236 of the Public Acts of Michigan of 1961, as amended, being MCLA 600.101 et seq., MSA 27A.101 et seq.

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

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

*Municipal civil infraction* means an act or omission that is prohibited by any ordinance or code of the village, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered as authorized by chapter 87 of Act No. 236 of the Public Acts of Michigan of 1961, as amended. Unless a violation of any ordinance or code of the village is specifically designated in the ordinance or code as a municipal civil infraction, the violation shall be deemed a misdemeanor. A municipal civil infraction is not a lesser included offense of an ordinance violation or a code violation that is a criminal offense.

*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 or citation* means a written complaint or notice to appear in court upon which an authorized village official records the occurrence or existence of one or more civil infractions by the person cited.

*Municipal ordinance violation notice or violation notice* means a written notice, other than a citation, prepared by an authorized village official, directing a person to appear at the village municipal ordinance violations bureau and to pay the fine and costs, if any, for the violation as prescribed by the schedule of civil fines adopted by the village, as authorized under section 8396 and 8727(6) of the act.

### **§ 2-203. Persons authorized to serve citations and notices.**

In addition to police officers, the following village personnel, as provided by Act No. 12 of the Public Acts of Michigan of 1994 (MCLA 600.8701 et seq.), as amended, are local officials legally authorized to issue and serve municipal civil infraction citations and municipal ordinance violation notices in conformance with chapter 87 of the Revised Judicature Act, Act No. 236 of the Public Acts of Michigan of 1961, as amended:

- 1) Code enforcement officer.
- 2) Nuisance inspector.
- 3) Fire chief.
- 4) Fire inspector.
- 5) Building official.

### **§ 2-204. Municipal civil infraction action commencement.**

A municipal civil infraction action may be commenced upon the issuance by an authorized village official of:

- 1) A municipal civil infraction citation directing the alleged violator to appear in court; or
- 2) A municipal ordinance violation notice directing the alleged violator to appear at the village municipal ordinance violations bureau.

### **§ 2-205. Citation's issuance and service.**

Municipal civil infraction citations shall be issued and served by authorized village 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.

- 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. Copies of the citations shall be retained by the village and issued to the alleged violator as provided by section 8705 of the act.
- 4) A citation for a municipal civil infraction signed by an authorized village 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 penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- 5) An authorized village official who witnesses a person committing a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, any original and required copies of a citation.
- 6) An authorized village official may issue a citation to a person if, based on the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or, 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 village attorney approves in writing the issuance of the citation.
- 7) Except as otherwise provided under subsection (8) of this section, municipal civil infraction citations shall be served by an authorized village official who shall personally serve a copy of the citation upon the alleged violator.
- 8) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation need not be personally served upon the alleged violator, but may be served upon the 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 record of the land, building or structure at the owner's last known address.

**§ 2-206. Citation's contents.**

- 1) 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. The citation shall inform the alleged violator that he may do one of the following:
  - a) Admit responsibility for the municipal civil infraction by mail, in person, or by representation at or by the time specified for appearance.
  - b) Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance, or in person, or by representation.
  - c) Deny responsibility for the municipal civil infraction by either 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 village, or by appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.

- 2) The citation shall also inform the alleged violator of all the following:
  - a) 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 telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
  - b) 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 a hearing date is specified on the citation.
  - c) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village.
  - d) 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.
  - e) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- 3) The citation shall contain a notice in bold-faced 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.

**§ 2-207. Municipal ordinance violations bureau.**

- 1) The village hereby establishes the municipal ordinance violations bureau ("bureau") as authorized under section 8396 of the act to accept admissions of responsibility for a municipal civil infraction in response to municipal ordinance violation notices issued and served by authorized village officials, and to collect and retain civil fines and costs as prescribed by this code or any other ordinance.
- 2) The bureau shall be located in the village hall and shall be under the supervision and control of the village treasurer. The village treasurer, subject to the approval of the village council, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified village employees to administer the bureau.
- 3) The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal ordinance 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 chapter shall prevent or restrict the village 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 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 rights, privileges and protection accorded by law.

- 4) 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.
- 5) Municipal ordinance violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as provided for citations as provided in subsections 2-425(7) and (8). In addition to any other information required by this Code or other ordinance, the violation notice shall indicate the date and time at which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address of the bureau, the telephone number of the bureau should date or time conflicts occur, the amount of the fine scheduled for the alleged violation and the consequences for failure to appear and pay the required fine at the designated date and time.
- 6) An alleged violator receiving a municipal ordinance 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 ordinance violation notice. An appearance may be made by mail, in person or by representation.
- 7) If an authorized village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and cost, 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 district court 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, 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.

#### **§ 2-208. Civil penalties.**

A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the classes of municipal civil infractions are as follows:

SCHEDULE OF MUNICIPAL CIVIL INFRACTION FINES

Class	First Offense	Second Repeat Offense Within Three Years	Third and Subsequent Repeat Offenses Within Three Years
A	\$10.00	\$20.00	\$40.00
B	\$25.00	\$50.00	\$100.00
C	\$35.00	\$70.00	\$140.00
D	\$50.00	\$100.00	\$200.00
E	\$75.00	\$150.00	\$300.00
F	\$100.00	\$200.00	\$400.00
G	\$150.00	\$300.00	\$500.00
H	\$200.00	\$400.00	\$500.00
I	\$300.00	\$500.00	\$500.00
J	\$1,000.00	\$1,200.00	\$1,200.00
Special as set by specific section	Specific amount	1st offense × 2	1st offense × 4

A copy of the schedule, as amended, shall be posted at the municipal ordinance violations bureau. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

Ordinance No. 155-2022 was adopted on the 16th day of May, 2022, by a majority vote of the Unionville Village Council as follows:

**Motion by:** Balzer

**Supported by:** Townsend

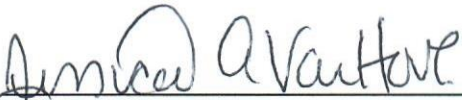
**Yeas:** Anker, Armstead, Balzer, Katnik, and Townsend.

**Nay:** None      **Absent:** Prime and VanHove

**Section 2. Effective Date.** This ordinance shall be effective upon its publication.

**Section 3. Publication.** After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the Village Clerk in The Tuscola County Advertiser, a newspaper of general circulation in the Village.

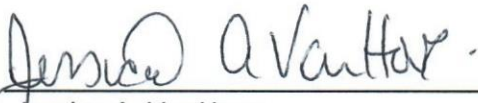
**ORDINANCE DECLARED ADOPTED**

  
\_\_\_\_\_  
Jessica A. VanHove  
Unionville Village Clerk

  
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John Katnik  
Unionville Village President Pro-Tem

**CERTIFICATION**

I, the undersigned duly appointed Village Clerk of the Village of Unionville, Tuscola County, Michigan, do hereby certify that the above ordinance, or a summary thereof, was published in The Tuscola County Advertiser, a newspaper of general circulation in the Village on May 25, 2022.

  
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Jessica A. VanHove  
Unionville Village Clerk