

**ANTIOCH TOWNSHIP
WEXFORD COUNTY, MICHIGAN**

MUNICIPAL CIVIL INFRACTION ORDINANCE

Ordinance No. 2026-02

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF ANTIOCH TOWNSHIP, WEXFORD COUNTY, MICHIGAN, BY PROVIDING FOR MUNICIPAL CIVIL INFRACTION ENFORCEMENT OF DESIGNATED ORDINANCE VIOLATIONS.

Minutes of a Regular Meeting of the Township Board of Antioch Township, held
in the township hall, Mesick, Michigan, on August 6, 2026.

WHEREAS, the Township Board of Antioch Township has authority pursuant to MCL 41.181, et seq. to adopt ordinances to secure the public health, safety, and general welfare of the public.

THEREFORE, THE TOWNSHIP OF ANTIOCH, WEXFORD COUNTY, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known and cited as the Antioch Township Municipal Civil Infraction Ordinance.

Section 2: Definitions.

As used in this section:

- a) "Act" means Act 236 of the Public Acts of 1961, as amended.
- b) "Authorized township official" means an enforcement officer or other personnel of the Township authorized to issue municipal civil infraction citations.
- c) "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- d) "Municipal civil infraction citation" or "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.

Section 3: Commencement of Municipal Civil Infraction Actions.

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: Issuance and Service of Municipal Civil Infraction Citations.

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.
- 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 Section 8705 of the Act.
- d) A citation for a municipal civil infraction, signed by an authorized township official shall be treated as if it were 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."
- e) An authorized township 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.
- f) An authorized township official may issue a citation to a person if:
 - i. Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - ii. 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 such an infraction and if the prosecuting attorney or township attorney approved in writing the issuance of the citation.
- g) Municipal civil infraction citations shall be served by an authorized township official as follows:
 - i. Except as provided by paragraph "(4)(g)(ii)", hereof, an authorized township official shall personally serve a copy of the citation upon the alleged violator.

- ii. 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.

Section 5: Contents of Municipal Civil Infraction Citations.

- 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 or she may do one of the following:
 - i. Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.
 - ii. Admit responsibility for the municipal civil infraction "with explanation" by mail, by the time specified for appearance, or in person or by representation.
 - iii. Deny responsibility for the municipal civil infraction by doing either of the following:
 - (1) 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 Township.
 - (2) 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:
 - i. 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, unless a hearing date is specified in the citation.
 - ii. 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.
 - iii. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the township.

- iv. 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.
- d) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- e) The citation shall contain a notice in boldfaced 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 will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

Section 5: Civil Penalties

- a) The Township shall establish a schedule of civil fines for admissions of responsibility by persons served with municipal civil infraction citation notices.
- b) A copy of the schedule, as amended from time to time, shall be posted at the Township offices.
- c) A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues, unless otherwise provided.
- d) In addition to the civil fines, a person found responsible for a municipal civil infraction may be ordered to pay costs, damages, and expenses including for abatement of a nuisance as provided in the Act.

CERTIFICATION

Darby J. Terpstra Antioch Township Clerk certifies that this ordinance was adopted by the Antioch Township Board on August 6, 2026.

_____, Township Clerk

_____, Township Supervisor

EFFECTIVE DATE. This ordinance shall be effective upon publication.