

**TOWNSHIP OF BRUCE**  
**MACOMB COUNTY, MICHIGAN**

**ORDINANCE NO. 190**

**MUNICIPAL CIVIL INFRACTION ORDINANCE**

AN ORDINANCE to provide for municipal civil infractions as a penalty for specified ordinance violations, including the Bruce Township Zoning Ordinance, as authorized by Chapter 87 of the Revised Judicature Act of 1961, being MCL 600.8701 through MCL 600.8735 and to provide for enforcement of violations of municipal civil in fractions as authorized by MCL 600.8302 including, but not limited to the use of equitable jurisdiction by the district court, as authorized by MCL 600.8302, and to repeal any and all Ordinances and/or Resolutions in conflict therewith.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE, MACOMB  
COUNTY, MICHIGAN, ORDAINS:**

**Section 1. SHORT TITLE.**

This Ordinance shall be known and cited as the Township of Bruce Municipal Civil Infraction Ordinance.

**Section 2. LEGAL AUTHORITY.**

This Ordinance is adopted in accordance with and pursuant to Chapter 87 of the Revised Judicature Act of 1961 being MCL 600.8701 through MCL 600.8735.

**Section 3. DEFINITIONS.**

The following words, terms and phrases when used in this Ordinance shall have the meanings as set forth below:

- A. *Authorized Township Official* means a Macomb County Sheriff Deputy, fire inspector, building inspector, code enforcement officer, or other personnel of the Township authorized by this Ordinance or any other Township ordinance to issue ordinance violations or municipal civil infraction notices or citations.
- B. *Municipal Ordinance Violations Bureau* means the Township of Bruce municipal ordinance violations bureau as established by Section 4 of this Ordinance.
- C. *Municipal Civil Infraction* means an act or omission that is prohibited by any ordinance of the Township, but which is not a crime under the ordinance, and for which civil sanctions, including without limitations fines, damages, expenses, and costs, may be ordered, as authorized by MCL 600.8727.
- D. *Municipal Civil Infraction Action* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- E. *Municipal Civil Infraction Citation* means a written complaint or notice prepared by an authorized Township official in the format provided in Section 11, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- F. *Municipal Civil Infraction Determination* means a determination that an individual is responsible for a municipal civil infraction based upon one of the following:
  - (1) An admission of responsibility for the municipal civil infraction;
  - (2) An admission of responsibility for the municipal civil infraction, with explanation;
  - (3) A preponderance of the evidence at an informal or formal hearing;
  - (4) A default judgment for failing to appear at a scheduled court appearance.
- G. *Municipal Civil Infraction Notice* means a written complaint or notice prepared by an authorized Township official in the format provided in Section 11, directing a person to appear at the Township Municipal Ordinance Bureau regarding the occurrence or existing of a municipal violation by the person cited.

- H. *Owner*, as applied to a building or land, shall include any part owner, land contract vendee, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.
- I. *Person*, includes firms, joint ventures, partnerships, corporations, clubs, congregations and all associations or organizations of nature persons, either incorporated or unincorporated, however operating or named and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.
- J. *Property* includes real and personal property.
- K. *Repeat Offence*, is a second (or subsequent) municipal civil infraction violation of the same requirement or provision of this ordinance committed by a person within a one-week period after which the person admits responsibility or is determined to be responsible.

**Section 4. ESTABLISHMENT, LOCATION AND PERSONNEL OF MUNICIPAL ORDINANCE VIOLATIONS BUREAU.**

A. Establishment. The Township of Bruce Municipal Ordinance Violations Bureau is established pursuant to MCL 600.8396 for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions and to collect and retain civil fines/costs for such violations as set forth in this ordinance.

B. Location. The Bureau shall be located at the Township Hall, specifically the building department, under the supervision and control of the Township Supervisor.

C. Personnel. The Bureau shall be staffed as determined necessary by the Township Board.

**Section 5. AUTHORITY OF BUREAU.**

The Municipal Ordinance Violations Bureau shall only have authority to accept admissions of responsibility, without explanation, for municipal civil infractions for which a municipal ordinance violations notice (rather than a citation) has been issued and served and to collect and retain the scheduled civil fines/costs for such violations specified in this or any other applicable ordinance. The Ordinance Violations Bureau shall not accept payment of a fine or costs from any person who denies having committed the municipal civil infraction or who admits responsibility for the municipal civil infraction only with an explanation. The Bureau does not have the authority or jurisdiction to determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation. The Bureau does not have the authority or jurisdiction to dispose of municipal civil infraction citations, solely municipal civil infraction notices.

**Section 6. DISPOSITION OF PAYMENTS.**

Payments made to the Municipal Ordinance Violations Bureau shall be retained and accounted for as fines and costs, respectively, and shall be deposited in the Township's budgetary fund to which the cost of enforcing the particular section of the Ordinance which gave rise to the issuance of the violation is charged.

**Section 7. RECORDS AND ACCOUNTING.**

The Municipal Ordinance Violations Bureau clerk or other designated Township employee, shall retain a copy of all municipal ordinance violation notices, and make a report available to the Township Board yearly stating 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.

**Section 8. SCHEDULE OF CIVIL FINES.**

A schedule of civil fines payable to the Municipal Ordinance Violations Bureau established pursuant to this Ordinance or admissions of responsibility by persons served with municipal civil infraction violation notices is listed below and a copy of the adopted schedule of civil fines shall be posted at the Municipal Ordinance Violations Bureau.

**SCHEDULE OF CIVIL FINES TO BE INSERTED**

**Section 9. MUNICIPAL CIVIL INFRACTION ACTION.**

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 district court or upon the issuance of a municipal civil infraction violation notice directing the alleged violator to appear at the Municipal Ordinance Violations Bureau. Nothing this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of a municipal civil infraction notice. As to each Ordinance violation designated as a municipal civil infraction, the Township, at its sole discretion, may proceed directly by the issuance of a municipal civil infraction citation or take such other enforcement action authorized by law.

**Section 10. DENIAL OF RESPONSIBILITY.**

Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Municipal Ordinance Violations Bureau and pay the required civil fines/costs within the designated time period, the bureau clerk or other designated Township employee shall so advise the authorized Township official that issued the violation and she/she may issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal civil infraction notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served personally or by mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

**Section 11. FORM OF TICKETS ISSUED**

The form and content of tickets used for municipal civil infraction violations, both municipal civil infraction notices and municipal civil infraction citations shall be in accordance with MCL 600.8705 and MCL 600.8709.

- A. Notices. A municipal civil infraction violation notice shall include, at a minimum, all of the following:
- (1) The violation;
  - (2) The time within which the person must contact the Municipal Ordinance Violations Bureau for purposes of admitting or denying responsibility for the violation;

- (3) The amount of the scheduled fines/costs of the violation;
- (4) The methods by which the violations may be admitted or denied;
- (5) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
- (6) The address and telephone number of the Bureau; and
- (7) The days and hours that the Bureau is open.

B. Citations. Municipal civil infraction citations shall be numbered consecutively, in a form approved by the State Court Administrator and contain the following:

- (1) The name and address of the alleged violator;
- (2) The municipal civil infraction alleged;
- (3) The place the alleged violator shall appear in court, which shall be the district court;
- (4) The telephone number of the court; and
- (5) The time at or by which the appearance in court shall be made, which time frame shall be a reasonable time after the citation is issued.
- (6) 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 doing either of the following:
    - i. 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; or

- ii. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(7) The citation shall also inform the alleged violator of all of 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 mail, 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 desired 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 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 of the township.
- (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.

(8) 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.

## **Section 12. SERVICE OF NOTICE AND CITATION.**

A municipal civil infraction notice or municipal civil infraction citation shall be

served by an authorized Township official as follows:

- (A) Personal Service. Except as provided by (b) of this section, an authorized Township official shall personally serve a copy of the notice or citation upon the alleged violator.
- (B) Posting. If the municipal civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the notice or 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 of the notice or citation on the land or attaching a copy of the notice or citation to the building or structure. In addition, a copy of the notice or citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address as indicated upon the assessment rolls of the Township.

**Section 13. VIOLATIONS, PENALTY.**

A. Fines. The penalty for a municipal civil infraction shall be a civil fine in an amount as provided by this Ordinance or the Ordinance violated, plus any costs, damages, expenses and other sanctions, as authorized by Chapter 87 of the Revised Judicature Act of 1961 being MCL 600.8727 through MCL 600.8735 or any successor statutory provision thereto and the exercise of equitable jurisdiction and authority as authorized by MCL 600.8302 and other applicable laws. Unless otherwise specifically provided in this Ordinance, or any other applicable Ordinance, the fine for each civil infraction violation shall be not less than \$100.00 or more than \$200.00. The court may order that the Township be paid directly for unpaid civil fines/costs for any municipal civil infraction violation and costs, damages and expenses incurred by the Township to enforce Township Ordinances giving rise to the civil infraction.

B. Repeat Offenses. An increased fine may be imposed for repeat offenses

by a person of any requirement or provision of any Ordinance in accordance with the following:

- (1) The fine for any offense that is a first repeat offense shall be no less than \$250.00 nor more than \$400.00.
- (2) The fine for any second repeat offense or any subsequent repeat offense shall be no less than \$500.00.

C. Continuing Violation. Each day on which any violation designated as a municipal civil infraction continues constitutes a separate offense and is subject to sanctions as a separate violation.

D. Injunctive Relief. A violation of any of the provisions of this Ordinance and any municipal civil infraction is deemed to be detrimental to the health, safety and general welfare of the residents, property owners and persons within the Township and is deemed to be a nuisance per se. Any violation of the provisions of this Ordinance shall constitute a basis for the district court, pursuant to MCL 600.8302 to order injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided within this Ordinance or allowed by law.

**Section 14. DESIGNATION OF SPECIFIC ORDINANCE VIOLATIONS.**

Violation of the following ordinances are deemed and designated as municipal civil infractions:

<u>Ordinance No.</u>	<u>Ordinance Title</u>	<u>Adoption Date</u>
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112	Parks, Picnic Grounds & Recreation Areas	05-02-66
145	Dangerous Building Ordinance	04-09-79
150	Open Burning Ordinance	04-19-82
152	Bruce Twp. Soil Removal Ordinance	04-13-84
153	Bruce Twp. Fire Works Ordinance	08-1285
156	Bruce Twp. Open Burning Ordinance	12-08-86
157	Bruce Twp. Soliciting & Vending	04-13-87
161	Bruce Twp. Zoning Ordinance	
161.18-94	Bed & Breakfast	
161.72-07	Private Roads	06-30-07
161-102-08	Noise Ordinance	
162	Engineering Standards Ordinance	07-21-04
163	Bruce Twp. House Party Ordinance	04-08-91
164	Neighborhood Park Ordinance	06-10-91
166	Animal Control Ordinance	12-09-91
168	Curfew Ordinance	01-11-93
169	Disturbing the Peace	01-11-93
170	Blight Ordinance	01-11-93
175	Sale of Vehicles	07-18-01

Any Bruce Township Ordinance not specified above shall remain punishable as provided for in that Ordinance.

**Section 15. REPEAL OF CONFLICTING PROVISIONS.**

All Resolutions, Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict, hereby repealed.

**Section 16. SEVERABILITY.**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 17. PUBLICATION.**

A true copy of this Ordinance or a Summary thereof, shall be published in the Source Newspaper, a newspaper of general circulation in Bruce Township.

**Section 18. EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days from, and after publication of the Ordinance or a Summary thereof as provided in Section 17.

**CERTIFICATE OF TOWNSHIP CLERK**

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Bruce Township, Macomb County, Michigan, at a meeting held on the 19<sup>th</sup> day of April, A.D., 2017.

I hereby further certify that the following Township Board members were present at the meeting:

BROCKMANN, OBRECHT, OKONIEWSKI, FALKER

and the following Township Board Members were absent: CORY

I further certify that Member FALKER moved for the adoption of the Ordinance, and that motion was supported by Member OKONIEWSKI .

I further certify that the following Township of Bruce Board Members voted for the adoption of the Ordinance:

BROCKMANN, OBRECH, OKONIEWSKI, FALKER and that the following Township of Bruce members voted against adoption of the Ordinance:

\_\_\_\_\_  
NONE

\_\_\_\_\_  
Susan Brockmann, Clerk  
Bruce Township

**CERTIFICATE OF PUBLICATION**

I, Susan Brockmann, the Township Clerk of the Township of Bruce, do hereby certify that on May 7, 2017 the foregoing Ordinance, or Summary of the Ordinance, was duly published in a newspaper having general circulation within said Township.

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Susan Brockmann, Clerk  
Bruce Township