

**Section 67.10 Township Ordinance Violations Bureau, Penalties, Sanctions and Remedies for Zoning Ordinance Violation**

**A. Township Ordinance Violations Bureau**

**1. Established.** There is hereby established a Township Ordinance Violations Bureau (referred to in this Ordinance as the "Bureau"), as authorized under MCL 600.8396, to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Notices of Violation issued and served by authorized township officials, and to collect and retain civil fines as prescribed by this article or any other township ordinance.

**2. Location; supervision and control; employees; rules and regulations.** The Bureau shall be located at the Township Hall and shall be under the supervision and control of the Township Treasurer. The Township Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified township employees to administer the Bureau.

**3. Disposition of violations.** The Bureau may dispose only of Municipal Civil Infraction Notices of Violation for which a fine has been scheduled. The Bureau cannot dispose of Municipal Civil Infraction Citations, for which a court appearance is necessary. The fact alone that a fine has been scheduled for a particular violation shall not necessarily entitle any person to dispose of the violation at the Bureau. Nothing in this article shall prevent or restrict the township 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 Notice of Violation at the Bureau and may have the Notice of Violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any Notice of 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. Scope of authority.** The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for Municipal Civil Infraction Notices of Violation, and collecting and retaining civil fines as a result of such admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

**5. Municipal Civil Infraction Notices of Violation.** Except in cases involving potential harm or injury to public health, safety or welfare, or potential harm or injury to lands and resources, a Municipal Civil Infraction Notice of Violation shall not be issued unless a written warning has first been sent to the alleged violator or posted on the property in question at least five (5) days prior to the issuance of the Municipal Civil Infraction Notice of Violation. Municipal Civil Infraction Notices of Violation shall be issued and served by authorized township officials under the same circumstances and upon the same persons as are provided for citations in Sec. 67.11(D). In addition to any other information required by this article or any other township ordinance, the notice of violation shall indicate the:

- (a) Time by which the alleged violator must appear at the Bureau;
- (b) Methods by which an appearance may be made;
- (c) Address and telephone number of the Bureau;
- (d) Hours during which the Bureau is open;
- (e) Amount of the fine scheduled for the alleged violator; and
- (f) Consequences for failure to appear and pay the required fine within the required time.

**6. Appearance and payment of fines and costs.** An alleged violator receiving a Municipal Civil Infraction Notice of Violation shall appear at the Bureau on or before the date stated in the Notice of Violation and pay the specified fine and costs. An appearance may be made by mail, in person or by representation. If a person issued a Notice of Violation timely appears at the Bureau and admits to the violation, pays the specified fine and costs, and has corrected the violation or provided sufficient evidence that action is being taken to correct the violation to the satisfaction of the township official issuing the Notice, no further Notices of Violation will be issued for the same offense.

**7. Procedure where admission of responsibility not made or fine not paid.** If an authorized township official issues and serves a Municipal Civil Infraction Notice of Violation and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines set forth in Subsection B 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 land division act (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in the Municipal Civil Infraction Notice of Violation and shall fairly inform the alleged violator how to respond to the citation. Except in cases involving potential harm or injury to public health, safety or welfare, or potential harm or injury to lands and resources, if a person issued a Notice of Violation notifies the Bureau in writing within seven (7) days of receipt of the Notice that the alleged violation is contested or denied, no further Notices of Violation shall be issued, but the Township official issuing the Notice shall have the right, in his or her discretion, to immediately proceed to issue a Municipal Civil Infraction Citation, but no such Infraction Citation shall be issued later than forty-five (45) days after the Bureau has received written notification that the violation is contested.

**B. Penalties for Municipal Civil Notice of Violation and Municipal Civil Infraction Citation.**

**1. Penalties:**

**Municipal Civil Notices of Violation:** The following civil fines shall apply in the event of a determination of responsibility for a Municipal Civil Notice of Violation, unless otherwise specifically designated in the text of this zoning Ordinance:

- a. First Offense. The civil fine for a first offense violation shall be in the amount of seventy-five (75) dollars.
- b. Second Offense. The civil fine for a second offense violation shall be in the amount of one hundred fifty dollars (\$150) for each offense involving the same violation.
- c. Third Offense. The civil fine for a third offense violation shall be in the amount of two hundred and twenty-five (\$225) dollars for each offense involving the same violation.
- d. Fourth Offense. The civil fine for a fourth offense violation shall be in the amount of three hundred and fifty (\$350) dollars for each offense involving the same violation.
- e. Fifth and Subsequent Offenses. The civil fine for a fifth and any subsequent offense violation shall be in the amount of five hundred (\$500) dollars for each offense involving the same violation.

**Municipal Civil Infraction Citations:** The following civil fines shall apply in the event of a determination of responsibility for a Municipal Civil Infraction Citations, unless otherwise specifically designated in the text of this zoning Ordinance:

- a. First Offense. The civil fine for a first offense violation shall be in the amount of seventy-five (75) dollars, plus costs and other sanctions.
- b. Second Offense. The civil fine for a second offense violation shall be in the amount of one hundred fifty dollars (\$150), plus costs and other sanctions for each offense involving the same violation.
- c. Third Offense. The civil fine for a third offense violation shall be in the amount of two hundred and twenty-five (\$225) dollars, plus costs and other sanctions for each offense involving the same violation.
- d. Fourth Offense. The civil fine for a fourth offense violation shall be in the amount of three hundred and fifty (\$350) dollars, plus costs and other sanctions for each offense involving the same violation.

e. Fifth and Subsequent Offenses. The civil fine for a fifth and any subsequent offense violation shall be in the amount of five hundred (\$500) dollars, plus costs and other sanctions for each offense involving the same violation.

f. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Zoning Ordinance.

**2.** Continuing offense. In cases involving potential harm or injury to public health, safety or welfare, or potential harm or injury to lands and resources, each act of violation, and on each day upon which any such violation shall occur or continue, shall constitute a separate offense.

**3.** Remedies not exclusive. In addition to any remedies provided for in this Zoning Ordinance, any equitable or other remedies available may be sought.

**4.** The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

**5.** A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

Publication of this Ordinance shall be made within 30 days after the passage by publication of a true copy or summary once in a newspaper having general circulation in the Township and shall take effect 30 days following the date of first publication. Within 1 week after publication of the Ordinance the Township Clerk shall record the Ordinance, record the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted.

Date of Passage: \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

\_\_\_\_\_  
David Trent, Clerk  
Salem Township