
IOSCO TOWNSHIP ZONING
ARTICLE 22
MUNICIPAL CIVIL INFRACTIONS

INDEX

- Section 22.1 Purpose**
- Section 22.2 Intent**
- Section 22.3 Definitions**
- Section 22.4 Violations Bureau**
- Section 22.5 Ordinance Violation Enforcement Process**
- Section 22.6 Ordinance Violation Notice Requirements**
- Section 22.7 Denial of Responsibility**
- Section 22.8 Schedule of Civil Fines/Costs**
- Section 22.9 Availability of Other Enforcement Options**
- Section 22.10 Severability**
- Section 22.11 Repeal of Misdemeanor Enforcement Clauses**
- Section 22.12 Effective Date**

<u>Appendix</u>	<u>Description</u>
A	Civil Infraction Notice
B	Civil Infraction Citation

IOSCO TOWNSHIP ZONING

ARTICLE 22

MUNICIPAL CIVIL INFRACTIONS

Section 22.1 Purpose

The Township of Iosco here by ordains an ordinance to establish an appropriate and uniform means to enforce the Township Zoning Ordinances using Municipal Civil Infraction Notices and Citations as authorized in the State of Michigan pursuant to Chapter 87 of the Revised Act of 1961, Public Act 236 of 1961, as amended (MCL 600.8701, *et seq*).

Section 22.2 Intent

It is the intent of this Ordinance to provide an effective, timely and fiscally responsible means of enforcing all Iosco Township Zoning Ordinances through the use of Civil Infraction Notices and Citations to avoid the time and legal expenses associated with criminal prosecution.

Section 22.3 Definitions

Municipal Civil Infraction Bureau – The office or other place where Iosco Township officials or representatives administer this Ordinance.

Ordinance Violation (Violation) – A failure to comply with any Iosco Township Ordinance.

Civil Infraction Notice – Official written document issued to a person or other entity identifying ordinance violation(s), the fine for the violation, actions required for compliance and consequences of failure to comply and pay the fines within the time frame provided.

Civil Infraction Citation – Written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of 1 or more municipal civil infractions by the person cited.

Section 22.4 Violations Bureau

The Iosco Township Municipal Civil Infraction Bureau (hereafter “Bureau”) is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as amended, 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 prescribed herein.

Location- The official location of the Bureau Office shall be the Iosco Township hall located at 2050 Bradley Road, Fowlerville, MI 48836

Hours of Operation – The hours of operation of the Bureau shall be identified on the Civil Infraction Notice.

Personnel and Responsibilities –

- A) The Bureau shall have authority to accept admissions of responsibility for ordinance violations described in the Civil Infraction Notice and collect the scheduled civil fines/costs specified in this Ordinance or other applicable ordinance. All fines or costs collected shall immediately be forwarded to the Township Clerk for record keeping. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.
- B) The Township Zoning Administrator or other person appointed by the Township Board shall be responsible for issuing Civil Infraction Notices and Civil Infraction Citations, and monitoring compliance progress. The Zoning Administrator or other such appointed person shall appear before the Township Board at the regular Township Board meeting and inform the Township Board of all outstanding Civil Infraction Notices and Citations, any responses to the Civil Infraction Notices and the disposition by the Court of the Civil Infraction Citations.
- C) The Township Clerk shall retain a permanent copy of Civil Infraction Notices and responses to those Civil Infraction Notices. The Clerk shall also maintain records of the amount of fines/costs collected with respect to such violation and provide this information to the Township Board at the regular Township Board meeting. Finally, the Township Clerk shall forward all fines collected to the Township Treasurer for recording and deposit.

Section 22.5 Ordinance Violation Enforcement Process

Who May Report Possible Violations – Only residents of Iosco Township may report a suspected Ordinance violation.

Reporting Methods – Suspected Ordinance violations shall be reported to the Zoning Administrator or any elected Township official.

Issue of Violation Notice – The Zoning Administrator may issue a Civil Infraction Notice under any of the following circumstances:

- A) Upon receipt of a reported suspected Ordinance violation from an Iosco Township resident and verification after investigation by the Zoning Administrator.
- B) Based on the direct observation of the Zoning Administrator.
- C) Based on the request of a Township elected official after verification of an Ordinance violation.

Issue of Civil Infraction Citation – The Zoning Administrator or other such person appointed by the Township Board shall issue a Civil Infraction Citation only with the approval of the Township Board, or at the direction of the Township Supervisor if, at the discretion of the Township Supervisor, the nature of the ordinance violation requires action before the next scheduled Township Board of Trustee’s meeting.

Section 22.6 Ordinance Violation Notice Requirements

Civil infraction notices shall be issued and mailed by First Class Mail or delivered by the Township Zoning Administrator as provided by law. A Civil Infraction Notice shall include, at a minimum, all of the following:

- A) A description of the violation;
- B) The time frame in which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
- C) The methods by which the violation may be admitted or denied;
- D) The consequences of failing to pay the required fines/costs or contacting the Zoning Administrator within the required time;
- E) The Bureau address and contact telephone number;
- F) The days and time that the Bureau may be contacted.

Section 22.7 Denial of Responsibility

Where a person fails to admit responsibility to a Civil Infraction Notice, pay the required civil fines/costs and/or fails to remedy the ordinance violation within the time period provided in the Civil Infraction Notice, the Township Board or the Township Supervisor shall authorize the Zoning Administrator to issue a civil infraction citation for such violation and file it with the 53rd District Court.

The Civil Infraction Citation filed with the court shall consist of a sworn complaint identifying the ordinance violation and shall inform the alleged violator how to respond to the citation. It shall also contain all other information required by law. A copy of the Civil Infraction Citation involving the use or occupancy of land or a building or other structure by posting a copy on the land or attaching the copy to the building or structure, and also served by first class mail upon the alleged violator’s last known address. The Civil Infraction Citation shall be personally served for any other type of ordinance violation. The citation shall thereafter be processed in the manner required by law.

Section 22.8 Schedule of Civil Fines/Costs

Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines are payable to the Bureau upon admission of responsibility by persons served with a Civil Infraction Notice or Civil Infraction Citation shall be determined pursuant to the following schedule:

1 st violation within 3-year period -----	\$50.00
2 nd violation within 3-year period* -----	\$125.00
3 rd violation within 3-year period* -----	\$250.00
4 th or subsequent violation within 3-year period* -----	\$400.00

*applies to repeat violations based on the issue date of the 1st Violation Notice.

Section 22.9 Availability of Other Enforcement Options

Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an Ordinance Violation Notice. Iosco Township may, at its sole discretion, proceed directly with the issuance of a Civil Infraction Citation or take such other enforcement action as is authorized by law.

Section 22.10 Severability

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 22.11 Repeal of Misdemeanor enforcement clauses

This Ordinance hereby repeals/supersedes all misdemeanor enforcement clauses within all other Iosco Township General Ordinances.

Section 22.12 Effective date

The provisions of this Ordinance are hereby ordered to take effect immediately upon its publication in a newspaper of general circulation within the Township. This Ordinance is hereby declared to have been adopted by the Township Board of Iosco Township in a meeting duly called and held on the ___ day of _____, 2013.

Ayes:

Nays:

Absent:

Published:

Adopted:

Effective:

Appendix A – Notice of Violation

<input type="checkbox"/> C.I. <input type="checkbox"/> MIS. <input type="checkbox"/> JUV.		State of Michigan Municipal Civil Infraction Notice of Violation		Ticket No. 0026 Dept. No. _____	
The People of: <input type="checkbox"/> the State of Michigan <input checked="" type="checkbox"/> Township <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> County		Complaint No. _____		Offense Code _____	
OF: IOSCO		Local Use/Arrest No. _____			
THE UNDERSIGNED Month Day Year At approximately <input type="checkbox"/> A.M. <input type="checkbox"/> P.M. Date of Birth Month Day Year		SAYS THAT ON:		SSN (last 4 digits) _____	
State <input type="checkbox"/> Oper./Chauff. <input type="checkbox"/> CDL Driver License Number _____		Race _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____		Occupation/Employer _____	
Name (First, Middle, Last) _____					
Street _____					
City _____		State _____		Zip Code _____	
Vehicle Plate No. _____		Year _____ State _____		Vehicle Description (Year, Make, Color) _____ Veh. Type _____	
THE PERSON NAMED ABOVE, in violation of § _____ <input type="checkbox"/> Local Ordinance <input type="checkbox"/> State Law <input type="checkbox"/> Administrative Rule UPON _____ AT OR NEAR _____ WITHIN <input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input checked="" type="checkbox"/> TOWNSHIP OF IOSCO COUNTY OF LIVINGSTON DID THE FOLLOWING <input type="checkbox"/> Nuisance Ordinance <input type="checkbox"/> Building Code <input type="checkbox"/> Licenses Ordinance <input type="checkbox"/> Plumbing Code <input type="checkbox"/> Zoning Ordinance <input type="checkbox"/> Electrical Code <input type="checkbox"/> Sign, Lighting & Display Ordinance <input type="checkbox"/> Mechanical Code <input type="checkbox"/> Animal & Fowl Ordinance <input type="checkbox"/> Other _____					
Describe: _____					
Person in Active Military Service <input type="checkbox"/> Yes <input type="checkbox"/> No					
THIS VIOLATION IS A CIVIL INFRACTION and is your _____ violation. The fine for this violation is \$ _____ and must be paid at the violations bureau by 5:00 p.m. on _____ unless you contact the violations bureau before this time. SEE BELOW FOR AN EXPLANATION OF YOUR RIGHTS AND INSTRUCTIONS.					
WARNING: If you fail to pay the fine specified above or fail to contact the violations bureau on the date and time specified above, a civil infraction citation will be issued. You are alleged to be responsible for a civil infraction. You must either: 1) admit responsibility; 2) admit responsibility with explanation, or 3) deny responsibility.					
ADMIT RESPONSIBILITY: If you wish to admit responsibility and pay your fine, you may do so by appearing in person or by mailing your fine along with this notice to the violations bureau. ADMIT RESPONSIBILITY WITH EXPLANATION OR DENY RESPONSIBILITY: If you wish to admit responsibility with explanation or deny responsibility and have a hearing, you must contact the violations bureau on or before the date specified above. A citation will be issued and filed with the court where you will have the right to an informal hearing before a magistrate or judge or to appear in court for a formal hearing before a judge.					
Violations bureau address & phone number					
2050 BRADLEY RD., WEBBERVILLE, MI 48892					
IMPORTANT: REMOVE TOP 2 COPIES BEFORE SIGNING NOTICE.					
I personally served a copy of this notice upon the defendant.					
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.					
Complainant's Signature and receipt if applicable			Month _____	Day _____	Year _____
Officer's Name (printed)			Officer's ID No. _____		
Agency ORI _____		Agency Name IOSCO TOWNSHIP ORDINACE ENF.			
MI-UC-02 (rev. 5/06)					

C.I.
 MIS.
 JUV.

Ticket No. **0026**

Name _____

Case No. _____

Appendix B – Civil Infraction Citation

<input type="checkbox"/> C.I.	State of Michigan Uniform Municipal Civil Infraction Citation	Ticket No. 0026	Dept. No.
<input type="checkbox"/> MIS.		Complaint No.	Offense Code
<input type="checkbox"/> JUV.		Local Use/Arrest No.	
The People of: <input type="checkbox"/> the State of Michigan <input checked="" type="checkbox"/> Township <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> County		OF: IOSCO	
THE UNDERSIGNED		Month	Day
SAYS THAT ON:		Year	At approximately
State <input type="checkbox"/> Oper./Chauff.		Month	Date
<input type="checkbox"/> CDL		Day	of
Driver License Number		Year	Year
SSN (last 4 digits)			
Race	Sex	Height	Weight
		Hair	Eyes
Occupation/Employer			
Name (First, Middle, Last)			
Street			
City		State	Zip Code
Vehicle Plate No.	Year	State	Vehicle Description (Year, Make, Color)
			Veh. Type
THE PERSON NAMED ABOVE, in violation of §			
<input type="checkbox"/> Local Ordinance <input type="checkbox"/> State Law <input type="checkbox"/> Administrative Rule			
UPON			
AT OR NEAR			
WITHIN <input type="checkbox"/> CITY <input type="checkbox"/> VILLAGE <input checked="" type="checkbox"/> TOWNSHIP OF IOSCO			
COUNTY OF LIVINGSTON DID THE FOLLOWING			
<input type="checkbox"/> Nuisance Ordinance		<input type="checkbox"/> Building Code	
<input type="checkbox"/> Licenses Ordinance		<input type="checkbox"/> Plumbing Code	
<input type="checkbox"/> Zoning Ordinance		<input type="checkbox"/> Electrical Code	
<input type="checkbox"/> Sign, Lighting & Display Ordinance		<input type="checkbox"/> Mechanical Code	
<input type="checkbox"/> Animal & Fowl Ordinance		<input type="checkbox"/> Other	
Describe:			
Person in Active Military Service <input type="checkbox"/> Yes <input type="checkbox"/> No			
THIS VIOLATION IS A CIVIL INFRACTION and is your _____ violation.			
The fine for this violation is \$ _____ and must be paid at the violations bureau			
by 5:00 p.m. on _____ unless you contact the violations bureau before this time			
NOTE: This is a copy of the Notice of Violation served on the defendant.			
I state that the above notice of violation was served on the defendant. The defendant failed to pay the			
fine specified above or failed to contact the violations bureau on the date and time specified above.			
Therefore, this civil infraction citation is being issued.			
TO THE DEFENDANT: You are required to appear as follows to answer this citation.			
SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS			
<input type="checkbox"/> Appearance Date on or before _____			
<input type="checkbox"/> Hearing Date (if applicable) on _____ <input type="checkbox"/> Contact Court			
A formal hearing may be requested by either party.			
In the _____ Court of _____			
Court address & phone number			
204 SOUTH HIGHLANDER WAY, HOWELL, MI 48843			
(517) 548-1000 (EXT. 367)			
I served a copy of this complaint upon the defendant by first class mail at the defendant's last			
known address and filed a copy of this complaint with the court.			
I declare under the penalties of perjury that the statements above are true to the best			
of my information, knowledge, and belief.			
Complainant's Signature and receipt if applicable		Month	Day
		Year	
Officer's Name (printed)		Officer's ID No.	
Agency ORI		Agency Name	
MI-		IOSCO TOWNSHIP ORDINACE ENF.	
UC-03 (rev. 5/06) COURT COPY			

C.I.
 MIS.
 JUV.
T
 Ticket No. **0026**
 Name _____
 Case No. _____