

**NEWFIELD TOWNSHIP
OCEANA COUNTY, MICHIGAN**

**CIVIL INFRACTION ORDINANCE
ORDINANCE NO. NT2024-02**

ADOPTED: February 20, 2024

EFFECTIVE: April 5, 2024

The Township of Newfield, Oceana County, Michigan hereby ordains:

SECTION I: PURPOSE

Pursuant to Public Act 236 of 1961, as amended, (MCL 600.8701, Et. SEQ.), it is the purpose of this Ordinance to describe the procedures and penalties for violations of Newfield Township Ordinances.

SECTION II: DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

1. **Act** means Act No. 236 of the Public Acts of 1961 as amended, being MCL 600.8701, Et. SEQ.
2. **Authorized Official** means a township official, or police officer or other personnel of the township as authorized by this Ordinance to issue civil infraction citations.
3. **Municipal Civil Infraction** means an act or omission that is prohibited by any Ordinance of the Township but 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 Section 600.8701 through 600.8735.
4. **Municipal Civil Infraction Action** means the issuance of a Civil Infraction Notice or Civil Infraction Citation.
5. **Municipal Civil Infraction Notice** means a written notice prepared by an authorized local official directing a person to appear before the Newfield Township Ordinance Violations Bureau and to pay fines and costs, if any, for the violations as specified in the schedule of fines and costs as authorized under MCL 600.8396 and MCL 600.8707 (6) of the act.
6. **Municipal Civil Infraction Citation** means a written complaint or ticket 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.

7. **Township** means Newfield Township.

SECTION III: AUTHORIZED PERSONS

Unless prohibited by law or otherwise provided for by specific provisions of a Newfield Township Ordinance, the following officials are hereby designated to issue and serve Municipal Civil Infraction Notices and Citations:

The Newfield Township Supervisor
The Newfield Township Zoning Administrator
The Newfield Township Constable
The Newfield Township Marijuana Enforcement Officer
Oceana County Sheriff Department

SECTION IV: MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT

Before the commencement of a Civil Infraction Action, the authorized official will send, by certified mail, a letter describing the violation and a time period not to exceed 30 days to correct observed infraction. If the alleged violator does not accept the certified letter and/or correct the violation, the authorized official shall proceed to municipal Civil Infraction Notice.

A Municipal Civil Infraction Action may be commenced upon the issuance by an authorized township official of:

1. A Municipal Civil Infraction Notice directing the alleged violator to appear before the Newfield Township Municipal Ordinance Violation Bureau at a specific date and time; or
2. A Municipal Civil Infraction Citation directing the alleged violator to appear before the 79th District Court.

SECTION V: MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE

Municipal Civil Infraction Citations shall be issued and served by authorized township 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 79th District Court.
3. Each citation shall be numbered and shall be on a form that is approved by the District Court. 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.
4. A citation for a municipal civil infraction signed by an authorized township 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 penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

5. An authorized township official who witnesses a person committing a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and copies of a citation.
6. An authorized township official may issue a citation to a person if:
 - a. Based on investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - b. 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 the person is responsible for an infraction and the township attorney or county prosecutor approved in writing the issuance of the citation.
7. Municipal Civil Infractions Citations shall be served by an authorized township official as authorized by MCL600.8707

SECTION VI: MUNICIPAL CIVIL INFRACTIONS CITATIONS; 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 violation took place, the place where the alleged violator will appear in court, the telephone number of the court, and the date and time at which the appearance shall be made.
2. Further, the citation shall inform the alleged violator that they may do one of the following:
 - a. Admit responsibility for the municipal civil infraction by mail or in person 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.
 - 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 is requested by the township.
 - ii. Appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.
3. The citation shall contain a notice 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 a default judgement against the violator for the alleged municipal civil infraction.

SECTION VII: MUNICIPAL ORDINANCE VIOLATIONS BUREAU

Newfield Township hereby establishes and designates the Township Supervisor and Township Clerk as the Municipal Ordinance Violations Bureau, either of which can act without the other, as authorized under Section 8396 of the Revised Judicature Act, MCL 600.8396, to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Notices issued and served by authorized local officials and to collect and retain civil fines and costs as prescribed by this or any other ordinance of the Township. The Bureau shall be located at the Newfield Township Hall at 3890 S. 198th Avenue, Hesperia, MI 49421.

Jurisdiction of the Bureau:

1. The Bureau may only act upon municipal civil infractions for which a fine has been scheduled and for which a civil infraction violation notice (as distinguished from a citation) 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 ordinance 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.
2. The Bureau may only accept admissions of responsibility for municipal civil infractions and collect and retain fines and costs as a result of those admissions. The Bureau shall not accept payments 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.

Section VIII: Municipal Civil Infraction Notice Issuance and Service

1. Municipal Civil Infraction Notices shall be issued and served by an authorized local official under the same circumstances and upon the same persons as provided for in this ordinance and in Chapter 87 of the Revised Judicature Act, Act 236 of the Public Act of 1961 as amended, MCL 600.8701, et. seq.
2. An alleged violator receiving a Municipal Civil Infraction Notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction notice. An appearance may be made by mail or in person.
3. If an authorized local official issues and serves a Municipal Civil Infraction Notice and if an admission of responsibility is not made, and the civil fine and costs, if any, prescribed by the schedule of fines contained herein are not paid at the Bureau, a municipal civil infraction citation may be issued as defined in Section V.

SECTION IX: SCHEDULE OF CIVIL FINES/COSTS

Unless a different schedule of fines is provided by an applicable ordinance, the civil fines payable to the Township upon admission of responsibility by persons served with a Municipal Civil Infraction Notice or Citations shall be determined pursuant to the following and based on the date of the violation(s):

First Violation	\$100
Second Violation within a 3 year period*	\$200
Third Violation within a 3 year period*	\$400
Fourth or subsequent violations within a 3 year period*	\$500

*Determined on the basis of the date of commission of the first offense(s)

In addition to the above prescribed civil fines, processing costs in the amount of \$20 shall be assessed by the township if the fine and costs are paid within 10 days of the date of the service of the municipal civil infraction notice or citation. Otherwise, costs of \$30 shall be assessed by the township.

Each day on which any violation of an ordinance occurs and is adjudicated constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of Township ordinance.

SECTION X: APPLICABILITY

If this Ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

SECTION XI: SEVERABILITY

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected hereby.

SECTION XII: REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed except where specifically indicated otherwise.

SECTION XIII: EFFECTIVE DATE

This Ordinance shall be effective 30 days after its publication (or publication of a summary thereof) in a newspaper of general circulation within Newfield Township pursuant to MCL 41.184.

ORDINANCE DECLARED ADOPTED

We, Nancy Conley, Township of Newfield Clerk, and Joan David, Township of Newfield Supervisor, do hereby certify that the above and foregoing Ordinance, known as Ordinance No. _____ of the Township of Newfield, Oceana County, Michigan, was introduced and passed at a regular meeting of the Township Board held on _____ 2024, by an affirmative vote of the majority of the Township Board members.

Date: _____ 2024

Joan David, Supervisor

Date: _____ 2024

Nancy Conley, Clerk