

**TOWNSHIP OF BIG RAPIDS
COUNTY OF MECOSTA, MICHIGAN**

**ORDINANCE NO. 42
EFFECTIVE DATE : AUGUST 6, 2005**

**AN ORDINANCE ESTABLISHING THE PROCEDURES
FOR CIVIL INFRACTIONS AND AUTHORIZING
CERTAIN TOWNSHIP OFFICIALS TO ISSUE CITATIONS.**

THE TOWNSHIP OF BIG RAPIDS ORDAINS:

Section 1. Short Title. This ordinance shall be known and may be cited as the Municipal Civil Infraction Ordinance of the Township of Big Rapids, County of Mecosta, Michigan.

Section 2. Definitions. When used in the Ordinance, the following terms shall have the following meanings:

(a) **"Municipal Civil Infraction"**. Means a civil infraction involving a violation of any ordinance section or provision, the violation of which is designated specifically as a municipal civil infraction.

(b) **"Authorized Township Officials"**. Means the Big Rapids Supervisor, the Big Rapids Township Building Official, Code Enforcement Officers and other personnel of the township authorized by this ordinance to issue municipal civil infraction citations.

(c) **"Municipal Civil Infraction Citation"**. Means a written complaint of 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.

(d) **"Township"**. Means Big Rapids Township, Mecosta County, Michigan.

Section 3. Violation. A violation includes any act that is prohibited or made or declared to be unlawful or an offense by township ordinance, and any omission or failure to act where the act is required by township ordinance.

Section 4. Authorized Township Officials.

(a) **Township Supervisor.** The Big Rapids Township Supervisor is designated as the authorized official to issue municipal civil infraction citations for alleged violations of the following ordinances, if and when violations have been designated to be civil infractions.

(1) The State Construction Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures.

(1) The BOCA Basic Property Maintenance Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures.

(2) All other township housing or building regulations established by township ordinance,

(b) **Township Building Official.** The Big Rapids Township Building Official is designated as the authorized township official to issue municipal civil infraction citations for alleged violations of the following ordinances, if and when violations have been designated to be civil infractions.

(1) The State Construction Code, and any other code adopted by the township regulating the construction of buildings in the township.

(2) The BOCA Basic Property Maintenance Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures.

(3) All other township housing or building regulations established by township ordinance.

Section 5. Issuing Municipal Civil Infraction Citations.

(a) An authorized township official can issue a municipal civil infraction citation upon witnessing a person violate an ordinance, or upon the official's investigation and reasonable cause to believe that a person is responsible for a municipal civil infraction. An authorized township official may issue a municipal civil infraction citation to a person if, based upon investigation or a complaint by someone who allegedly witnessed the person violate an ordinance, the official has reasonable cause to believe the person is responsible for a municipal civil infraction and the township attorney approves in writing the issuance of the citation.

(b) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, 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 6. Penalty. The penalty for municipal civil infraction shall be established separately by the ordinance that designates a violation to be a municipal civil infraction.

Section 7. Form of Citations. Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office for municipalities that do not utilize a municipal Civil Infraction Bureau.

Section 8. Appearance. Citations shall require appearance at the 77th District Court within a reasonable time after the citation has been issued, and not less than seven nor

more than fourteen days after issuance and service.

Section 9. Procedure. The procedures for admission or denial or responsibility, request for formal or informal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law and court rule.

Section 10. 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. As to each ordinance violation designated as a municipal civil infraction citation or take such other enforcement action as is authorized by law.

Section 11. Publication/Effective Date. This ordinance shall be published in the Pioneer by the Big Rapids Township Clerk. The ordinance shall take effect the day following such publication.

AYES: Members: Gilbert, Douglass, Winegar, Smith, McClelland

NAYS: Members: None.

ORDINANCE DECLARED ADOPTED.

Sherri Gilbert, Township Clerk

I, the undersigned, the duly qualified and acting Clerk of the Township of Big Rapids, Mecosta County, Michigan (the "Township") do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board at a regular meeting on the 5th day of July, 2005, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this 5th, day of July, 2005.

Sherri Gilbert, Clerk
Township of Big Rapids