

**Au Train Township
Municipal Civil Infraction Ordinance**

THE TOWNSHIP OF AU TRAIN, ALGER COUNTY, ORDAINS:

An Ordinance to provide for commencement of municipal civil infraction actions and provide for issuance, service and contents of citation for municipal civil infractions by Ordinance Enforcement Officers.

Section 101: Purpose

- A. The purpose and intent of this Ordinance is to prevent, reduce, or eliminate nuisances or causes of nuisances with the Township of Au Train; provide for the enforcement of Township ordinances; and provide for penalties for the violation of Township ordinances, and by doing so thereby provide for the public health, safety, and general welfare of persons and property within the Township.

Section 102: Short Title

- A. This Ordinance shall be known and may be cited as the Municipal Civil Infraction Ordinance of the Township of Au Train, County of Alger, Michigan.

Section 103: Definitions

- A. The following words and phrases shall have the following meanings:
 - 1. Act: means Act 236 of the Public Acts of 1961, as amended, MCL 600.101et seq
 - 2. Municipal Civil Infraction: means an action or omission that is prohibited by this Ordinance, or other township ordinance authorizing penalty by such, but which is not a crime under this ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Chapter 87 of Act Number 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.
 - 3. Municipal Civil Infraction Action: means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
 - 4. Municipal Civil Infraction Citation: means a written complaint or notice prepared by an Ordinance Enforcement Officer, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
 - 5. Ordinance Enforcement Officer(s): means personnel of the township authorized by this Ordinance to issue municipal civil infraction citations.
 - 6. Township: means Au Train Township, Alger County, Michigan.

Section 104: Commencement of a Municipal Civil Infraction Action

- A. A municipal civil infraction action shall be commenced upon the issuance by an Ordinance Enforcement Officer of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 105: Issuance and Service of Municipal Civil Infraction Citations

- A. Upon receipt of a complaint, or determination by an Ordinance Enforcement Officer that a violation exists, the Ordinance Enforcement Officer shall issue a notice of violation.
 - 1. The notice of violation shall be directed to each owner of, or party of interest, in whose name the property appears on the last local tax assessment record.

2. The notice of violation shall be in writing and shall be served upon the person or property owner who is alleged to have caused the violation. If the violation involves the use or occupancy of land, a building, or other structure, the notice may be sent by first-class mail addressed to the owner or party of interest in whose name the property appears on the last local tax assessment record.
 3. The notice of violation shall include a citation to the applicable section of the ordinance in violation, include specific instructions for the resolution or remedy of the violation to bring the property into compliance, and include a specific deadline for the resolution or remedy to occur.
 4. All violations shall be corrected within the period of time specified on the notice of violation. A violation not corrected within this period shall cause the issuance of a municipal civil infraction citation.
- B. Municipal civil infraction citations shall be issued and served by an Ordinance Enforcement Officer 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 District Court of Alger County.
 3. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. 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 Ordinance Enforcement Officer 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 the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."*
 5. An Ordinance Enforcement Officer who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
 6. An Ordinance Enforcement Officer may issue a citation to a person if:
 - a. Based upon 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 that the person is responsible for a municipal civil infraction and if the prosecuting attorney or other attorney for the political subdivision employing the authorized local official approves in writing the issuance of the citation.
 7. Municipal civil infraction citations shall be served by an Ordinance Enforcement Officer as follows:
 - a. Except as provided in Section 105(B)(7)(b) of this Ordinance, an Ordinance Enforcement Officer shall personally serve a copy of the citation upon the alleged violator.
 - b. If the municipal civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the 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 on the land or attaching the copy to the 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 106: Contents of Municipal Civil Infraction Citations

- A. 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 violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - 1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - 2. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - 3. Deny responsibility for the municipal civil infraction by doing either of the following:
 - a. 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.
 - b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- C. The citation shall also inform the alleged violator of all of the following that:
 - 1. 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.
 - 2. If the alleged violator desires 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 to appear for a hearing unless a hearing date is specified on the citation.
 - 3. A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - 4. 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.
 - 5. At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- D. 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 107: Violations and Penalties

- A. The failure to comply with the provisions of this Ordinance or other Township ordinances authorizing penalties by municipal civil infraction are subject to enforcement by the procedures and penalties outlined in this Ordinance.
- B. Sanctions for a violation of a municipal civil infraction shall be a civil fine in the amount of not less than that established by the Au Train Township Board in the Township Fee Listing, plus other costs, damages, expenses, and other sanctions for each infraction.
- C. A municipal civil infraction violation of the same provisions of an ordinance committed by a person or property owner within twelve months of the date of an earlier municipal civil infraction violation for which the alleged violator either admitted responsibility or was determined to be responsible may be subject to an increased fine for repeat offenses provided for in the Township Fee Listing.

- D. Failure to comply with an order, judgement of default in payment of a civil fine, costs, damages, or expenses so ordered may result in enforcement actions, including, but not limited to, imprisonment, collections, placement of liens, or other remedies as permitted in Act Number 236 of the Public Acts of 1961, as amended.

Section 108: Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected.

Section 109: Effective Date

- A. This Ordinance shall be in full force and effect fourteen (14) days following the publication of the notice of adoption in the Munising Beacon.

DATE ORDINANCE ADOPTED BY TOWNSHIP BOARD: 08/11/2025

DATE ORDINANCE EFFECTIVE: 09/05/2025

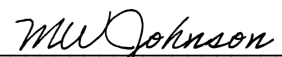
DATE OF PUBLICATION OF NOTICE OF ADOPTION: 08/20/2025

DATE OF FILING WITH ALGER COUNTY CLERK: 08/19/2025

Roll Call Vote:

| | <u>Aye</u> | <u>Nay</u> | <u>Absent</u> |
|----------------------|------------|------------|---------------|
| Tom Balmes | X | | |
| Mary Walther Johnson | X | | |
| Kristy Cota | X | | |
| Jacob Miller | | | X |
| John Carr | X | | |

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the Au Train Township Board, Au Train Township, Alger County, Michigan at a regular meeting held on August 11, 2025 pursuant to the procedures required by law.



Mary Walther Johnson
Au Train Township Clerk