

MILLINGTON TOWNSHIP CIVIL INFRACTION POLICY AND PROCEDURE
[These Policies are intended to assist in implementing the Millington Township's Zoning Ordinance]

The following policies and procedures shall govern Municipal Civil Infraction actions for the Township of Millington:

I. DEFINITIONS

- A. "Appearance Ticket" shall mean a Municipal Civil Infraction Notice of Violation or a Municipal Civil Infraction Citation.
- B. "Violation Bureau" shall mean the Municipal Ordinance Violation Bureau as established by Township Ordinance, and as described below.
- C. "Enforcement Officer" shall mean a person authorized to act pursuant to Article 22 of the Millington Township Zoning Ordinance, and as described below.
- D. "Township Civil Infraction" shall mean a violation of a provision of a Township Ordinance for which the penalty is prescribed to be a civil fine, or other sanction other than a criminal penalty, and designated as a Municipal Civil Infraction.
- E. "Responsible" or "Responsibility" shall mean a determination that a person is in violation of a provision of a Township Ordinance prescribed to be a Municipal Civil Infraction.
- F. "Violation" shall mean any act that is prohibited, made, or declared to be unlawful, or any offense of a Township Ordinance, including affirmative acts as well as omissions and/or failures to act where the act is required.
- G. "Warning Notice" shall mean correspondence from the Enforcement Officer to the alleged violator, identifying the Ordinance being violated.

II. ESTABLISHING A CASE

- A. A complaint can be initiated either by a citizen complaint or by the Enforcement Officer's observation of a violation of a Township Ordinance designated as a Municipal Civil Infraction.
 - 1. Complete a standard complaint form, which shall include:
 - a. Name, address and telephone number of complainant.
 - b. Address of the alleged violator.
 - c. Type of alleged violation.
 - d. Date of alleged violation.
 - 2. Keep a written record of each complaint made.
 - 3. Visit the site and make personal observations.
 - a. Establish that you were lawfully able to have observed the violation – DO NOT ENTER ONTO PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY OWNER OR A SEARCH WARRANT.
 - b. Take photograph(s) of the violation.
 - i. Date the photograph(s)
 - ii. Identify who took the photograph(s)
 - c. Talk to potential witnesses.
 - 4. Make a written report of your observations.
 - 5. Identify the property owner.
 - 6. Inspect Township records to determine if there are prior offenses.
 - 7. Be sure to document all contacts made.
- B. The Enforcement Officer shall take no further action unless he/she has reasonable cause to believe a Township Ordinance is being violated.

III. WARNING NOTICE

- A. A written Warning Notice, in the form of a letter, shall be given prior to the issuance of a Notice of Violation, except in situations necessitating immediate action to avoid irreparable harm.
- B. The Warning Notice should identify and describe the specific violation alleged and should recommend action(s) necessary to correct the violation.
- C. The Warning Notice shall give the alleged violator fifteen (15) calendar days to take corrective action or to contact the Township with a plan to correct the violation.
- D. If after the fifteen (15) calendar days, the Township finds that no corrective action was taken or plan to correct the violation was made, the Township may provide a copy of the file to the Tuscola County Sherriff Department for follow-up.
 1. A copy of the complete case file shall be provided to the deputy.
 2. The deputy shall attempt to arrange with the alleged violator a plan to remedy the violation.
 3. If corrective action is taken or a plan is made to correct the violation the deputy shall return the case file with a report number to the Township.
 4. If the deputy is unable to arrange with the alleged violator a plan to remedy the violation, the deputy shall return the case file with a report number to the Township, and work with the Township to advance the file to the notice of violation.

IV. NOTICE OF VIOLATION

- A. Municipal Civil Infraction actions are commenced by the issuance of a Municipal Civil Infraction - Notice of Violation.
- B. A Notice of Violation should be issued prior to the issuance of a Municipal Civil Infraction Citation, except in situations necessitating immediate action to avoid irreparable harm.
- C. A Notice of Violation does not involve the court system. It is written on a citation form with the heading "Municipal Civil Infraction - Notice of Violation", directing a person to appear at the Township Ordinance Violation Bureau for the purpose of paying a fine and/or costs for a violation which is prescribed to be a Municipal Civil Infraction.
- D. Each Notice of Violation must consist of the following:
 1. The name and address of the alleged violator.
 2. The type of violation.
 3. The location of the violation.
 4. The date of the violation.
 5. A description of the violation (listing Ordinance and Section numbers).
 6. Whether this is the 1st, 2nd, or subsequent violation and the amount of the fine.
 7. The appearance date must be designated "within fifteen (15) calendar days".
 8. The consequences of failing to pay the required fines/costs, taking corrective action, or contacting the Bureau within the required time.
 9. The address and telephone number of the Bureau and the days and hours the Bureau are open.
- E. The Notice of Violation signed by the Enforcement Officer is treated as being made under oath.
- F. Issuance and service of the Notice of Violation:
 1. The Enforcement Officer is authorized to issue Notices of Violation pursuant to Township Ordinances.
 2. The Enforcement Officer may issue a Notice of Violation to a person if based upon investigation; or if the officer has reasonable cause to believe that the person is responsible for a Municipal Civil Infraction.

3. Notice of Violations shall be served as follows:
 - a. Personally serve a copy of the Notice of Violation upon the alleged violator. Personal service means actual delivery of the Notice of Violation to the alleged violator. Personal service is made by delivering a copy of the Notice of Violation to the person named on the Notice of Violation or by leaving a copy of the Notice of Violation at his/her residence with some responsible person or by delivering a copy to an agent authorized to receive a Notice of Violation.
 - b. If the Notice of Violation involves use or occupancy of land, a building or other structure, then personal service is not required. The Notice of Violation may be served upon the owner or occupant by posting a copy of the Notice of Violation on the land or attaching the copy to the building or structure and sending a copy of the Notice of Violation by first class, certified mail to the owner of the land, building, or structure at the last known address. An affidavit for posting and mailing must be maintained in the file.
4. If a Notice of Violation is served on an alleged violator and the alleged violator admits responsibility, the violator must pay the fine set forth on the Notice of Violation and correct the violation or contact the Township with a plan to correct the violation within fifteen (15) calendar days.
5. If a Notice of Violation is properly served on the alleged violator and the alleged violator fails to admit responsibility, fails to pay the assessed fine at the Township Office, or fails to correct the violation, a Civil Infraction Citation is to be issued to the alleged violator, which must be filed with the District Court, and served as described in Section V.C.2, below.
- G. Authority of Municipal Civil Infraction Violation Bureau:
 1. The Township Office and agents are to accept admissions of responsibility for Municipal Civil Infractions. Upon admission of responsibility, the Violation Bureau will accept payment of the fine as set forth in the Notice of Violation.
 2. An alleged violator may appear before the Violation Bureau to:
 - a. Admit responsibility.
 - b. Admit responsibility with an explanation; or
 - c. Deny responsibility.
 3. If the alleged violator does not admit responsibility, the Violation Bureau should not accept payment and must notify the Enforcement Officer immediately.
 4. If an alleged violator attempts to admit responsibility with an explanation or deny responsibility (2.b. or 2.c., above), it should be noted on the Notice of Violation, then a Civil Infraction Citation should be issued and filed with the District Court and served as described in Section V.C.2, below.

V. CIVIL INFRACTION CITATION

- A. A Civil Infraction Citation is a formal complaint filed in the District Court directing the person alleged to be responsible for a Municipal Civil Infraction Citation to appear in court.
- B. A Law Enforcement Officer, acting on behalf of the Township, may issue a Civil Infraction Citation. The Civil Infraction Citation signed by the Law Enforcement Officer, acting on behalf of the Township, is treated as being made under oath.
- C. Issuance and service of the Civil Infraction Citation.
 1. A Civil Infraction Citation should be issued and served on the alleged violator if the alleged violator fails to admit responsibility, fails to pay the assessed fine at the Violation Bureau, or fails to correct the violation.

2. Municipal Civil Infraction Citations shall be served on the alleged violator as follows:
 - a. If the alleged violator was properly issued and served a Notice of Violation as described in Section IV.F.3, then all that is required for service is sending a copy of the citation by first class, certified mail to the alleged violator's last known address.
 - b. If the alleged violator was not issued and served a Notice of Violation, then personal service is required as follows:
 - i. Personal service means actual delivery of the Citation to the alleged violator. Personal service is made by delivering a copy of the Citation to the person named on the Citation or by leaving a copy of the Citation at his/her residence with some responsible person or by delivering a copy to an agent authorized to receive a Citation; or
 - ii. If the Citation involves use or occupancy of land, a building or other structure, personal service is not required. The Citation may be served upon the owner or occupant by posting a copy of the Citation on the land or attaching the copy to the building or structure and sending a copy of the Citation by first class, certified mail to the owner of the land, building or structure at the last known address.
3. The Citation should be filed with the District Court immediately after service upon the alleged violator.

VI. ORDINANCE ENFORCEMENT OFFICER'S FILE

1. Ordinance Complaint Form
2. A completed Prosecution Worksheet (Exhibit "A").
3. The Prosecution Contact List which lists by date and time all action taken on the file (including complainant calls) (Exhibit "B").
4. The Prosecution Witness List, if applicable (Exhibit "C").
5. A copy of the section of the ordinance the alleged violator is charged with violating.
6. A copy of the Warning Notice, if applicable, that was sent to the alleged violator prior to the issuance of a Notice of Violation or Civil Infraction Citation.
7. Copies of all photographs (dated and signed by the person who took them).

Effective Date:

Motion made and passed this 28 day of October, 2024 by the Millington Township Board.

Date and Time Policy shall take effect: November 6, 2024

Jackie Sabgast
Millington Township Clerk

October 28, 2024