

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 ____ day of _____, 2024 by the Millington Township Board.

Date and Time Policy shall take effect: _____, 2024

Millington Township Clerk

_____, 2024

_____ WOULD LIKE TO FORMALLY LODGE A COMPLAINT

REASON FOR SAID COMPLAINT:

EMAIL: _____

PHONE#:(____)

DATE: _____

ZONING ORDINANCE ADMINISTRATOR'S NOTES:

Municipal Civil Infraction
Prosecution Worksheet

1 Identify Potential Violation

Was this condition:

- ☐ First observed by Enforcement Officer
☐ Reported by someone else

If so, by whom: _____ (include as witness)

What is the suspected violation _____

2 Open a File – Begin documenting ALL contacts, communications and actions taken.

Does this condition or activity violate any Ordinance?

- ☐ Yes

Section: _____

(Proceed to Section 3)

- ☐ No

(If applicable, send letter to complainant(s) advising that the reported situation was investigated and found not in violation of Township Ordinances)

3 Establish Elements to Prove Violation

- ☐ Gather evidence of the alleged violation
- Personal observations - write a clear report, which includes:
 - The time and place
 - What was observed
 - Where you were when you made the observation
 - Establish that you were lawfully in a position to observe violation
 - Photographs
 - Current conditions that are in violation
 - Identify photos with time, date, location, and person taking photos
 - Historic photos of the site, if available
 - Aerial photos of the site, if available
 - Witnesses (Include **complete** name, address, telephone, and other contact information)
 - To the current conditions
 - Intermittent conditions that Enforcement Officer was unable to observe (i.e. loud equipment or activities in late evening or weekend hours, etc.)
 - To problems caused by the current conditions
 - To past conditions, documenting changes in the site
- ☐ Include in the file a copy of the Ordinance and section allegedly violated
- ☐ Determine that all necessary elements of the Ordinance are present to show a violation

4 Establish Responsibility for the Alleged Violation

Who is the party legally responsible for this condition? _____

Is this party the:

- ☐ Property Owner
☐ Tenant
☐ Other: _____

5 Proceed with Enforcement

- ☐ Issue Warning Letter to the responsible party
- ☐ If no corrective action has been taken after the time allotted in the Warning Letter, issue Municipal Civil Infraction – Notice of Violation.
- ☐ If no admission of responsibility is received after time allotted in Notice of Violation, Issue Municipal Civil Infraction Citation

Municipal Civil Infraction
Prosecution Contact List

Date/Time	
Name	
Telephone Number	
Notes	

Date/Time	
Name	
Telephone Number	
Notes	

Date/Time	
Name	
Telephone Number	
Notes	

Date/Time	
Name	
Telephone Number	
Notes	

Municipal Civil Infraction Prosecution Witness List

Location: _____

Page ____ of ____

-Witness -Complainant -Susp Violator -Interviewed -Other _____	
Name:	Age/DOB:
Address	Drivers Lic #:
City, State ZIP	
Home Phone:	Height:
Business Phone:	Weight:
Fax:	Hair Color:
e-mail address:	Eye Color:
Relationship to this matter:	
-Witness -Complainant -Susp Violator -Interviewed -Other _____	
Name:	Age/DOB:
Address	Drivers Lic #:
City, State ZIP	-Home -Work
Home Phone:	Height:
Business Phone:	Weight:
Fax:	Hair Color:
e-mail address:	Eye Color:
Relationship to this matter:	
-Witness -Complainant -Susp Violator -Interviewed -Other _____	
Name:	Age/DOB:
Address	Drivers Lic #:
City, State ZIP	-Home -Work
Home Phone:	Height:
Business Phone:	Weight:
Fax:	Hair Color:
e-mail address:	Eye Color:
Relationship to this matter:	
-Witness -Complainant -Susp Violator -Interviewed -Other _____	
Name:	Age/DOB:
Address	Drivers Lic #:
City, State ZIP	-Home -Work
Home Phone:	Height:
Business Phone:	Weight:
Fax:	Hair Color:
e-mail address:	Eye Color:
Relationship to this matter:	

Shaded Items Are For Suspected Violator



SHERIFF

TUSCOLA COUNTY

SHERIFF GLEN SKRENT

UNDERSHERIFF ROBERT BAXTER

420 COURT STREET, CARO, MI 48723

Phone: 989-673-8161 Fax: 989-673-8164

AGREEMENT FOR ENFORCEMENT SERVICES FY 2024, 2025 & 2026

TUSCOLA COUNTY SHERIFF

TOWNSHIP OF MILLINGTON

TWO OFFICERS

THIS AGREEMENT, made and entered into on this first day of January 1, 2024 by and between the SHERIFF of the County of Tuscola, Michigan, hereafter called the "SHERIFF", and the TOWNSHIP of Millington, Tuscola County, Michigan, hereafter called the "TOWNSHIP".

WHEREAS, the TOWNSHIP is authorized and empowered under the provisions of Act 246 of the Public Acts of 1945, as amended, (MCLA 41.181 et seq) to employ and establish a police department with full power to enforce Township Ordinances and state laws and for that purpose to call upon the SHERIFF to provide special police protection for the TOWNSHIP; and WHEREAS, the TOWNSHIP has by resolution appropriated funds to provide special police protection for the TOWNSHIP; and

WHEREAS, the TOWNSHIP desires to employ and establish a police department with full power to enforce Township Ordinances and state laws and desires to call upon the SHERIFF to provide special police protection for the TOWNSHIP and enforce local Township Ordinances; and WHEREAS, the SHERIFF is agreeable to rendering such services on the terms and conditions hereinafter set forth.

Now therefore the parties agree:

ARTICLE I

THE SHERIFF SHALL PROVIDE:

1. Two officers, deputy sheriffs, for eighty hours of duty in the TOWNSHIP each week for 52 weeks of the year and necessary overtime as hereinafter set forth, less the officers approved annual vacation leave, compensatory time, personal business day (s), compensation days, and sick leave. Hours of regular duty shall be at such time as shall be agreed to by the SHERIFF and the TOWNSHIP from time to time. The hours of duty shall commence and end at the offices of the Township of Millington.
2. The SHERIFF's obligation to provide officers to the TOWNSHIP under paragraph 1 above is conditioned upon the SHERIFF having acceptable staffing levels of road patrol officers available. If the number of available road patrol officers falls below acceptable staffing levels, the SHERIFF may reassign the officers assigned to the TOWNSHIP to a regular road patrol schedule until such time as staffing returns to acceptable levels. The SHERIFF, in his sole discretion, shall determine acceptable staffing levels.



Tammy Daenzer <tdaenzer24@gmail.com>

Millington Township Civil Infraction Policy and Procedure

1 message

Tammy Daenzer <tdaenzer24@gmail.com>

Mon, Jul 1, 2024 at 11:51 PM

To: Tim Perrone <tperrone@cstmlaw.com>

Cc: Clerk <clerk@millingtontownship.com>, Supervisor <supervisor@millingtontownship.com>, Luanne Jaruzel <jaruzel5@gmail.com>, "Alvin Zavitz (awzavitz@yahoo.com)" <awzavitz@yahoo.com>

Tim,

I am attaching several documents for your review relative to our adoption of a Civil Infraction Policy and Procedure...

1. Ordinance 96-2
2. Ordinance 96-3
3. Sheriff Contract
4. Draft Ordinance Amendment
5. Millington Township Civil Infraction Policy and Procedure
6. Millington Township Fee Schedule

The first two documents are old ordinances from 1996, which were not carried forward and incorporated into our current Ordinances. The third document is our contract with the Tuscola County Sheriff's Office. These documents are provided only as reference material.

The remaining documents are what I plan to present to the Planning Commission at their July 8th meeting with the request to amend Article 22 of the Millington Township Zoning Ordinance, to provide for a Civil Infraction Policy and Procedure, and to amend the Fee Schedule to include costs as outlined in Article 17 and to provide for a schedule of Civil Fines/Costs.






Please review these documents and let me know if you see any barriers to enforcement.

These documents were drafted with the assistance of one of the County Deputy's and he specifically asked that our attorney review the documents to ensure it provides adequate language to allow for judicial orders following a Civil Infraction Citation.

Thank you for your time and assistance.

Tammy

Tammy Daenzer
989-233-2449**6 attachments**

-  **Sheriff Contract.pdf**
233K
-  **Ordinance 96-2 Penalties and Violations.pdf**
256K
-  **Ordinance 96-3 Violations Bureau.pdf**
67K
-  **Millington-Twp-Zoning-Ordinance-Article 22-Amended-070124-TD.docx**
25K
-  **Municipal Civil Infraction Policy and Procedure 043024 - revised.docx**
36K
-  **2024 Millington Township Fee Schedule.docx**
16K