

**MANCHESTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
ORDINANCE NO. 106**

**MANCHESTER TOWNSHIP CIVIL INFRACTIONS ORDINANCE**

At a meeting of the Township Board of Manchester Township, Washtenaw County, Michigan, held at the Manchester Township Hall on November 14, 2023, at 7:00 p.m., Township Board Member Milkey moved to adopt the following Ordinance, which motion was seconded by Township Board Member Moutinho:

*An Ordinance to provide for the enforcement of Manchester Township Ordinance violations through the issuance of Municipal Civil Infraction Citations; to establish a Municipal Ordinance Violations Bureau to collect and retain civil fines/costs for such violations; to establish that the Township Ordinance Enforcement Officer, Township Zoning Administrator, and members of the Washtenaw County Sheriff's Department who provide services to the Township may issue Municipal Civil Infraction Citations, and to repeal all conflicting Ordinances or parts of Ordinances.*

MANCHESTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

**Section 1: Title:** This Ordinance shall be known and cited as the Manchester Township Civil Infractions Ordinance.

**Section 2: Definitions:** As used in this Ordinance:

- A. "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- B. "Authorized Township Official" means the Township Code Enforcement Officer, the Township Zoning Administrator, a police officer or other personnel of the Township authorized by this Ordinance or any Ordinance to issue Municipal Civil Infraction Citations, including members of the Washtenaw County Sheriff's Department who may provide services to the Township. "Bureau" means the Whitewater Township Municipal Ordinance Violations Bureau as established by this Ordinance.
- C. "District Court" means the 14A District Court, Washtenaw County, Michigan.
- D. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- E. "Municipal Civil Infraction Citation" or "Citation" means a written complaint or 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.

- F. "Municipal Civil Infraction Violation Notice" means a written notice, instead of a Citation, prepared by an Authorized Township Office, directing a person to appear at the Manchester Township Municipal Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township.
- G. "Township" means Manchester Township, Washtenaw County, Michigan.
- H. "Township Code Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- I. "Township Zoning Administrator" means that person designated by the Township Board to enforce the Township Zoning Ordinance.

**Section 3: Municipal Civil Infraction Action; Commencement:** A Municipal Civil Infraction Action may be commenced upon the issuance by an Authorized Township Official of:

- A. A Municipal Civil Infraction Citation directing the alleged violator to appear in District Court; or
- B. A Municipal Civil Infraction Violation Notice providing the alleged violator with an option to appear at the Bureau.

**Section 4: Municipal Civil Infraction Citations; Issuance and Service:** Municipal Civil Infraction Citations shall be issued and served by Authorized Township Officials as follows:

- A. The time for appearance specified in a Citation shall be within a reasonable time after the Citation is issued.
- B. The place for appearance specified in a Citation shall be the District Court.
- C. 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.
- D. 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 the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- E. An Authorized Township Official 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.
- F. An Authorized Township Official may issue a Citation to a person if:

- (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
- (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Township Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or township attorney approves in writing the issuance of the Citation.

G. Municipal Civil Infraction Citations shall be served by an Authorized Township Official as follows:

- (1) Except as provided by Section 4(G)(2), an Authorized Township Official shall personally serve a copy of the Citation upon the alleged violator.
- (2) If the Municipal Civil Infraction Action 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 a copy on the land or attaching a copy to the building 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 owners' last known address.

#### **Section 5: Municipal Civil Infraction Citations; Contents**

A. A Municipal Civil Infraction Citation shall contain:

- (1) A description of the municipal civil infraction violation alleged;
- (2) The amount of the scheduled fines and/or costs for the violation;
- (3) The name and address of the alleged violator;
- (4) The place where the alleged violator shall appear in court;
- (5) The telephone number of the court, and the time at or by which the appearance shall be made;
- (6) Any additional information specified or requested by the court having jurisdiction over the citation; and
- (7) The name of Manchester Township, as Plaintiff.

B. 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 the judge is requested.
  - (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:

- (1) That 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) That 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) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
- (4) That at an informal hearing that the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- (5) That 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 boldfaced 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 Citation.

**Section 6: Establishment, Location, and Personnel of the Municipal Ordinance Violations Bureau:**

- A. Township hereby establishes a Municipal Ordinance Violations Bureau as authorized under the Act to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Violation Notices issued and served by Authorized Township Officials, and to collect and retain civil fines and costs as prescribed by this Ordinance and any related Ordinance.
- B. The Bureau shall be located at the Manchester Township Hall or such other location as designated by the Township Board. The Bureau shall be under the direct supervision and control of the Bureau Clerk, who is designated by the Township Board. The Bureau Clerk,

subject to the approval of the Township Board, may adopt rules and regulations for the operation of the Bureau and appoint the Township Clerk, Township Treasurer, or any other necessary, qualified Township employees and officials to administer the Bureau.

- C. The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Violation Notice (as compared to 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. No person shall be required to dispose of a Municipal Civil Infraction Violation at the Bureau. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- D. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions arising out of Municipal Civil Infraction Violation Notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fee 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 veracity of any fact or matter relating to an alleged violation.
- E. Municipal Civil Infraction Violation Notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for Citations as prescribed in this Ordinance. In addition to any other information required by this Ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- F. An alleged violator receiving a Municipal Civil Infraction Violation 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 Violation Notice. An appearance may be made by mail, in person, or by representation.
- G. If an Authorized Township Official issues and serves a Municipal Ordinance Violation Notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a Municipal Civil Infraction Citation may be filed with the District Court and a copy of the Citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The Citation filed with the District Court does not need to comply in all particulars with the requirements for Citations as provided by this Ordinance but shall consist of a sworn complaint containing the allegations stated in the municipal Ordinance violation notice and shall fairly inform the alleged violator how to respond to the Citation.

**Section 7: Schedule of Civil Fines/Costs:** The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance, a resolution pursuant to the Ordinance, or any ordinance, plus any costs, damages, expenses (including attorney's fees) and other sanctions as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

A. Fines for Violation Notices. Unless a different schedule of civil fines is provided for by an applicable Ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with Municipal Ordinance Violation Notices shall be determined pursuant to the following schedule:

- a. First violation within three-year period: \$50.00.
- b. Second violation within three-year period: \$125.00.
- c. Third violation within three-year period: \$250.00.
- d. Fourth or subsequent violation within three-year period: \$400.00.

B. Fines for Violation Citations: Unless a different schedule of civil fines is provided for by an applicable Ordinance or by the District Court, the sanction for a Municipal Civil Infraction Citation under the Municipal Civil Infraction Ordinance, or any other municipal civil infraction violation citation shall be a civil fine in the amount as provided by herein or as ordered by a Court of competent jurisdiction:

- a. First Offense: \$250.00.
- b. Second Offense: \$400.00.
- c. Third Offense: \$500.00.

**Section 8: 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 a Municipal Civil Infraction Citation. As to each Ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, take such other enforcement action as is authorized by law, including, without limitation, injunctive relief or criminal enforcement.

**Section 9: Records and Accounting:** The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal Ordinance Violation Notices consistent with the record retention schedules, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for Ordinance violations within the jurisdiction of the Bureau and the

amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require and shall be deposited in the general fund of the Township.

**Section 10: Severability:** The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 11: Repeal:** All Ordinances or parts of Ordinances, in conflict with this Ordinance, including, but not limited to Ordinance No. 77 and Ordinance No. 100, are hereby repealed.

**Section 12: Effective Date:** This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Roll Call:

YEAS: Milkey, Thompson, Moutinho, Seefeld, Fusilier, Proctor

NAYS:

ABSENT: Jarvis

ORDINANCE DECLARED ADOPTED.

### CERTIFICATION

I, Danell Proctor, Clerk of Manchester Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 106 adopted by Manchester Township on the 14<sup>th</sup> day of November 2023. A summary of the Ordinance was duly published in the Manchester Mirror newspaper, a newspaper that circulates within Manchester Township, on November 22, 2023. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted. I filed an attested copy of the Ordinance with the Washtenaw County Clerk on November 29, 2023.



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Danell Proctor, Manchester Township Clerk

**MANCHESTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
MANCHESTER TOWNSHIP CIVIL INFRACTIONS ORDINANCE  
NOTICE OF ADOPTION**

**Ordinance No. 106**

At a meeting of the Township Board of Manchester Township, Washtenaw County, Michigan, held at the Manchester Township Hall on November 14, 2023, at 7:00 p.m., the Township Board adopted Ordinance No. 106, which provides a definition for “municipal civil infraction” and related terms, authorizes certain Township officials to issue municipal civil infraction citations for violations of the Township’s ordinances, describes the process for issuing a municipal civil infraction citation, specifies the contents of a municipal civil infraction citation, provides a schedule of civil fines and costs for persons found responsible for a municipal civil infraction, establishes a Municipal Ordinance Violation Bureau, clarifies that other options are available for the enforcement of the Township’s ordinances, and repeals all contrary ordinances or parts of ordinances. Copies of the complete text of the Ordinance were posted at the Manchester Township Hall at 2758 S. Macomb St, Manchester, MI 48158.

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: Municipal Civil Infraction Action, Commencement; Section 4: Municipal Civil Infraction Citations, Issuance and Service; Section 5: Municipal Civil Infraction Citations, Contents; Section 6: Establishment, Location, and Personnel of the Municipal Ordinance Violations Bureau; Section 7: Schedule of Civil Fines/Costs; Section 8: Availability of Other Enforcement Options; Section 9: Records and Accounting; Section 10: Severability; Section 11: Repeal; Section 12: Effective Date, which is thirty (30) days after this publication.

Published by Order of the Township Board  
Manchester Township, Washtenaw County, Michigan  
Danell Proctor, Manchester Township Clerk  
734-428-7090

Publication Date: November 22, 2023