

MOTION BY: TRUSTEE WADE

SUPPORTED BY: TRUSTEE MATUZAK

TO INTRODUCE AND PUBLISH THE FOLLOWING ORDINANCE WITH THE INTENT TO ADOPT AT THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 212, BY ADDING THE FOLLOWING SECTIONS 212.01 THROUGH 212.12 AS TITLE ONE, AND TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

MOTION BY: TREASURER AIELLO

SUPPORTED BY: TRUSTEE MATUZAK

TO ADOPT AND PUBLISH THE FOLLOWING ORDINANCE AS AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 212, BY ADDING THE FOLLOWING SECTIONS 212.01 THROUGH 212.12 AS TITLE ONE, AND TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE, AND TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

**CHARTER TOWNSHIP OF CLINTON
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. 502

THE CHARTER TOWNSHIP OF CLINTON ORDAINS:

Section 1. Preamble. The purpose of this ordinance is to promote and protect the public health, safety and welfare and provide for the consistent and safe regulation with regard to certain ordinances of the Township and to promote efficient feasible and safe processes, and to provide for the harmonious and reliable development of property in a cost effective, efficient and safe manner.

Section 2. The Code of Ordinances for the Charter Township of Clinton, Chapter 212, is hereby amended by adding Title One, Sections 212.01-212.12 as follows:

TITLE ONE - MUNICIPAL CIVIL INFRACTIONS FOR ORDINANCE VIOLATIONS

212.01 Establishment, location and personnel of municipal ordinance violations bureau.

(a) Establishment. The Charter Township of Clinton Municipal Ordinance Violations Bureau is established pursuant to section 8396 of the Revised Judicature Act of 1961 (MCL 600.8396) for the purpose of accepting admissions of responsibility for ordinance

violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed in this article.

(b) *Location.* The bureau shall be located at the Township's Treasurer's office or such other location as may be designated by the Township Board.

(c) *Personnel.* All personnel of the bureau shall be Township employees. The Township Board may by resolution designate a bureau clerk with the duties prescribed in this division and as otherwise may be delegated by the Township Board.

212.02 Bureau Authority.

The municipal ordinance violations bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this division or other applicable ordinance. The bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

212.03 Ordinance violation notice requirements.

Municipal civil infraction violation notices shall be issued and served by authorized Township officials as provided by law. A municipal ordinance violation notice shall include, at a minimum, all of the following:

- (a) The violation;
- (b) The time within which the person must contact the municipal ordinance violations bureau for purposes of admitting or denying responsibility for the violation;
- (c) The amount of the scheduled fines/costs for the violation;
- (d) The methods by which the violations may be admitted or denied;
- (e) The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
- (f) The address and telephone number of the bureau; and
- (g) The days and hours that the bureau is open.

212.04 Denial of responsibility.

Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the municipal ordinance violations bureau and pay the required civil fines/costs within the designated time period, the bureau clerk or other designated Township employee shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served personally or by mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

212.05 Records and accounting.

The municipal ordinance violations bureau clerk or other designated Township official/employee shall retain a copy of all municipal ordinance violation notices, and make a report available to the Township Board yearly 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 and shall be deposited in the general fund of the Township.

212.06 Availability of other enforcement options.

Nothing in this article 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, the Township may at its sole discretion proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

212.07 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Authorized Township official" means a police officer, fire department officer or fire inspector, building inspector, code enforcement officer or other personnel of the Township authorized by this division or any other Township ordinance to issue ordinance violations or municipal civil infraction notices or citations.

"Municipal civil infraction" means an act or omission that is prohibited by any ordinance of the Township, but which is not a crime under the ordinance, and for which civil sanctions, including without limitations fines, damages, expenses and costs, may be ordered, as authorized by chapter 87 of the Revised Judicature Act of 1961 (MCL 600.8701 et seq.).

"Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal civil infraction" citation means a written complaint or notice prepared by an authorized Township official in the format provided in section 212.08, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal civil infraction notice" means a written complaint or notice prepared by an authorized Township official in the format provide in section 212.10, directing a person to appear at the Township municipal ordinance bureau regarding the occurrence or existence of a municipal violation by the person cited.

"Owner," as applied to a building or land, shall include any part owner, land contract vendee, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

"Person," includes firms, joint ventures, partnerships, corporations, clubs, congregations and all associations or organizations of natural persons, either incorporated or unincorporated, however operating or named and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

"Property," includes real and personal property.

"Repeat offense" is a second (or subsequent) municipal civil infraction violation of the same requirement or provision of this ordinance committed by a person after a one-week period where the person admitted responsibility or was found to be responsible by the Court.

212.08 *Municipal civil infraction action.*

A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in court.

212.09 *Municipal civil infraction citations; issuance and service.*

A municipal civil infraction citation shall be issued and served by an authorized Township official 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.
- (d) The first copy of the citation (the original citation) shall be filed with the district court. The second copy of the citation shall be retained by the Township. The third copy (and any duplicate copies as needed) shall be issued to the alleged violator.
- (e) 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."
- (f) 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 any required copies of a citation.
- (g) 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 official has reasonable cause to believe that the person is responsible for an infraction and if the Township attorney approves in writing the issuance of the citation.
- (h) A municipal civil infraction citation shall be served by an authorized Township official as follows:
 - (1) Except as provided by subsection (8)b. of this section, an authorized Township official shall personally serve a copy of the citation upon the alleged violator or serve the violator by certified mail at the violator's last known address as indicated by Township records.
 - (2) If the municipal civil infraction action involves the use of 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 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 as indicated by the Township's property tax records.

212.10 Municipal civil infraction citations; contents

(a) A municipal ordinance 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 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; or
 - 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 desired 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 the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- (4) 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 boldface type that the failure to 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.

212.11 Sanctions for municipal civil infractions; repeat offenses; continuing violations; injunctive relief.

(a) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this ordinance or the ordinance violated, plus any costs, damages, expenses and other sanctions, as authorized under chapter 87 of the Revised Judicature Act of 1961 (MCL 600.8701 et. seq.) and the exercise of equitable jurisdiction and authority as authorized by Act 236 of 1961 (MCL 600.8302 (4)) and any other applicable laws. The court may order that the Township be paid directly for unpaid civil fines/costs for any municipal civil infraction violations and costs damages and expenses incurred by the Township to enforce Township ordinances giving rise to the civil infraction citation.

(b) Increased civil fines may be imposed for repeat offenses by a person of any requirement or provision of any ordinance. Each day on which any violation designated as a municipal civil infraction continues constitutes a separate offense and shall be subject to sanctions as a separate violation.

(c) A violation of any regulation contained in this ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons within the Township, and is deemed a public nuisance per se. Any violation of this ordinance shall constitute a basis for the district court, pursuant to Act 236 of 1961 (MCL 600.8302 (4)), to order injunctive relief against the violator or landowner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this article or allowed by law.

212.12 Designation of certain ordinance/code provisions as municipal civil infraction.

(a) The ordinances of the Township and the Charter Township of Clinton Code of Ordinances are hereby amended to reclassify as municipal civil infractions certain

ordinance and code provisions that provide for a criminal misdemeanor penalty for violations

(b) The following Township code provisions and applicable ordinances are designated as municipal civil infractions (ordinances/statutes cited include any amendments):

Sections of the Clinton Township Code of Ordinances	Title(s) of the Clinton Township Code of Ordinances
Chapter 676	Safety, Sanitation and Health
Chapter 806	Auto Wash Racks
Chapter 814	Amusement Devices
Chapter 828	Temporary Outdoor Seating for Restaurants During Crisis Events
Part 12, Title 8	Zoning Code
Part 14, Chapters 1420-1499	Building and Housing Code
Part Sixteen, Chapter 1610-1621.99	Fire Prevention Code

(c) Those Township Code provisions and ordinances not specified in this article shall be punishable as provided in the applicable Code provision and/or ordinance.

(d) This article shall not affect any proceedings instituted prior to the effective date of this article and any such prior proceedings shall be enforced as originally provided and any applicable sanction for a violation is preserved.

(e) The civil fines for a municipal civil infraction violation notice, as provided in section 212.03, payable to the Township municipal ordinance violation bureau, as provided in section 212.01 and 212.02 shall be as follows:

- (1) \$100.00 for said violation.
- (2) \$250.00 for the first repeat first offense
- (3) \$500.00 for a second or subsequent repeat offense following a second repeat offense.

(f) The civil fines for a municipal civil infraction citation directing the violator to appear in court, per section 212.08, shall be as follows:

- (1) Schedule:
 - (A) \$100.00 for said violation.
 - (B) \$250.00 for the first repeat first offense
 - (C) \$500.00 for a second or subsequent repeat offense following a second repeat offense.
- (2) The court in its discretion may waive all or a portion of any civil fine for good cause shown.

Section 3. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary give this ordinance full force and effect.

Section 4. Severability. If any article, section, subsection, sentence, clause, phrase, portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, it being the intent of the Township that this ordinance shall be fully severable.

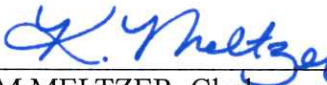
Section 5. Effective Date. The ordinance shall become effective upon adoption and publication.

AYES: GIELEGHEM, MELTZER, AIELLO, MATUZAK, KRESS, KING, WADE

NAYS: NONE

ABSENT: NONE

ORDINANCE DECLARED ADOPTED.




KIM MELTZER, Clerk
Charter Township of Clinton

INTRODUCTION: 10/20/2025
FIRST PUBLICATION: 10/31/2025
ADOPTION: 11/3/2025
SECOND PUBLICATION: 11/9/2025

CERTIFICATION

I, KIM MELTZER, Clerk for the Township of Clinton, County of Macomb, State of Michigan, certify that this is a true copy of an Ordinance adopted by the Board of Trustees of the Charter Township of Clinton at its regular meeting on the 3rd day of November, 2025.



KIM MELTZER, CLERK
Charter Township of Clinton