

Chapter 10 CIVIL INFRACTIONS

10.01.00 Definitions

As used in this Article:

10.01.01 “*Act*” means the Michigan Revised Judicature Act, 1961 PA 236 as amended.

10.01.02 “*Authorized city official*” means a police officer or other personnel of the city authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

10.01.03 “*Bureau*” means the City of Sandusky Municipal Ordinance Violations Bureau as established by this Article.

10.01.04 “*Municipal civil infraction action*” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

10.01.05 “*Uniform Law citation*” means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

10.01.06 “*Uniform Municipal civil infraction citation*” means a written notice prepared by an authorized city official, directing a person to appear at the City of Sandusky Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines under Section **10.06.00**, as authorized under Sections 8396 and 8707(6) of the RJA.

10.02.00 Municipal civil infraction action; commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized official of:

10.02.01 A uniform municipal civil infraction *citation* directing the alleged violator to appear in court; or

10.02.02 A uniform municipal civil infraction *citation* directing the alleged violator to appear at the City Municipal Ordinance Violations Bureau.

10.03.00 Municipal civil infraction citations; issuance and service.

Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

10.03.01 The time for appearance specified in a citation shall be within fourteen (14) days after the citation is issued.

10.03.02 The place for appearance specified in a citation shall be the City Municipal Ordinance Violations Bureau.

10.03.03 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 City Municipal Ordinance Violations Bureau. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by Section 8705 of the Act.

10.03.04 A citation for a municipal civil infraction signed by an authorized city 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.”*

10.03.05 An authorized city 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.

10.03.06 An authorized city official may issue a citation to a person if:

10.03.06A Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

10.03.06B 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 prosecuting attorney or city attorney approves in writing the issuance of the citation.

10.03.07 Municipal civil infraction citations shall be served by an authorized city official as follows:

10.03.07A Except as provided by Section 10.03.07B, an authorized city official shall personally serve a copy of the citation upon the alleged violator.

10.03.07B 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 the copy of 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.

10.04.00 Municipal civil infraction citation; contents.

10.04.01 A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;

- A) The amount of the scheduled fines/costs for the violation;
- B) The methods by which the violation may be admitted or denied;
- C) The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
- D) The address and telephone number of the bureau; and
- E) The days and hours that the bureau is open.

10.04.02 Further, the citation shall inform the alleged violator that he or she may do one of the following:

- A) Admit responsibility of the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
- B) Admit responsibility for the municipal civil infraction “*with explanation*” by mail by the time specified for appearance or, in person, or by representation.
- C) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (i) Contact the City Municipal Infraction Bureau.
 - (ii) 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 city.
 - (iii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

10.04.03 The citation shall also inform the alleged violator of all the following:

- A) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must contact the Bureau and 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.
- B) that if the alleged violator desires to deny responsibility, the alleged violator must contact the Bureau and 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.
- C) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city.
- D) 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.
- E) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

10.04.04 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.

10.04.05 Were a person fails to admit responsibility, without explanation, for a violation within the jurisdiction of the bureau and pay the required civil fines/costs within the designated time period, a person authorized by the city council shall advise the complainant to issue and file a State Uniform Law 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 Civil Infraction violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the

alleged violator's last know address. The citation shall thereafter be processing in the manner required by law.

10.05.00 Municipal ordinance violations bureau.

10.05.01 Bureau established. The city hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under Section 8396k of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

10.05.02 Location; supervision; employees; rules and regulations.

The Bureau shall be located at the City Hall, and shall be under the supervision and control of the Treasurer of the City of Sandusky. The Treasurer, subject to the approval of the Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified employees to administer the Bureau.

10.05.03 Disposition of violations.

Only the Chief of Police may dispose of municipal civil infraction citations for which a fine has been scheduled and for which a municipal civil infraction has been issued. Nothing in this Article shall prevent or restrict an official of the City of Sandusky from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction.

The bureau shall only have the authority to accept admissions of responsibility, without explanation, for civil infractions of a city ordinance violation and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this ordinance or other applicable ordinances.

The bureau shall refuse 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.