
CHAPTER 6. MUNICIPAL CIVIL INFRACTIONS

1.150. Definitions. As used in this Chapter:

- (1) “*Act*” means Act No. 236 of the Public Acts of 1961, as amended.
- (2) “*Authorized city official*” means the personnel of the city authorized by this Code or any city ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices. In addition to any other designated city personnel, police officers or the city manager’s designee(s) are authorized to issue municipal civil infraction citations or municipal civil infractions violation notices for any violation of the City Code.
- (3) “*Bureau*” means the City of Frankenmuth Municipal Ordinance Violations Bureau as established by this Chapter.
- (4) “*Municipal civil infraction action*” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- (5) “*Municipal civil infraction 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.
- (6) “*Municipal civil infraction violation notice*” means a written notice prepared by an authorized city official, directing a person to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the City (see Section 1.155), as authorized under Sections 8396 and 8707(6) of the Act.

1.151. Municipal Civil Infraction Actions; Commencement. A municipal civil infraction action may be commenced upon the issuance by an authorized city official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau

1.152. Municipal Civil Infraction Citations; Issuance and Service. Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

- (1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued
- (2) The place for appearance specified in a citation shall be the district court.
- (3) 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 city and issued to the alleged violator as provided by Section 8705 of the Act.
- (4) 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.”
- (5) 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, as original and required copies of a citation.

(6) An authorized city official may issue a citation to a person if:

- (a) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
- (b) 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.

(7) Municipal civil infraction citations shall be served by an authorized city official as follows:

- (a) Except as provided by Section 1.152(7)(b), an authorized city official shall personally serve a copy of the citation upon the alleged violator.
- (b) 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 on 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.

1.153 Municipal civil infraction citations; contents.

(1) 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.

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

- (a) Admit responsibility for 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:

- (1) 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.
- (2) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) The citation shall also inform the alleged violator of all of the following:

- (a) 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.

(b) 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.

(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.

(4) 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.

1.154. Municipal Ordinance Violations Bureau.

(1) *Bureau established.* The city hereby establishes a Municipal Ordinance Violations Bureau (“Bureau”) as authorized under Section 8396 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.

(2) *Location; supervision; employees; rules and regulations.* The Bureau shall be located at Frankenmuth City Hall, and shall be under the supervision and control of the City Treasurer. The City Treasurer, subject to the approval of the City Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified city employees to administer the Bureau.

(3) *Disposition of violations.* The Bureau shall 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 with a citation) has been issued.

(4) *Bureau limited to accepting admissions of responsibility.* The scope of the Bureau’s authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine 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 truth or falsity of any fact or matter relating to an alleged violation. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. 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.

(5) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in Sections 1.152(6) and (7) of this Chapter. In addition to any other information required by this Code or other 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.

(6) *Appearance; payment of fines and costs.* 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.

(7) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city 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 court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, 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.

1.155. Schedule of Civil Fines.

(1) *Schedule of civil fines.* A schedule of civil fines to be paid upon an admission of responsibility at the Bureau in response to the issuance by an authorized city official of a municipal civil infraction violation notice is hereby established. The fines for the violations listed below shall be as follows:

[Schedule of Fines Begins on Next Page]

<u>Code Section(s)*</u>	<u>Municipal Civil Infraction Offense</u>	<u>Fine</u>
<i>Chapter 4 (all)</i>	Failure to comply with any provision of Chapter 4, as amended (“House Numbers”).	\$55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 21 (all)</i>	Failure to comply with any provision of Chapter 21, as amended (“Garbage and Rubbish”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 22 (all)</i>	Failure to comply with any provision of Chapter 22, as amended (“City Water Utility”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 23 (all, except as provided by Section 2.115)</i>	Failure to comply with any provision of Chapter 23, as amended (except as provided by Section 2.115 regarding misdemeanors) (“City Sewer Service”).	\$1,100.00
	First repeat offense.	\$2,750.00
	Second (or any subsequent) repeat offense.	\$5,500.00
<i>Chapter 26 (all)</i>	Failure to comply with any provision of Chapter 26 as amended (“Storm Water Management Plan”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 31 (all, except Sections 3.2(1) and 3.4)</i>	Failure to comply with any provision of Chapter 31, as amended (except Sections 3.2(1) and 3.4) (“Parks”).	\$55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 41 (all, except</i>	Failure to comply with any provision of Chapter 41, as amended (“Streets”).	\$275.00

<i>Section 4.39)</i>	First repeat offense.	\$500.00
	Second (or any subsequent) repeat offense.	\$1,100.00
<i>Chapter 41</i> <i>(Section 4.39)</i>	Failure to comply with any provision of Chapter 41, as amended (“Streets”).	\$11.00
	First repeat offense.	\$22.00
	Second (or any subsequent) repeat offense.	\$275.00
<i>Chapter 42</i> <i>(all)</i>	Failure to comply with any provision of Chapter 42, as amended (“Sidewalks”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 43</i> <i>(all)</i>	Failure to comply with any provision of Chapter 43, as amended (“Trees”).	\$55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 51</i> <i>(all)</i>	Failure to comply with any provision of Chapter 51, as amended (“Zoning”).	\$55.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 53</i> <i>(all)</i>	Failure to comply with any provision of Chapter 53, as amended (“Subdivision Control”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 54</i> <i>(all)</i>	Failure to comply with any provision of Chapter 54, as amended (“Historical Preservation”).	\$55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 61</i> <i>(all)</i>	Failure to comply with any provision of Chapter 61, as amended (“Housing Regulations”).	\$55.00

	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 71</i> <i>(all)</i>	Failure to comply with any provision of Chapter 71, as amended (“Licenses”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 73-2</i> <i>(all)</i>	Failure to comply with any provision of Chapter 73-2, as amended (“Outdoor Sales”).	\$ 55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 73-3</i> <i>(all)</i>	Failure to comply with any provision of Chapter 73-3, as amended (“Tent Regulations”).	\$ 55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 74</i> <i>(all)</i>	Failure to comply with any provision of Chapter 74, as amended (“Carnivals and Circuses”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 75</i> <i>(all, except</i> <i>Sections 7.162(3),</i> <i>(4),(5) and (6))</i>	Failure to comply with any provision of Chapter 75, as amended (except Sections 7.162(3) (4), (5) and (6) (“Outdoor Assemblies”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 76</i> <i>(Sections 7.173;</i> <i>7.175 - 7.179;</i> <i>7.180(2) and (3)</i> <i>7.181; and 7.173</i> <i>-7.186 only)</i>	Failure to comply with Sections 7.173; 7.175 through 7.179; 7.180(2) and (3); 7.181; and 7.183 through 7.186 of Chapter 75, as amended (“Horse Drawn Sightseeing Vehicles”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00

<i>Chapter 77</i> <i>(all, except</i> <i>Sections 7.209 (1)</i> <i>or 7.210)</i>	Failure to comply with any provision of Chapter 77, as amended (except Sections 7.209(1) or 7.210) (“Public Transit System”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 97</i>	Failure to comply with any provision of Chapter 97, as amended (“Wrecking or Demolition”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 98</i> <i>(all)</i>	Failure to comply with any provision of Chapter 98, as amended (“General Building Regulations”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 100</i> <i>(all)</i>	Failure to comply with any provision of Chapter 100, as amended (“Flood Damage Protection”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 121</i> <i>(all except</i> <i>Sections 9.7(5)-</i> <i>(11) or 9.7(16)</i>	Failure to comply with any provision of Chapter 121, as amended (except Sections 9.7(5) through (11) or 9.7(16) (“Nuisances”).	\$55.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 122</i> <i>(all)</i>	Failure to comply with any provision of Chapter 122, as amended (“Weed Control”).	\$55.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 123</i> <i>(Sections 9.112</i> <i>and 9.114 only)</i>	Failure to comply with Sections 9.112 or 9.114 of Chapter 123, as amended (“Disorderly Conduct”).	\$55.00

	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 124</i> <i>(all)</i>	Failure to comply with any provision of Chapter 124, as amended (“Animals”).	\$27.50
	First repeat offense.	\$55.00
	Second (or any subsequent) repeat offense.	\$275.00
<i>Chapter 125</i> <i>(all except Section 9.167(1))</i>	Failure to comply with any provision of Chapter 125, as amended.	\$11.00
	First repeat offense.	\$22.00
	Second (or any subsequent) repeat offense.	\$275.00
<i>Chapter 126</i> <i>(all)</i>	Failure to comply with any provision of Chapter 126, as amended (“Open House Parties”).	\$110.00
	First repeat offense	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 127</i> <i>(all)</i>	Failure to comply with any provision of Chapter 127, as amended (“Alarm Systems”).	\$55.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 128</i> <i>(all)</i>	Failure to comply with any provision of Chapter 128, as amended (“Speed of Vessels on Cass River”).	\$55.00
	First repeat offense.	\$110.00
	Second (or any subsequent) repeat offense.	\$165.00
<i>Chapter 129</i> <i>(all)</i>	Failure to comply with any provision of Chapter 129, as amended (“Emergency Response Costs”).	\$55.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 131</i> <i>(all)</i>	Failure to comply with any provision of Chapter 131, as amended (“Outside Burning”).	\$110.00

	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00
<i>Chapter 147 (all)</i>	Failure to comply with any provision of Chapter 147, as amended (“Parades, Processions and Motorcades”).	\$110.00
	First repeat offense.	\$275.00
	Second (or any subsequent) repeat offense.	\$500.00

*Including title(s), chapter(s), article(s), section(s) and subsection(s), or portions thereof, as specified in this schedule.

[End of Schedule of Fines]

(2) A copy of the schedule, as amended by City Council resolution from time to time, shall be posted at the Bureau.

(Ordinance No. 2004-02, 02-03-2004)

1.156. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

(Ordinance No. 2002-04, 08-07-2002; Ordinance 2004-02, 02-03-2004)