

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. CIVIL INFRACTIONS

CHAPTER 10: GENERAL PROVISIONS

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10.01 HOW CODE DESIGNATED AND CITED.

This code shall constitute and be designated as the Big Rapids Charter Township Code.

10.02 DEFINITIONS.

(A) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the state for the same terms.

(B) For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIL INFRACTION. An act or omission that is prohibited by this code or any ordinance of the township, but which is not a crime under this code or any other ordinance of the township, and for which civil sanctions, including without limitation, fines, damages, expenses and costs may be ordered, as authorized by Public Act 236 of 1961, being M.C.L.A. 600.8701 through 600.8735, as amended. A municipal ***CIVIL INFRACTION*** is not a lesser included offense of any criminal offense in this code.

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CODE. The Big Rapids Charter Township Code as designated in 10.01.

COMPUTATION OF TIME. The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day is Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

COUNTY. County of Mecosta, Michigan.

JUVENILE. A person under 17 years of age.

MINOR. A person under 21 years of age.

OFFICER, DEPARTMENT, BOARD AND THE LIKE. Whenever any officer, department, board or other public agency is referred to by title only, the reference shall be construed as if followed by the words Aof the Big Rapids Charter Township, Michigan. Whenever, by the provisions of this code, any officer of the township is assigned any duty or empowered to perform any act or duty, reference to the officer shall mean and include the officer or his or her deputy or authorized subordinate.

ORDINANCES. The ordinances of the township and all amendments thereto.

PERSON. Any natural individual, firm, trust, partnership, association or corporation. Whenever the word **PERSON** is used in any section of this code prescribing a penalty or fine, as applied to partnerships or associations, the word includes the partners or members thereof and, as applied to corporations, the word includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

STATE. The term **THE STATE** or **THIS STATE** shall be construed to mean the State of Michigan.

TOWNSHIP. Big Rapids Charter Township, Michigan.

10.03 SECTION CATCHLINES AND OTHER HEADINGS.

The catch lines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be the titles of the sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catch lines, are amended or reenacted. No provision of this code shall be held invalid by reason of deficiency in any catch line or in any heading or title to any chapter, subchapter or division.

10.04 CERTAIN ORDINANCES NOT AFFECTED BY CODE.

This code and the ordinance adopting this code shall not invalidate or repeal any provision of an ordinance adopted by the township:

(A) Promising or guaranteeing the payment of money for the township, authorizing the issuance of any bond of the township, any evidence of the townships indebtedness, any contract or obligation assumed by the township;

(B) Containing any administrative provision of the Township Board;

(C) Granting any right or franchise;

(D) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, any street or public way in the township;

(E) Making any appropriation;

(F) Levying or imposing taxes;

(G) Establishing or prescribing grades in the township;

(H) Providing for local improvements and assessing taxes therefor;

(I) Dedicating or accepting any plat or subdivision in the township;

(J) Extending or contracting the boundaries of the township;

(K) Prescribing the number, classification or compensation of any township officers or employees;

(L) Prescribing parking restrictions, no parking zones, speed zones, parking meter zones and stop or yield intersections or other traffic ordinances pertaining to specific streets; and

(M) Zoning or rezoning.

10.05 CONTINUATION OF ORDINANCES.

The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, shall be construed as a continuation of these ordinances and not as new enactments.

10.06 PRIOR RIGHTS, OFFENSES AND THE LIKE.

Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of adoption of this code, shall not be affected by the adoption, but may be enjoined, asserted, enforced, or prosecuted as fully and to the same extent as if the adoption had not been effected.

10.07 ORDINANCES REPEALED NOT REENACTED.

(A) No ordinance or part of any ordinance heretofore repealed shall be considered re-ordained or reenacted by virtue of this code, unless specifically reenacted.

(B) The repeal of any curative or validating ordinances shall not impair or affect any cure or validation already effected thereby.

10.08 AMENDMENTS TO CODE.

(A) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section number of this code in the following language: That section _____ of the Big Rapids Charter Township Code, is hereby amended to read as follows:... The new provisions shall then be set out in full as desired.

(B) If a new section not heretofore existing in the code is to be added, the following language shall be used: AThat the Big Rapids Charter Township Code is hereby amended by adding a section, to be numbered _____, which section reads as follows:... The new section shall then be set out in full as desired.

10.09 SUPPLEMENTATION OF CODE.

(A) By contract or by township personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Township Board. A supplement to the code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate divisions;

(2) Provide appropriate catch lines, headings and titles for sections and other divisions of the code printed in the supplement, and make changes in catch lines, headings and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary, to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words this ordinance or words of the same meaning to this chapter, this subchapter, this division and the like, as the case may be, or to sections ____ to ____ (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

10.10 APPEARANCE TICKETS.

The following public servants are hereby authorized to issue and serve appearance tickets with respect to ordinances of the township, as provided by Public Act 147 of 1968, being M.C.L.A. 764.9a through 764.9e, as amended, when the public servant has reasonable cause to believe that a person has committed an offense in violation of a township ordinance:

(A) Building Inspector;

(B) Fire Marshal;

(C) Fire Chief; and

(D) Supervisor.

10.11 SEVERABILITY.

Each section, paragraph, sentence, clause and provision of this code is separable and if any provision shall be held unconstitutional or invalid for any reason, the decision shall not affect the remainder of this code, or any part thereof, other than that part affected by the decision.

10.99 GENERAL PENALTY.

Unless another penalty is expressly provided by this code for any particular provision or section, every person convicted of a violation of any provision of this code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than \$500 and costs of prosecution or by imprisonment for not more than 90 days, or by both such fine and imprisonment; unless there is a fine or penalty specifically set forth in the ordinance which provides for a greater penalty, and in that event, such greater penalty shall control. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance.

CHAPTER 11: CIVIL INFRACTIONS

Section

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11.01 SHORT TITLE.

This chapter shall be known and may be cited as the Municipal Civil Infraction Chapter of Big Rapids Charter Township.
(Ord. 29, passed 7-5-2005)

11.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED TOWNSHIP OFFICIALS. The Big Rapids Charter Township Supervisor, the Big Rapids Charter Township Building Official, Code Enforcement Officers and other personnel of the township authorized by this chapter to issue municipal civil infraction citations.

MUNICIPAL CIVIL INFRACTION. A civil infraction involving a violation of any ordinance section or provision, the violation of which is designated specifically as a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION. A written complaint of 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.

TOWNSHIP. Big Rapids Charter Township, Mecosta County, Michigan.
(Ord. 29, passed 7-5-2005)

11.03 VIOLATION.

A violation includes any act that is prohibited or made or declared to be unlawful or an offense by township ordinance, and any omission or failure to act where the act is required by township ordinance.
(Ord. 29, passed 7-5-2005)

11.04 AUTHORIZED TOWNSHIP OFFICIALS.

(A) *Township Supervisor.* The Township Supervisor is designated as the authorized official to issue municipal civil infraction citations for alleged violations of the following ordinances, if and when violations have been designated to be civil infractions:

(1) The State Construction Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures;

(2) The BOCA Basic Property Maintenance Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures; and

(3) All other township housing or building regulations established by township ordinance.

(B) *Township Building Official.* The Township Building Official is designated as the authorized township official to issue municipal civil infraction citations for alleged violations of the following ordinances, if and when violations have been designated to be civil infractions:

(1) The State Construction Code, and any other code adopted by the township regulating the construction of buildings in the township;

(2) The BOCA Basic Property Maintenance Code, or any other code adopted by the township regulating the minimum acceptable standards for the maintenance of existing buildings and structures; and

(3) All other township housing or building regulations established by township ordinance.
(Ord. 29, passed 7-5-2005)

11.05 ISSUING MUNICIPAL CIVIL INFRACTION CITATIONS.

(A) An authorized township official can issue a municipal, civil infraction citation upon witnessing a person violate an ordinance, or upon the officials investigation and reasonable cause to believe that a

person is responsible for a municipal civil infraction. An authorized township official may issue a municipal civil infraction citation to a person if, based upon investigation or a complaint by someone who allegedly witnessed the person violate an ordinance, the official has reasonable cause to believe the person is responsible for a municipal civil infraction and the Township Attorney approves in writing the issuance of the citation.

(B) In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, 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 owners last known address. (Ord. 29, passed 7-5-2005)

11.06 FORM OF CITATIONS.

Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrators office for municipalities that do not utilize a Municipal Civil Infraction Bureau. (Ord. 29, passed 7-5-2005)

11.07 APPEARANCE.

Citations shall require appearance at the Seventy-Seventh District Court within a reasonable time after the citation has been issued, and not less than seven nor more than 14 days after issuance and service. (Ord. 29, passed 7-5-2005)

11.08 PROCEDURE.

The procedures for admission or denial or responsibility, request for formal or informal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law and court rule. (Ord. 29, passed 7-5-2005)

11.09 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS.

Nothing in this chapter 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 citation or take such other enforcement action as is authorized by law. (Ord. 29, passed 7-5-2005)

11.99 PENALTY.

The penalty for municipal civil infraction shall be established separately by the ordinance that designates a violation to be a municipal civil infraction.
(Ord. 29, passed 7-5-2005)