

CHAPTER 1 GENERAL PROVISIONS

Art. I. Purpose, Construction, Definitions and Amendments, §§ 1-001--1-009.....Page 1-1 through 1-6
Art. II. Violations, Enforcement and Fees, §§ 1-010--1-015..... Pages 1-7 through 1-10
Art. III. Municipal Violations Bureau and Civil Infractions, §§ 1-100--1-108 Pages 1-10 through 1-13

ARTICLE I. PURPOSE, CONSTRUCTION, DEFINITIONS, AND AMENDMENTS.

Sec. 1-001. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Charter Township of Waterford, Michigan," and may be so cited. Such Code may also be cited as the "Waterford Charter Township Code," and is referred to herein as this or the "Code."

State law references: Codification authority, MCL 42.20.

Sec. 1-002. Rules of construction and definitions.

- (a) It is the legislative intent of the Township Board, in adopting this Code, that all provisions and sections of this Code be considered as minimum requirements and liberally construed to protect and preserve the peace, health, safety and welfare of the citizens of the Township. Such regulations are not intended to repeal, abrogate or supersede any existing state, county, or federal statute, law, or regulations, except that the regulations in this Code shall prevail in cases where such regulations impose a lawful restriction or requirement that is not preempted by law, even if it is more severe, stringent, or restrictive. In order to effectively achieve the legislative intent of the Township Board, the application and enforcement of all chapters and articles of this Code and any amendment thereto shall utilize the following rules of construction and definitions, unless a specific ordinance clearly indicates otherwise:
- (b) Rules of construction. For the purposes of this Code, these general terms or words used therein shall be interpreted as follows:
- (1) In case of any difference of meaning and implication between the text of any section of this Code and any caption, preamble or illustration, the text shall control.
 - (2) A word imputing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males. The word "he" in this ordinance shall be used synonymous with the words "she," "it," and "they," and the word "his" synonymous with the words "her," "its" and "theirs."
 - (3) The word "**shall**" is mandatory, the word "**may**" is permissive.
 - (4) The word "**month**" shall be construed to mean a calendar month.
 - (5) A word imputing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.
 - (6) The word "**oath**" shall be construed to include the word "**affirmation**" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "**sworn**" shall be construed to include the word "**affirmed**."
 - (7) Words used in the present or past tense include the future as well as the present and past.
 - (8) The word "**week**" shall be construed to mean seven (7) consecutive calendar days.
 - (9) The words "**written**" or "**in writing**" may include any form of reproduction or expression of language.
 - (10) The word "**year**" shall be construed to mean a calendar year.
 - (11) The word "**premises**" includes "**zoning lot**", "**lot of record**", "**tax parcel**", and "**building**".
 - (12) The phrase "**used for**" may include "**arranged for**", "**designed for**", "**intended for**", "**maintained for**", or "**occupied for**."

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 1 GENERAL PROVISIONS

(CHAPTER 1, ARTICLE I, SECTION 1-002cont.)

- (c) Computation of compliance time. The time within which an act is to be completed to be in compliance with one or more requirements, 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 be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of a Sunday or a legal holiday, from midnight to midnight, shall be excluded.
- (d) Use and clarification of technical terms used in this Code. Several articles of this Code involve regulatory matters utilizing scientific methodology, resulting in the use of terms that are complex in nature. Effort has been made to simplify terms to the extent the subject matter permits within the context of an article. The Township official assigned responsibility for enforcement of a specific article of this Code is hereby authorized to provide assistance in understanding of technical terminology through the provision of as many textual and graphic examples as needed for the interpretation and understanding of the subject terminology.
- (e) Effective date. Upon adoption of an ordinance established in this Code, or any subsequent amendment adopted, by the Township Board the effective date shall commence at 12:01 a.m. on one of the following dates:
 - (1) The ordinance shall take effect the date of the publication of the ordinance or any date following publication specified in the ordinance; or
 - (2) If the ordinance is a zoning ordinance, the ordinance shall take effect seven (7) days after the date of the publication of the ordinance if there is no notice of intent to file a petition in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act; at such later date following publication as may be specified by the Township Board; or in the timeframe prescribed by Public Act 110 of 2206 if a notice of intent to file a petition is submitted.
- (f) When used in or having application to the interpretation of this Code, defined terms from the Township Zoning Ordinance shall apply and are incorporated as definitions in this Code, specifically including but not limited to the following terms: **“Building”, “Building Official”, “Condominium Development”** and its sub-definitions, **“ Dwelling” in all its forms, “Land Development”, “Lot of Record”, “Mobile Home Park”, “Non-motorized Pathway”, “Right-of-Way”, “Street” in all its forms, “Street Agency”, “Structure”, “Tax Parcel”, “Township Engineer”, “Township Engineering Standards”, “Zoning Lot and all other forms of the term Lot”** and **“Zoning Official.”**
- (g) Defined terms. For the purpose of this Code, the following terms shall be defined as follows:
 - Approving Body.** Shall mean the board or commission designated in a chapter or section of this Code as having the authority to grant a variance from the specified requirements of the subject chapter or section.
 - Civil infraction.** Means an offense that is not a crime, and includes an offense designated as a civil infraction in the Michigan Vehicle Code adopted in Chapter 16 of this Code, or other state law, and a municipal civil infraction as provided for in Chapter 87 of the Revised Judicature Act, as amended, MCL 600.8701 – MCL 600.8735.
 - Code.** The term "this Code" or "Code" shall mean the Code of Ordinances, Charter Township of Waterford, Michigan, as designated in Section 1-001.
 - County.** The term "the County" or "this County" shall mean the County of Oakland in the State of Michigan.
 - County Water Resources Official.** The Oakland County Water Resources Commissioner and such duly assigned staff members reporting to the Water Resources Commissioner.
 - Officer, Department, Office, Agency, and Comparable Terms.** Whenever any officer, department or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the Charter Township of Waterford, Michigan." Whenever, by the provisions of this Code, any officer of the Township is assigned any

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 1 GENERAL PROVISIONS

(CHAPTER 1, ARTICLE I, SECTION 1-002cont.)

duty or empowered to perform any act or duty, reference to such officer shall mean and include such officer or his deputy or authorized subordinate. Whenever in accordance with the provisions of this Code, any specific act is required to be done by any designated officer or official of the Township, such act may be performed by any Township employee duly authorized to perform that act by such officer or official.

Officials. The following Township officials shall be defined as follows:

Assessing Official. The Township management position, agency, organization, or combination of such, and staff members reporting to such, assigned by resolution of the Township Board to perform the duties and responsibilities of the assessing functions for the Township.

Fire Chief. The Township management position, agency, organization, or combination of such, and staff members reporting to such, assigned by resolution of the Township Board to perform the duties and responsibilities of providing fire-fighting, fire prevention, emergency medical, and related services for the Township.

Parks and Recreation Official. The Township management position, agency, organization, or combination of such, and staff members reporting to such, assigned by resolution of the Township Board to implement and manage programs and services to enhance the quality of life and the environment; to acquire, conserve, and protect natural resources; and to provide leisure time opportunities for the benefit of the citizens and families of the Township.

Police Chief. The Township management position, agency, organization, or combination of such, and staff members reporting to such, assigned by resolution of the Township Board to *preserve the safety of the public, promote orderly flow of traffic, investigate reported acts of criminal activity, provide services in addition to the enforcement of laws, and protect the rights of all people within the Township.*

Public Works Official. The Township management position, agency, organization, or combination of such, and staff members reporting to such, assigned by resolution of the Township Board to provide essential services in the areas of water treatment and conveyance, wastewater pumping and conveyance, facilities management, fleet management, cemetery operations and bike path management to enhance the quality of life for residents and businesses in Waterford Township.

Township Attorney. The Township management position, agency, organization, or combination of such, and staff members reporting to such, assigned by resolution of the Township Board to provide legal representation to the Township.

Township Official. Any of the above Officials, the Township Supervisor, Clerk, and Treasurer, and any other Township employee that has authority or responsibility for administering and/or enforcing a provision of this Code.

Person. The word "person" includes individual natural persons, firms, joint ventures, partnerships, limited partnerships, sole proprietorships, limited liability companies, corporations, other forms of business entities, and all clubs, associations, or organizations of natural persons and/or business entities, either incorporated or unincorporated, howsoever 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.

Public Place. Shall mean a place to which the general public has access for business, entertainment, or other lawful purpose, and includes but is not limited to highways, sidewalks, parks, publicly owned or operated property, transportation facilities, schools, places of amusement, parking areas, playgrounds, the immediate area adjacent to a business establishment, and hallways, stairs, lobbies and other common use areas of apartment houses and other multi-user buildings or structures.

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 1 GENERAL PROVISIONS

(CHAPTER 1, ARTICLE I, SECTION 1-002cont.)

S.E.A. The acronym S.E.A. shall mean the State enforcement agency bearing responsibility for enforcing one or more State statutes and/or regulations within the boundaries of the Township. This shall include but not limited to the following State enforcement agencies possessing responsibility for enforcement activities within the Township:

MDEQ means the Michigan Department of Environmental Quality.

MDNR means the Michigan Department of Natural Resources.

MLARA means the Michigan Department of Licensing and Regulatory Affairs.

State. The term "the State" or "this State" shall be construed to mean the State of Michigan.

Township. Means Charter Township of Waterford, in Oakland County, Michigan, and when used in the context of an action to be taken, means the Township Official with authority or responsibility to take that action under this Code or a Township Board resolution.

Township Board or Board. The terms "Township Board" or "Board" shall mean the Township Board of Trustees for the Charter Township of Waterford, Michigan.

Township Clerk. The terms "Township Clerk" or "Clerk" shall mean the Township Clerk of the Charter Township of Waterford, Michigan and such duly assigned staff members reporting to the Township Clerk.

Township Supervisor. The term "Township Supervisor" shall mean the Township Supervisor of the Charter Township of Waterford, Michigan and such duly assigned staff members reporting to the Township Supervisor.

Township Treasurer. The terms "Township Treasurer" or "Treasurer" shall mean the Township Treasurer of the Charter Township of Waterford, Michigan and such duly assigned staff members reporting to the Township Treasurer.

Township Zoning Ordinance. Means the Charter Township of Waterford Zoning Ordinance No. 135-A, adopted February 22, 2010, as amended.

Variance. Means a grant of relief to a person from the requirements of a specified chapter or section of this Code.

Water Resources. The following terms shall apply to the water resources within the Township when referenced in the chapters or sections of this Code:

Groundwater means subsurface water occupying the saturation zone, from which wells and springs are fed.

Inland lake or stream means a natural or artificial lake, pond, or impoundment; a river, stream, or creek; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. Inland lake or stream does not include any lake or pond that has a surface area of less than 5 acres.

Stormwater means any water flow occurring during or following any form of natural precipitation and resulting therefrom.

Surface water means all water on the surface as distinguished from groundwater or subterranean water.

Watercourse Any lake or pond that has a surface area of less than 5 acres, or any natural or artificial stream, river, creek, ditch channel, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or seasonally, and has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or flood water. Watercourse does not include storm drainage control facilities constructed, approved, or established by the County Water Resources Official or the Township, as a drainage course facility or district.

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 1 GENERAL PROVISIONS

(CHAPTER 1, ARTICLE I, SECTION 1-002cont.)

Waters of the State or “waterbody” means groundwater, inland lakes and streams, wetlands, and all other watercourses and waters within the jurisdiction of the State of Michigan. Waters of the State do not include drainage ways and ponds designed and constructed exclusively for wastewater conveyance, treatment, or control.

Wetlands mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, aquatic vegetation or aquatic life, may act as a filter as surface water transitions to groundwater, and is commonly referred to as a bog, swamp or marsh.

Sec. 1-003. Section catchlines and other headings.

The catchlines 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 such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid by reason of deficiency in any such catchline or in any heading or title to any chapter, article or division.

Sec. 1-004. References and notes.

Cross references, state law references, editor's notes and history notes are by way of explanation only and shall not be deemed a part of the text of any section.

Sec. 1-005. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance, when not inconsistent with this Code:

- (a) Promising or guaranteeing the payment of money for the Township, or authorizing the issuance of any bonds of the Township or any evidence of the Township's indebtedness, or any contract or obligation assumed by the Township.
- (b) Containing any administrative provisions of the Township Board.
- (c) Acquiring a specific water and sewer system.
- (d) Granting any right or franchise.
- (e) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the Township.
- (f) Making any appropriation.
- (g) Levying or imposing taxes.
- (h) Establishing or prescribing grades in the Township.
- (i) Providing for local improvements and assessing taxes therefore.
- (j) Dedicating or accepting any plat or subdivision in the Township.
- (k) Prescribing the number, classification or compensation of any Township officers or employees.
- (l) Prescribing specific parking restrictions, no parking zones, specific speed zones, parking meter zones, specific stop or yield intersections or other traffic ordinances pertaining to specific streets.
- (m) Pertaining to zoning generally or to rezoning of specific property.
- (n) Any other ordinance, or part thereof, which is not of a general and permanent nature.
- (o) Any ordinance adopted after September 9, 1991.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the Township Clerk's office.

Sec. 1-006. Code does not affect prior offenses, rights, and the like.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.
- (b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance in the Township in effect on the date of adoption of this Code.

(CHAPTER 1, ARTICLE I cont.)

Sec. 1-007. Amendments to Code.

- (a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, Charter Township of Waterford, Michigan (or Waterford 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: "That the Code of Ordinances, Charter Township of Waterford, Michigan (or Waterford Charter Township Code), is hereby amended by adding a section, to be numbered _____, which said section reads as follows:" The new section shall then be set out in full as desired.

Sec. 1-008. 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 in 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 this 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 subdivisions.
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
 - (3) Assign appropriate numbers to sections and other subdivisions 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 article," "this division," etc., 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).
 - (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.

Sec. 1-009. Severability.

Should any provision or section of this Code be held unconstitutional or invalid such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent of the Township Board that this Code shall stand, notwithstanding the invalidity of any provision or section thereof. The provisions of this section shall apply to the amendment of any section of this Code, whether or not the wording of this section is set forth in the amendatory ordinance.

(CHAPTER 1 cont.)

ARTICLE II. VIOLATIONS, ENFORCEMENT, AND FEES.

Sec. 1-010. Violations, penalties and sanctions.

- (a) **Misdemeanor.** Unless another penalty or sanction is expressly provided by this Code for any particular provision or section, the punishment for a violation of a Section of this Code which is designated as a misdemeanor shall be a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, plus costs assessed by the court.
- (b) **Civil infractions.** The punishment for a violation of a Section of this Code which is designated as civil infraction shall be a civil fine and costs payable to any Township municipal ordinance violations bureau established under Article III of this Chapter, or the court, with the amount to be as specified in the Code Section being violated, Article III of this Chapter, or as established by the court, and shall or may also include:
- (1) The payment of up to \$500.00 for the Township's costs of the enforcement action for all direct and indirect expenses in connection with the civil infraction to the date of a court judgment.
 - (2) Payment of costs, damages, expenses, and assessments ordered by the court as provided in MCL 600.8727 – MCL 600.8733, as amended, which are incorporated by reference.
 - (3) A court order or writ to enforce and secure compliance with the Code Section being violated, including requirements that persons responsible for the violation take or refrain from taking actions as necessary to such compliance.
 - (4) Where the violation involves the use or occupation of land, building, or structure, and fines, costs, assessments, expenses, and damages are not paid by a responsible person are not paid within 30 days of the time payment is due, a court ordered lien in favor of the Township against the land involved that shall be enforceable, collected and discharged as provided in MCL 600.8731, as amended.
- (c) **Daily offenses.** Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense and be separately punishable as provided in Subsections (a) or (b), as applicable.
- (d) **Enjoining and abating violations.** In addition to the penalties provided in subsection (a) and (b) of this section, the Township may enjoin or abate any violation of this Code by appropriate action in the Oakland County Circuit Court or other court of competent jurisdiction.

(Ord. of 7-8-2002)

State law references: Limitation on penalties, MCL 42.21.

Sec. 1-011. Notices of violation and appearance tickets/citations

- (a) **Intent and purpose.** It is the intent and purpose of this section to identify and authorize certain public servants of the Township to issue and serve notices of violation or appearance tickets or citations as provided by Act Number 366 of Public Acts of 1984 (MCL 764.9c) and in Article III of this Chapter.
- (b) **Definitions.** For purposes of applying this section and its application throughout this Code, the following words and phrases have the meanings indicated:
- Appearance Ticket or Citation** means a complaint or written notice, on a form determined by the attorney general, state court administrator and Director of the department of state police as modified with the prior approval of such state officials to accommodate local enforcement and court procedures and practices, issued and subscribed by a public servant authorized by this section, directing a designated person to appear in a designated local court at a designated future time in connection with an alleged violation of this Code for which the maximum permissible penalty does not exceed

CHARTER TOWNSHIP OF WATERFORD CODE OF ORDINANCES
CHAPTER 1 GENERAL PROVISIONS

(CHAPTER 1, ARTICLE II, SECTION 1-011 cont.)

ninety-three (93) days in jail and/or a fine of five hundred dollars (\$500.00), or for which civil infraction sanctions are designated. The citations shall be numbered consecutively and shall consist of the following parts:

- (a) The original, which shall be a complaint and notice to appear by the officer, employee or other individual filed with the court.
- (b) The first copy, which shall be an abstract of court records.
- (c) The second copy, which shall be retained by the appropriate local enforcement agency.
- (d) The third copy, which shall be delivered to the alleged violator. With the prior approval of such state officials, the citation may be appropriately modified as to content or number of copies to accommodate the law enforcement agency and local court procedures and practices.

Issue means preparing a citation or appearance ticket by placing on it all known and available information required on the ticket for the alleged violation and person to whom it is directed.

Notice of violation is a municipal civil infraction violation notice as defined in Section 1-101 of this Code.

Persons authorized The Township Supervisor, the Zoning Official, the Building Official, the Township Engineer, the Public Works Official, the Fire Chief, the Police Chief, the Zoning Official, Parks and Recreation Official, and such other Township public servants who are authorized pursuant to state law or in writing by the Township Supervisor or resolution of the Township Board, to enforce one (1) or more provisions of this Code.

Serve means personal delivery or mailing by registered or certified mail, return receipt requested, delivery restricted to addressee, receipt of which is acknowledged by signature of the addressee on the return receipt, and posting on the property in a conspicuous manner or place, when allowed by law or court order.

- (c) **Authority.** Persons authorized may issue and serve appearance tickets or citations and notices of violation when they have reasonable cause to believe that a person has violated a provision of this Code, the enforcement of which is the responsibility or within the authority of the public servant. Citations for municipal civil infractions may be issued as provided in Section 1-105.

(Ord. of 7-8-2002)

Editor's note: An ordinance of July 8, 2002 amended the Code by repealing former § 1-011. Former § 1-011 pertained to appearance tickets, and derived from Comp. Ords. 1986, §§ 12.061--12.071.

Sec. 1-012. Stop work orders; Violations; Misdemeanor.

- (a) Notwithstanding any Code provisions to the contrary, after a written violation notice from a Township public servant with appearance ticket authority under Section 1-011, indicating that work on any property should be stopped because it is being done in violation of a provision of this Code, a stop work order may be issued immediately when there is an imminent danger to persons, property or the environment from the violation. In other situations, a stop work order may be issued if the property owner or such owner's agent does not appear at the township as specified in the notice and show or demonstrate good cause for the stop work order to not be issued. The notice shall allow at least one (1) full township business day for the appearance. If a stop work order is issued, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, and posted upon the property in a manner which will be in plain view of any person doing work upon the property.

(CHAPTER 1, ARTICLE II, SECTION 1-012 cont.)

The stop work order shall state the scope of the stop work order and state the conditions under which work may be resumed.

- (b) Any person who shall perform any work prohibited by a stop work order after being served with or having notice of that stop work order, shall be guilty of a misdemeanor, punishable as provided in Section 1-010(a) of this Code, which violation and punishment shall be in addition to punishment for Code violations upon which the stop work order was based. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.
- (c) Any person who shall remove a posted stop work order notice placed upon any premises shall be guilty of a misdemeanor punishable as provided in Section 1-010(a) of this Code.

Sec. 1-013. Fees.

Fees and other charges required or authorized by this Code and established by Township Board resolution may not be waived or modified without approval by the Township Board, which it shall have no obligation to grant. A Township Board approval under this Section may be by an authorization in the resolution that establishes a fee, or by a separate decision in response to a written request that identifies the fee from which relief is requested and the reasons for requesting that relief. Decisions on fee relief requests are within the sole discretion of the Township Board to be made on a case by case basis.

Sec. 1-014. Liens for fees, costs, expenses, fines, damages and assessments.

(a) For any provision of this Code that provides for a lien against property for payment to or for the Township of fees, costs, expenses, fines, damages, or assessments, the lien may be recorded and collected as provided in the Code section that provides for it. Liens that are allowed by law to be collected on the Township tax roll as a tax lien, special assessment lien, or otherwise, shall be assessed on the December (winter) tax bill for the property against which the lien applies. The placement on the December tax roll shall be approved by resolution of the Township board in September of each year in the amount of unpaid fees, costs, expenses, fines, damages, and assessments as of September 1 that have been certified to the Township Board by the appropriate Township Official.

(b) Prior to placement on the December Township tax roll, unpaid fees, costs, expenses, fines, damages, or assessments that are certified to the Township Treasurer as delinquent by the appropriate Township Official may be placed on the July (summer) tax bill as an item separate from the taxes on the bill and noted as being payable to the Township.

Sec. 1-015. Township Board reserved appeal and variance authority.

(a) Where any Chapter or Article of this Code does not provide procedures for appeals from determinations made in the administration of such chapter or article, the appeal procedures provided herein shall apply.

(b) An appeal may be taken to the Township Board by any person adversely affected by, and claiming error in, any order, requirement, permit, decision or refusal of a Township Official in carrying out or enforcing the provisions of this Code. Such an appeal shall be filed with the Township Clerk within ten (10) days of the determination from which the appeal is made.

(CHAPTER 1, ARTICLE II, SECTION 1-015 cont.)

(c) A variance may be granted by the Township Board from regulatory provisions of this Code when all of the following conditions are satisfied:

- (1) A literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant;
- (2) The alternative proposed by the applicant will be adequate for the intended use and shall not substantially deviate from the performance that would be obtained by strict enforcement of the standards; and
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, nor injurious to adjoining or neighboring property, nor contrary to the overall purpose and goals of the chapter or article containing the regulation in question.

(d) This section is not intended to replace appeal procedures otherwise provided in this Code, and shall have no application to those Code Chapters and Articles which contain specific appeal procedures.

ARTICLE III MUNICIPAL VIOLATIONS BUREAU AND CIVIL INFRACTIONS*

**Editor's note: An ordinance of July 23, 2001, amended the Code by adding a new art. X, §§ 11-400--11-411. The editor has not included the provisions to be numbered § 11-411, which pertained to severability, because general severability provisions for the Code are located in § 1-009.*

Sec. 1-100. Purpose.

The purpose of this article is to establish the appropriate civil sanctions for certain enumerated violations of this Code, to provide for a municipal violation bureau within the Township, and to establish procedures to simplify enforcement for municipal civil infraction violations of this Code.
(Ord. of 7-23-2001)

Sec. 1-101. Definitions.

The following definitions shall apply in the interpretation of this article:

Bureau shall mean the municipal ordinance violations bureau established in the following section.

Citation or court citation means a written complaint or notice prepared by an authorized person directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction.

Municipal civil infraction shall mean a violation of a provision of this Code for which the remedy and/or penalty is prescribed to be a civil fine or other sanction other than a criminal penalty. A municipal civil infraction is not a lesser-included offense of a criminal offense or of an ordinance violation that is not a civil infraction.

Municipal civil infraction determination shall mean a determination that a defendant is responsible for a municipal civil infraction by one of the following:

- (1) An admission of responsibility for the municipal civil infraction.
- (2) An admission of responsibility for the municipal civil infraction, "with explanation."
- (3) A preponderance of the evidence at an informal hearing or formal hearing.
- (4) A default judgment for failing to appear at a scheduled appearance.

(CHAPTER 1, ARTICLE III, SECTION 1-101 cont.)

Municipal civil infraction violation notice shall mean a written notice prepared by an authorized official, directing a person to appear at the Township ordinance violations bureau for the purpose of paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.

Person means a natural person, or the principal, officer, Director, partner or agent of any other entity, wherein he or she acted in bringing about a violation or municipal civil infraction.

Repeat offense shall mean a determination of responsibility for second or any subsequent municipal civil infraction with regard to the same code provision committed by the same person.

Responsible or responsibility shall mean a voluntary admission or determination entered by a court or magistrate that a person is in violation of a provision of this Code prescribed to be a municipal civil infraction.

Violation shall mean any act which is prohibited or made or declared to be unlawful or an offense under this Code, including affirmative acts as well as omissions and/or failure to act where the act is required by this Code.

Zoning violation means any violation or municipal civil infraction of the sections of the Township Code adopted pursuant to Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended. A zoning violation is declared a nuisance per se in accordance with Section 407 of the Act.

(Ord. of 7-23-2001)

Sec. 1-102. Establishment of bureau.

A Township municipal ordinance violations bureau may be established by resolution of the Township Board for the purpose of accepting admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices. If established, the bureau shall be under the supervision and control of the Township Treasurer and Township Supervisor, subject to the review of the Township Board. The location of the bureau shall be as designated by the Township Treasurer. Payments made to the bureau shall be retained and accounted for as fines and costs, and shall be deposited in the general fund of the Township.

The fines and costs shall be in an amount in accordance with the schedule thereof for each offense in accordance with Section 1-108 herein or in accordance with amendments thereto as established by the Township Board resolution. The bureau is not authorized to alter the amount of the fines and costs or to adjudicate the violation in any way.

(Ord. of 7-23-2001)

Sec. 1-103. Violation notice; payment at municipal ordinance violations bureau.

- (a) Where a municipal ordinance violations bureau has not been established, authorized local officials may issue a violation notice for the commission of a civil infraction to any person responsible therefor under the law to obtain compliance prior to the issuance of a court citation.
- (b) Where a municipal ordinance violations bureau has been established in accordance with Section 1-102, authorized local officials may issue a violation notice for the commission of a civil infraction to any person responsible therefor under the law, provided:
 - (1) The violation notice form shall be approved by the state court administrator within the time allowed on the notice of civil infraction, the person or entity designated as responsible therefore may avoid the issuance of a court citation by the acknowledgment of responsibility on the notice, together with payment of the fines and costs, as prescribed on the established schedule of fines and costs, at the Township ordinance violations bureau, in person or by mail.
 - (2) Failure to pay the fines and costs within the time allowed on the notice may result in a court citation being filed pursuant to MCL 600.8707 and Section 1-106.

(Ord. of 7-23-2001)

(CHAPTER 1, ARTICLE III, cont.)

Sec. 1-104. Service of municipal civil infraction violation notice.

- (a) Except as provided in subparagraph (b), below, an authorized official shall personally serve a copy of the municipal civil infraction violation notice upon an alleged violator.
- (b) In a municipal civil infraction involving the use or occupancy of land or a building or other structure, a copy of the municipal civil infraction violation notice need not 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 notice shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

(Ord. of 7-23-2001)

Sec. 1-105. Grounds for issuance of violation notice or court citation.

The basis for issuance of a municipal civil infraction notice or court citation shall be as set forth below, as the case may be:

- (a) An authorized official who witnesses a person violate an ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation unless such official issues a municipal civil infraction violation notice.
- (b) An authorized official may issue a violation notice or a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction.
- (c) An authorized official may issue a violation notice or a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the Township Attorney for whom the authorized Township official is acting approves in writing the issuance of the citation.

(Ord. of 7-23-2001)

Sec. 1-106. Municipal civil infraction violations notice unresolved; issuance of court citation; service by first-class mail.

In the event a person does not comply after being served with a violation notice by admitting responsibility and paying the specified civil fine and costs prescribed for the respective violation where a municipal ordinance violations bureau has been established, a municipal civil infraction citation may be filed with the district court, in which case a copy of the citation shall be served by first-class mail upon the person charged with the municipal civil infraction at such person's last known address. The citation filed with the court shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the defendant how to respond to the citation. The citation shall comply with MCL 600.8707. The citation or complaint may contain a request by the Township Official or Township Attorney issuing it to the court that, upon the entry of a not responsible plea, the matter shall be set for a formal hearing. Without such designation by the Township Official or Township Attorney, the defendant shall have the option of an informal or formal hearing.

(Ord. of 7-23-2001)

Sec. 1-107. Failure to respond to court citation; Misdemeanor.

Failure to answer a court citation issued herein or a notice to appear in court is a misdemeanor punishable as provided in Section 1-010(a) of this Code. The issuance of a complaint for failure to appear before the court for a civil infraction court citation shall be in accordance with the procedures set forth by law and in this Code.

(Ord. of 7-23-2001)

(CHAPTER 1, ARTICLE III, cont.)

Sec. 1-108. Bureau schedule of fines and costs.

A Township Board resolution that establishes a municipal ordinance violations bureau shall also establish a schedule of fines and costs that shall apply where an admission of responsibility is made at the municipal ordinance violations bureau, which may be based on the type of offenses and provide for increased fines and costs for second and subsequent offenses by a person after an initial violation that occur within specified times of the initial or subsequent violations. The maximum fine under any such schedule shall be \$500.00 for each offense.:

(Ord. of 7-23-2001)