

Village of Lake Isabella - Codified Ordinances

Article II – Village Administration Chapter 222 – Municipal Civil Infractions

Ordinance 2011-13; September 27, 2011

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222.01 DEFINITIONS

For the purposes of Chapter 222 of the codified ordinances of the Village of Lake Isabella the following definitions shall apply;

- A. “Act” means Act. No. 236 of the Public Acts of 1960, as amended
- B. “Authorized village officer” means a police officer, code enforcement personnel or anyone designated by the Village Manager, or other personnel or anyone designated by this Code or any ordinance to issue municipal civil infraction citations.
- C. “Municipal civil infraction citation” means a written complaint or notice prepared by an authorized village officer, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

222.03 CIVIL INFRACTIONS: COMMENCEMENT

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

222.05 CIVIL INFRACTIONS: ISSUANCE AND SERVICE

Municipal civil infraction citations shall be issued and served by authorized village officers as follows:

1. The time for appearance specified in citations 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 village and issued to the alleged violator as provided by Section 8705 of the Act.

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4. A citation for a municipal civil infraction signed by an authorized village officer shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the officer signing the complaint and if the citation contains the following statement immediately above the date and signature of the officer: *“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 village officer 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.
6. An authorized village officer may issue a citation to a person if:
 - (A) Based upon investigation, the officer 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 officer has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or village attorney approved in writing the issuance of the citation.
7. Municipal civil infraction citations shall be served by an authorized village officer as follows:
 - (A) Except as provided by Chapter 222.07 (7)(B), an authorized village officer shall personally serve a copy of the citation upon the alleged violator.
 - (B) If the municipal civil infraction action involved 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 a posting of 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 know address.

222.07 CIVIL INFRACTIONS: 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 the court, the telephone number of the court, and the time at or by which the appearance shall be made.
2. The citation shall inform the alleged violator that he or she may do one of the following:
 - (1) Admit responsibility for the municipal civil infraction by mail, or 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.

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- (3) Deny responsibility for the municipal infraction by doing either of the following:
 - (A) Appearing in person for an informal hearing before a judge or district magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village.
 - (B) 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:
 - (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 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 schedule 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 village.
 - (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.
 - (5) 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.

(Ord. 2004-06, Dated: September 21st, 2004)

222.09 VIOLATIONS AND FINES

Unless a violation of this Code or any ordinance of the Village is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor or felony.

Municipal Civil Infractions shall have fines based on the following schedule:

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| Notice of Violation | Warning |
| 1 st Offense | \$100.00 Fine |
| 2 nd Offense | \$250.00 Fine |
| 3 rd Offense and all other repeat offenses. | \$500.00 Fine |

in the same calendar year.