

APPEARANCE TICKET

Ordinance No. 2000-3

Adopted: 10/9/2000

***Cross Reference(s) — Enforcement Officer**

An Ordinance enacted pursuant to Act 246, Public Acts of 1945, as amended, by Act 78, Public Acts of 1989, and as may be otherwise amended, and pursuant to Act 147, Public Acts of 1968, as amended by Act 366, Public Acts of 1984, and as may be otherwise amended, to authorize designated public servants of Fairfield Township to initiate enforcement action by the issuing of and serving appearance tickets with respect to a particular class of offenses or Ordinance violations of less than felony grade; and to generally provide for the public health, safety and general welfare of the persons and property of Fairfield Township; and to repeal all Ordinances and regulations or parts of Ordinances in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF FAIRFIELD, LENA WEE COUNTY MICHIGAN, ORDAINS:

2.01 Short title.

Sec. 1 . This Ordinance shall be known and referred to as the "Fairfield Township Appearance Ticket Ordinance."

2.02 Authority.

Sec. 2. The public servants hereafter designated shall have authority to issue and serve upon a person or entity an appearance ticket if the public servant has reasonable cause to believe that the person or entity has committed an offense of less than felony grade in violation of an Ordinance of Fairfield Township.

2.03 Fire Chief.

Sec. 3. The Fire Chief or Chiefs of Fairfield Township Fire Department from time to time appointed by the Township Board are hereby authorized to issue and serve appearance tickets within the Fire Chiefs respective territorial jurisdiction, with respect to a violation of any Township ordinance regulating burning in the Township, or any Fire Prevention Codes as may be adopted by the Township from time to time, or any other Ordinances, whether adopted prior to or subsequent to this Ordinance, where the Fire Chief or Fire Department is granted any authority with respect to said Ordinance.

2.04 Building Inspector.

Sec. 4. The Building Inspector and any Assistant Building Inspector as may be appointed by the Township Board from time to time is hereby authorized to issue and serve appearance tickets

with respect to a violation of the Township Zoning Ordinance and any building, mechanical, electrical, or plumbing codes or Ordinances which may be adopted from time to time by the Township Board, or any other Ordinances, whether adopted prior to or subsequent to this Ordinance where the Building Inspector is granted any authority with respect to said Ordinance.

2.05 Ordinance Enforcement Officer.

Sec. 5. An Ordinance Enforcement Officer or Officers, as duly appointed by the Township Board, is/are authorized to issue and serve appearance tickets with respect to violation of any Ordinance of Fairfield Township without regard to whether an Ordinance specifically designates the Ordinance Enforcement Officer, or a different authorized official or public servant of the Township, to enforce such Ordinance, or does not designate any particular official, enforcing officer, or servant.

2.06 Enforcement citations.

Sec. 6. The Township Supervisor or Township Clerk shall issue Ordinance enforcement appearance ticket books or forms obtained from the Lenawee County District Court to each Ordinance Enforcement Officer and other appointed public servants designated by the Township Board whose duties may include enforcement of Township Ordinances. Each citation book shall contain numbered appearance tickets which shall act as complaint or written notice upon which the officer or public servant shall record an occurrence involving one or more Township ordinance violations by the person or entity cited. The appearance ticket shall contain the name and address of an alleged violator and the violation charged. An arrest may not be made on the appearance ticket. The appearance ticket shall direct the alleged violator to appear in the Lenawee County District Court or some other appropriate court in the County of Lenawee on or before a designated future time in connection with the alleged commission of a specific violation or violations of Township ordinances. The appearance ticket shall consist of the following parts:

- A. the original that shall be a complaint or notice to appear issued by the authorized officer or public servant and which shall be filed with the appropriate court or other public body which may have jurisdiction over the alleged violation.
- B. The first copy shall be the abstract of court record.
- C. The second copy shall be retained for the Township records by the Enforcement Officer or other authorized public servant issuing the appearance ticket.
- D. The third copy shall be delivered to the alleged violator.

2.07 Issuance of citations.

Sec. 7. When a person or entity is confronted without a warrant by the Ordinance Enforcement Officer or other authorized public servant, for a violation of Township Ordinance, the confronting officer or other authorized public servant may, as an alternative to seeking a formal complaint and warrant, immediately prepare, issue and serve an Ordinance enforcement

appearance ticket, upon reasonable cause to believe that the person has committed an offense. If an appearance ticket is issued, the alleged violator shall receive the third copy of the appearance ticket. The alleged violator shall not be detained after the appearance ticket is served.

2.08 Duties subsequent to issuance of a citation.

Sec. 8. Immediately, or as soon as conveniently possible thereafter, the Ordinance Enforcement Officer or other authorized public servant, who has recorded the occurrence of an Ordinance violation and issued an appearance ticket, shall swear and subscribe to the contents of the appearance ticket before a duly commissioned Notary Public. The original of the appearance ticket shall then be promptly filed with the appropriate court or other public body which may have jurisdiction over the alleged violation specified in the appearance ticket, and the Fairfield Township attorney shall be provided with a copy of all appearance tickets and other forms, if any, which have been served upon an alleged violator. The filing of a sworn appearance ticket with the appropriate court or other public body shall constitute the filing of a sworn complaint, and further proceedings may be had thereon.

2.09 Procedures for taking guilty pleas.

Sec. 9. An alleged violator who has been served with a copy of an appearance ticket shall be given directions contained in the appearance ticket, which normally will include a personal appearance before a judge, magistrate, or other appropriate hearing officer, or which might include the opportunity to enter a guilty plea by mail. If allowed for the particular Ordinance violation, and if the appropriate court or other public body that may have jurisdiction over the alleged violation specified in the appearance ticket has adopted procedures permitting a guilty plea by mail. In no instance shall the alleged violator be required to enter a guilty plea by mail, or shall the Ordinance Enforcement Officer or other authorized public servant issuing the appearance ticket be required to offer the violator the opportunity to enter a guilty plea by mail.

2.10 Violation by and service upon non-individuals.

Sec. 10. The term alleged violator as used in this Ordinance includes any individual person, public corporation, private corporation, partnership and unincorporated or voluntary association. Any action alleged against a non-individual entity shall be carried on in the name of that non-individual entity and the name of the appropriate person responsible. An appearance ticket or complaint and warrant may be served, filed, or processed, as the case may be, upon or against any general partner in the case of a partnership or limited partnership; upon any officer, resident agent, director, trustee, agent, or person in charge of any office or business establishment in the case of a private corporation, public corporation, or unincorporated or voluntary association; upon the county clerk in the case of counties; upon the mayor, city clerk, or city attorney in the case of cities; upon the president, village clerk, or any of the trustees in the case of villages; upon the supervisor or Township clerk in the case of Townships; upon the president, secretary or treasurer in the case of school districts; upon the president or secretary in the case of the State Board of Education; upon the president, secretary, or other member of the governing body in the case of any corporate body or unincorporated board now or hereafter having charge or control of any state institution; and upon the president, chairman, secretary, manager or clerk in the case of

any other public body organized or existing under the Constitution or any law of the State of Michigan.

2.11 Prior and inconsistent Ordinances repealed.

Sec. 11. All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

2.12 Severability.

Sec. 12. This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses hereof are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected.

2.13 Effective date.

Sec. 13. This Ordinance shall become effective on the day following the day it, or a summary of it, is published in a newspaper of general circulation in Fairfield Township, said publication to occur within 30 days after its adoption.