

ORDINANCE ENFORCEMENT

An Ordinance enacted pursuant to Public Act 33 of 1951, as amended, Public Act 246 of 1945 as amended, and Public Act 147 of 1968 and Public Act 147 of 1970 as amended, and as may be otherwise and further amended, to authorize designated enforcement agents of Erie Township, to enforce the ordinances of Erie Township and to generally provide for and secure the public health, safety, and general welfare of the persons and property of Erie Township; and to repeal and replace the predecessor Erie Township Ordinance No. 80 and all ordinances and regulations or parts of ordinances in conflict hereof.

THE TOWNSHIP OF ERIE, MONROE COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1 - TITLE

This Ordinance shall be known and referred to as the "Erie Township Ordinance Enforcement Ordinance".

SECTION 2 - ENFORCEMENT AGENTS AND AUTHORITY

The Erie Township Chief of Police, all police officers of the Erie Township Police Department, the Fire Chief of the Erie Township Fire Department, any Ordinance Enforcement Officers of Erie Township, and any other public servants so authorized by the Township Board, are hereby designated as the "Enforcement Agents" with the designated authority to investigate circumstances which may involve violations of Erie Township ordinances, and to initiate enforcement action within the scope of the duties imposed and authority granted as provided by this Ordinance and/or the various ordinances of Erie Township as may be amended:

A. Chief of Police and Officers.

It is the duty of the Erie Township Chief of Police, and any other police officers of the Erie Township Police Department, to enforce the ordinances, rules and regulations of Erie Township, to investigate circumstances which may involve ordinance violations, to issue and serve appearance tickets for such violations or see that all continuing violators are otherwise prosecuted, and to take such other actions necessary to carry out those duties imposed by, and/or to enforce, the

provisions of this Ordinance and all other ordinances of the Township. In addition, the Chief of Police and any other police officers of the Erie Township Police Department, are under a duty, within their jurisdictional authority to enforce, and/or aid the Monroe County Sheriff's Department and the Michigan State Police Department in the enforcement of all state laws enforceable by certified peace officers. In addition, the Chief of Police and any other police officers of the Erie Township Police Department, are under a duty to enforce all state laws made applicable to and enforceable by Erie Township, and to enforce the provisions of the Uniform Traffic Code as adopted by Erie Township in Ordinance No. 79 as amended or as may be further adopted by any successor ordinance. The Chief of Police and any other police officers of the Erie Township Police Department, are hereby authorized and under a duty to make arrests when appropriate for any violations of any nature referred to in this Ordinance.

B. Fire Chiefs.

The Fire Chiefs of the Erie Township Fire Departments, as from time to time appointed by the Erie Township Board, are hereby authorized to investigate circumstances which may involve ordinance violations, to issue and serve appearance tickets for such violations or see that all continuing violators are otherwise prosecuted, and to take such other actions necessary to carry out and/or enforce the provisions of this Ordinance and all other ordinances, rules, and regulations of this Township as may from time to time be existing or amended, with respect to firefighting, fire prevention, fire safety and/or any other duties imposed on and authority granted to the Fire Chiefs by the various ordinances of Erie Township.

C. Building Inspector.

The Building Inspector and any Assistant Building Inspector as from time to time appointed by the Erie Township Board, are hereby authorized to investigate circumstances which may involve ordinance violations, to issue and serve appearance tickets for such violations or see that all continuing violators are otherwise prosecuted, and to take such other actions necessary to carry out and/or enforce the provisions of this Ordinance and all other ordinances, rules, and regulations of

this Township as may from time to time be existing or amended, with respect to the duties imposed on and authority granted to the Building Inspector by the various ordinances of Erie Township.

D. Ordinance Enforcement Officer and/or Public Servant

An Ordinance Enforcement Officer and/or any authorized public servant, as may be from time to time designated and duly appointed by the Erie Township Board, is/are hereby authorized to investigate circumstances which may involve ordinance violations, to issue and serve appearance tickets for such violations or see that all continuing violators are otherwise prosecuted, and to take such other actions necessary to carry out those duties imposed by, and to enforce, the various ordinances, rules, and regulations of this Township as may from time to time be existing or amended. Ordinance Enforcement Officers and any authorized public servants are hereby authorized to enforce and issue appearance tickets with respect to a violation of any ordinance of Erie Township without regard to whether said ordinance may specifically designate enforcement by the Ordinance Enforcement Officer, an authorized public servant, or a different authorized officer or official of the Township, or does not designate any particular official, officer or public servant. However, no Ordinance Enforcement Officer or authorized public servant shall have the authority to act with the Monroe County Sheriff's Department and the Michigan State Police Department in the enforcement of state laws enforceable by a certified police officer; nor shall they have the authority to enforce the provisions of the Uniform Traffic Code as adopted by Erie Township in Ordinance No. 79 or as may be further adopted and amended; nor shall they have the authority to make an arrest of any alleged violator of an ordinance or any state law.

SECTION 3 - ENFORCEMENT

The appropriate authorized Township Enforcement Agent shall promptly take the necessary steps to investigate the circumstances, upon receipt of information or knowledge that a violation of a Township ordinance is occurring or probably occurring. The Enforcement Agent may, when deemed appropriate in his or her discretion, first issue a warning letter to the violator describing the violation and corrective action to be taken within a specific time period prior to taking formal enforcement action. If a

warning letter is issued, no appearance ticket or complaint and warrant shall be processed or issued until after such time designated in the warning letter has lapsed and the violation continues, unless the nature of the violation has increased, worsened, enlarged, or a different type of violation occurs, or unless circumstances change prompting an earlier action. Any warning letter issued shall state a reasonable period of time (typically ten (10) days) to correct or cease the subject violation, however shall not provide for a period of more than ninety (90) days without the approval of the Township Supervisor. When a person or entity is confronted without a warrant by an Enforcement Agent for a violation of a Township ordinance, and in the Enforcement Agent's discretion, a warning letter is not appropriate, said Enforcement Agent may immediately prepare, issue and serve an ordinance enforcement appearance ticket citing the violator into the appropriate court of jurisdiction, or may as soon as possible thereafter, prepare a formal complaint and warrant to be served on the violator. If an appearance ticket is issued, the alleged violator shall receive the third copy of the appearance ticket and the alleged violator shall not be detained after the appearance ticket is served.

#### SECTION 4 - ORDINANCE VIOLATION CITATIONS (APPEARANCE TICKETS)

The Chief of Police, Township Supervisor or Township Clerk, may issue ordinance enforcement citation books containing appearance tickets, to each of the authorized Enforcement Agents of Erie Township designated by the Township Board or by the Township's ordinances whose duties include enforcement of Township ordinances. Each citation book shall contain consecutively numbered appearance tickets which shall act as a complaint and written notice upon which the Enforcement Agent shall record an occurrence involving one or more Township ordinance violations by the person or entity cited, and shall be in a form approved by the Michigan State Court Administrator's Office. The appearance ticket shall contain the name and address of the alleged violator and the violation charged. An arrest may not be made on the citation. The appearance ticket shall direct the alleged violator to appear in the Monroe County District Court, the Juvenile Division of the Monroe County Probate Court or any other Court with appropriate jurisdiction, on or before a designated future time in connection with the alleged commission of the specific violation or violations of the Township ordinances. The appearance ticket shall consist of the following parts:

1. The original (first sheet) shall be a complaint or a notice to appear issued by a Township Enforcement Agent and which shall be filed with the appropriate Court or other public body which has jurisdiction over the alleged violation.

2. The first copy (second sheet) shall be the abstract of Court record and also filed with the appropriate Court.
3. The second copy (third sheet) shall be retained by the Enforcement Agent issuing said appearance ticket for the Township records.
4. The third copy (fourth sheet) shall be delivered to the alleged violator.

#### SECTION 5 - DUTIES SUBSEQUENT TO ISSUANCE OF A CITATION

Immediately or as soon as conveniently possible thereafter, the authorized Enforcement Agent who has recorded the occurrence of an ordinance violation upon an appearance ticket, shall swear and subscribe to the contents of said appearance ticket before a duly commissioned Notary Public. The appearance ticket, less the third copy (fourth sheet) which is delivered to the alleged violator, shall then be delivered to the Chief of Police, or other person authorized by the Township Board to receive and process such appearance tickets, who shall deposit the original and first copy of said appearance ticket with the appropriate Court or other public body which may have jurisdiction over the alleged violation specified in the appearance ticket. The filing of a sworn appearance ticket with the appropriate Court or other public body shall constitute the filing of a sworn complaint upon which a Judge, Magistrate or other appropriate hearing officer may accept a plea of guilty or not guilty, and further proceedings may be had thereon.

#### SECTION 6 - CITATION OR APPEARANCE TICKET NOT USEABLE

If an ordinance enforcement appearance ticket is spoiled, mutilated or voided, it shall be endorsed with a full explanation thereof by the Enforcement Agent voiding such citation, and it shall be duly accounted for to the Chief of Police or the person authorized by the Township Board to receive and file the appearance tickets after they are issued.

#### SECTION 7 - AUTHORITY TO ARREST

Only the Chief of Police or such other certified police officers of the Erie Township Police Department shall have authority to arrest alleged violators of Township ordinances. The Township police officers may arrest said violators only pursuant to a warrant issued after an alleged violator has failed to appear and/or timely respond to an appearance ticket, or pursuant to a

warrant issued in conjunction with the authorization of a formal ordinance violation complaint after said complaint and request for warrant has been sworn to before the Monroe County District Court Magistrate, the Juvenile Division of the Monroe County Probate Court or such other appropriate Court or public body which may have jurisdiction over the alleged violation specified thereon. No Enforcement Agent of Erie Township other than a certified officer of the Erie Township Police Department shall have authority to arrest alleged violators of Township ordinances.

SECTION 9 - ENTRY OF PLEA UPON AN APPEARANCE TICKET

- A. 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 in the discretion of the Enforcement Agent, may include the opportunity and procedures to enter a guilty plea by mail, if allowed for the particular ordinance violation and the appropriate Court or other public body which 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 Enforcement Agent be required to offer the violator the opportunity to enter a guilty plea by mail.
- B. Should a person or entity appear at Court and plead not guilty to the alleged ordinance violation, the authorized Enforcement Agent who issued the appearance ticket shall work with the Erie Township Attorney in prosecuting the ordinance violation to its conclusion. His cooperation shall include further investigation, subpoena serving and filing, testifying in Court, and appearing for any further sentencing or hearing unless excused by the Erie Township Attorney.
- C. Should a person not appear at Court to offer a plea of any kind within the time when an appearance ticket is returnable or when a response to a formal complaint and warrant is required, the Township Enforcement Agent shall either immediately take such steps to process a warrant and then may either procure a Township police officer to arrest the alleged violator and bring him or her before the appropriate Court or public body of proper jurisdiction, or shall send written notice or issue

verbal notification to the alleged violator that he or she will have ten (10) days to turn himself or herself in on the ordinance violation or that a Township police officer will arrest the violator, or cause him or her to be arrested.

#### SECTION 10 - RECORD OF ORDINANCE VIOLATIONS

The Chief of Police, or an appointee designated by the Township Board, shall maintain or cause to be maintained, a record of all warning letters, ordinance violation appearance tickets, and complaints and warrants. There shall also be maintained, or caused to be maintained, a record of the final disposition of all such warning letters, appearance tickets and complaints and request for warrants. If directed by the Township Board, the Chief of Police or an appointee designated by the Township Board, shall provide a monthly report to the Township Board indicating (1) a record of all issued warning letters, appearance tickets and complaints and request for warrants, (2) the status of all previously issued warning letters, appearance tickets and complaints and requests for warrants, and (3) the final disposition of all finally resolved warning letters, appearance tickets and complaints and request for warrants.

#### SECTION 11 - NON-INDIVIDUALS

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 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 for that entity. A warning letter, 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, on 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 associations, 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 the 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.

SECTION 12 - PRIOR AND INCONSISTENT ORDINANCES REPEALED

The Erie Township Ordinance No. 80 is hereby repealed, and all ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

SECTION 13 - SEVERABILITY

This Ordinance, the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses are declared invalid.

SECTION 14 - EFFECTIVE DATE

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 the Township of Erie.

I, Gayle A. Burlen, Township Clerk of the Township of Erie, do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township board held at the Erie Township Hall, Erie, Michigan, on the 8th day of June, 1993.

Vote on said Ordinance, 5 members being present and 0 members being absent, was as follows:

Member's Last Name

Voting in favor: 5

Dusseau

Burlen

Norts

Cousino

Gordy

Voting Against: 0

Abstained: 0

Absent: 0

Gayle A. Burlen  
Gayle A. Burlen,  
Township Clerk

ATTEST:

Margaret M. Dusseau  
Margaret M. Dusseau,  
Township Supervisor

I, Gayle A. Burlen, Township Clerk of the Township of Erie, do hereby certify that this Ordinance, or a summary of it, was published on the 24th day of June, 1993, in the Monroe Evening News, of the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days of adoption of the Ordinance.

Gayle A. Burlen  
Gayle A. Burlen,  
Erie Township Clerk

ATTEST:

Margaret M. Dusseau  
Margaret M. Dusseau,  
Erie Township Supervisor

ADOPTION DATE: June 8, 1993

PUBLICATION DATE: June 24, 1993

EFFECTIVE DATE: June 25, 1993

ERIE TOWNSHIP

GUILTY PLEA BY MAIL - FINE SCHEDULE

APPEARANCE TICKETS MAY BE WRITTEN FOR ALL ORDINANCE VIOLATIONS

PLEA BY MAIL is available for the following violations in the discretion of the Ordinance Enforcement Agent or other authorized public servant:

<u>ORDINANCE</u>	<u>FINES</u>		
	<u>1st Offense</u>	<u>2nd Offense Within 2 yrs</u>	<u>3rd Offense Within 2 yrs</u>
1. #1 Junk Yards	50	100	100
2. #15 Swimming Pool Enclosures	50	100	100
3. #17 Elimination of Box Elder Trees	25	50	100
4. #31 and #31-A Blight	50	50	100
5. #34 Excess Noise & Smoke	25	50	100
6. #35 Liquor Control	50	100	100
7. #38 Littering	25	50	100
8. #51 Door to Door Salesmen	25	50	100
9. #52 and #52-A Watercraft Speed Control	25	50	100
10. #53 Dike Protection	100	200	500
11. #62 Dangerous Buildings	25	50	100
12. #66 Alcohol in Parks	25	50	100
13. #66-A Loitering in Parks	25	50	100
14. #70 and #70-A Noxious Weeds	25	50	100
15. #73 and #73-A Parking & Speeding at Mason Schools	25	50	100
16. #74 Trespass at Mason Schools	25	50	100
17. #82 Fireworks	50	100	200
18. #83 Sanitary Landfill	50	100	200
19. #89 Construction & Building Codes	50	100	200
20. #90 Nudity	25	50	100