

ORDINANCE # 2015-01

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 2012-01
TO CLARIFY THE METHOD OF SERVICE AND
TO ESTABLISH CERTAIN CIVIL FINES**

The Village of Ashley ordains:

1. Section 3. of Ordinance number 2012-01 is hereby amended to read as follows:

Sec. 3. Municipal civil infraction citations; issuance and service.

Municipal civil infraction citation shall be issued and served by authorized village officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in the citation shall be the district court.
- (c) 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 (MCL 600.8705).
- (d) A citation for a municipal civil infraction signed by an authorized village official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (e) An authorized village official who witnesses a person commit a civil infraction shall prepare and subscribe as soon as possible and as completely as possible, an original and required copies of a citation.
- (f) An authorized village official may issue a citation to a person if:
 - 1. Based on investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - 2. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or village attorney approves in writing the issuance of the citation.
- (g) Municipal civil infraction citations shall be served by an authorized village official as follows:
 - 1. Except as provided by subsection (g).2. below, an authorized village official shall personally serve a copy of a citation upon the alleged violator.
 - 2. If an municipal civil infraction action involves 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 posting the copy on the land or attaching a copy to the building or structure. In addition, a copy

3. **Separability.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
4. **Ordinances Repealed.** All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.
5. **Effective Date.** This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village council.

Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, held September 15, 2015.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2015-01 of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on September 15, 2015 and published in a newspaper circulated within the Village on September 27, 2015, not less than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 15th day of September, 2015.

Steven Moffit
Its President

Shelly Moffit
Its Clerk