CHAPTER 1

ADOPTION - CONTENTS AND INTERPRETATION

1.1 Short Title. This Ordinance shall be known as the Oakfield Township Code or the Code.

1.2 Contents. This Code contains all ordinances of the Township of Oakfield, except the Township Zoning Ordinance and ordinances granting franchises to public utilities in the Township.

1.3 Definitions. The following words and phrases shall have the following meanings, except in those instances where the context clearly indicates a different meaning:

(1) "Person" shall include any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit, or the agent of any of such persons or entities.

(2) "Public place" shall mean any place upon which the public travels or resorts, whether such place is owned or controlled by the Township or any agency of the State of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, expressed or implied.

(3) "Street, highway and alley" shall mean the entire width, subject to an easement for public right-of-way or owned in fee by the Township, County, State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public, as a matter of right, for purposes of public travel.

1.4 Title of Officer to Include Deputy or Subordinate. Whenever, by the provisions of this Code, any officer of the Township is assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer, his deputy, any authorized Township employee or the designee of the Supervisor.

1.5 Notice. Whenever notice is required by any act, condition or any other matter pursuant to this Code then such notice shall be served as follows:

(1) By delivery of the notice to the owner or person to be notified personally or by leaving the same at his residence, office or place of business with some person of suitable age and discretion, or

(2) By mailing said notice by certified or registered mail to said owner at his last known address, or

(3) If the owner is unknown, by posting said notice in some conspicuous place on the premises for five days.

No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Township officer unless permission is given by said officer to remove said notice.

1.6 Penalties.

(1) Every person convicted of a violation of Sections 3.1, 3.2 or 4.6 of this Code, or who shall be convicted of ignoring a stop work order properly issued by a Township building official pursuant to the building codes adopted by reference in Chapter 2 of this Code, shall be guilty of a misdemeanor, and subject to a fine of not more than $500.00 and costs of prosecution or by imprisonment for not more than 90 days, or both such fine and imprisonment in the discretion of the court. Each act or violation and every day upon which such violation occurs shall constitute a separate offense.

(2) A violation of, or failure to comply with, any provision of this Code not designated to be a misdemeanor is a municipal civil infraction, for which the fine shall be not less than the $250.00 for the first offense and not less than $500.00 for subsequent offenses, in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this subsection, "subsequent offense" means a violation of a provision of this Code committed by the same person within six months of a previous violation of the same provision of this Code for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

(3) The penalties provided in this section, unless another penalty is expressly provided, shall apply to any amendment of or addition to this Code whether or not such penalty is made a part of such amendment or addition.

1.7 Severability. It is the legislative intent of the Township Board in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the Township and 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 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 working of this section is set forth on the amendatory section.

1.8 Aiding and Abetting. Any person who procures, counsels, aids, assists, promotes, encourages or abets any other person in the violation of any provision or section of this Code may be prosecuted and tried as if he had directly violated such provisions or sections.

1.9 Attempt. Any person who shall attempt to commit the violation of any provision or section of this Code, and in such attempt shall do any act toward the commission of such violation, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, may be prosecuted and tried for such attempt.

1.10 Civil Infraction Citations.

(1) **Authorization to Issue Citations.**

(a) The Township Supervisor is authorized to issue citations for any violation of any Township Ordinance, including the Zoning Ordinance, which is designated to be a municipal civil infraction if the Supervisor has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

(b) The Township Building Officials are authorized to issue citations for civil infractions for violations of those building codes which that Official is responsible for administering and enforcing if the Official has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

(c) The Township Zoning Administrator is hereby authorized to issue citations for civil infractions for violations of the Zoning Ordinance which the Zoning Administrator has reasonable cause to believe an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed said infraction.

(2) **Form of Citation.** Civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

(3) **Service.** Civil infraction citations shall be served upon the alleged violator as provided by law.

(4) **Appearance.** Civil infraction citations shall require appearance at the District Court within a reasonable time after the citation has been issued.

(5) **Procedures.** The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

1.11 Authorization to Issue Appearance Tickets. For violations of this Code which are punishable as misdemeanors, the issuance of appearance tickets, pursuant to Act 175 of the Public Acts of Michigan of 1927, as amended, being MCL 764.9a-764.9g, is hereby authorized as follows:

(1) The Township Supervisor may issue an appearance ticket if the Supervisor has reasonable cause to believe that a person has violated any Township ordinance.

(2) The Township building inspector may issue an appearance ticket if the inspector has reasonable cause to believe that a person has violated a Township building code for which such official is responsible for enforcement.