

ORDINANCE 20260813.A

AMENDED AND RESTATED MUNICIPAL CIVIL INFRACTIONS AND MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

An ordinance to provide for the enforcement of Helena Township ordinance violations through municipal civil infraction citations and municipal civil infraction violation notices; to establish a Municipal Ordinance Violations Bureau; to authorize certain Township officials to issue municipal civil infraction citations and violation notices; to establish civil fines, costs, and procedures; to provide for continuing violations and other enforcement remedies; to repeal conflicting ordinances or parts of ordinances; and to provide an effective date.

THE TOWNSHIP OF HELENA, ANTRIM COUNTY, MICHIGAN, ORDAINS:

Section 1. Title.

This Ordinance shall be known and may be cited as the “Helena Township Municipal Civil Infractions and Municipal Ordinance Violations Bureau Ordinance.”

Section 2. Purpose.

The purpose of this Ordinance is to provide a clear and uniform procedure for enforcing Helena Township ordinances that designate violations as municipal civil infractions, including violations of the Helena Township Zoning Ordinance, permit requirements, and other Township ordinances as applicable.

This Ordinance is intended to allow the Township to issue municipal civil infraction citations and municipal civil infraction violation notices, to collect civil fines and costs where permitted by law, and to preserve all other enforcement remedies available to the Township.

Section 3. Definitions.

As used in this Ordinance:

A. “Act” means Act 236 of the Public Acts of 1961, as amended, being the Revised Judicature Act of 1961, MCL 600.101 et seq., including Chapter 87, Municipal Civil Infractions.

B. “Authorized Township Official” means a person authorized by this Ordinance, by another Township ordinance, or by resolution of the Township Board to issue municipal civil infraction citations or municipal civil infraction violation notices.

C. “Bureau” means the Helena Township Municipal Ordinance Violations Bureau established by this Ordinance.

D. “Citation” or “Municipal Civil Infraction Citation” means a written complaint or notice prepared by an Authorized Township Official directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation.

E. “District Court” means the 86th District Court serving Antrim County, Michigan, or any successor court of competent jurisdiction.

F. “Municipal Civil Infraction Action” means a civil action in which a person is alleged to be responsible for a municipal civil infraction.

G. “Municipal Civil Infraction Violation Notice” or “Violation Notice” means a written notice, other than a citation, prepared by an Authorized Township Official directing a person to appear at the Bureau and pay the fine and costs, if any, prescribed for the violation.

H. “Township” means Helena Township, Antrim County, Michigan.

I. “Township Board” means the Helena Township Board of Trustees.

J. “Township Ordinance” means any ordinance adopted by Helena Township, including the Helena Township Zoning Ordinance.

Section 4. Authorized Township Officials.

Unless prohibited by law or unless otherwise provided by a specific Township ordinance, the following persons are authorized to issue and serve municipal civil infraction citations and municipal civil infraction violation notices for violations of Township ordinances designated as municipal civil infractions:

A. Township Zoning Administrator;

B. Township Ordinance Enforcement Officer;

C. Township Supervisor;

D. Township Clerk;

E. Township Fire Chief, or Fire Department official designated by the Township Board, for fire prevention, fire safety, or emergency access-related ordinance violations;

F. Township Building Official, inspectors, or contracted inspectors acting on behalf of the Township;

G. Antrim County Sheriff’s Office deputies or other law enforcement officers with jurisdiction;

H. Any other Township officer, employee, agent, or contracted enforcement official designated by the Township Board.

Section 5. Municipal Civil Infraction Action; Commencement.

A municipal civil infraction action may be commenced upon the issuance by an Authorized Township Official of either:

- A. A Municipal Civil Infraction Citation directing the alleged violator to appear in District Court; or
- B. A Municipal Civil Infraction Violation Notice directing the alleged violator to appear at the Bureau and pay the scheduled fine and costs, if any.

Section 6. Municipal Civil Infraction Citations; Issuance and Service.

- A. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued, as determined by the District Court.
- B. The place for appearance specified in a 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, if such form is required. The original citation shall be filed with the District Court. Copies shall be retained by the Township and served upon the alleged violator as required by law.
- D. A citation signed by an Authorized Township Official shall be treated as made under oath if the violation alleged occurred in the presence of the official signing the citation and if the citation contains the statement required by law.
- E. An Authorized Township Official who witnesses a person committing a municipal civil infraction shall prepare and subscribe the original and required copies of a citation as soon as reasonably possible.
- F. An Authorized Township Official may issue a citation to a person if:
 - 1. Based upon 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 another person who allegedly witnessed the violation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction, and the Township attorney or prosecuting attorney approves issuance of the citation required by law.
- G. Service of citations shall be made as follows:
 - 1. Except as otherwise provided in this section, an Authorized Township Official shall personally serve a copy of the citation upon the alleged violator.
 - 2. If the municipal civil infraction action involves the use or occupancy of land, a building, structure, or other premises, a copy of the citation may be served upon an owner or occupant of the land,

building, structure, or premises by posting the copy on the property 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 record at the owner's last known address.

Section 7. Municipal Civil Infraction Citations; Contents.

A municipal civil infraction citation shall contain the information required by law, including, where applicable:

- A. The name and address of the alleged violator;
- B. A description of the municipal civil infraction alleged, including the specific ordinance and section violated, if known;
- C. The address or location where the alleged violation occurred, if different from the address of the alleged violator;
- D. The amount of scheduled fines and costs, if applicable;
- E. The place where the alleged violator shall appear in court;
- F. The telephone number of the court and the time at or by which the appearance shall be made;
- G. A statement explaining the alleged violator's options to admit responsibility, admit responsibility with explanation, or deny responsibility;
- H. A statement explaining informal and formal hearing rights;
- I. A notice in boldface type that failure to appear within the specified time, or at the time scheduled for a hearing or appearance, may result in entry of a default judgment and any other consequence authorized by law;
- J. The name of Helena Township as plaintiff; and
- K. The signature of the Authorized Township Official.

Section 8. Municipal Ordinance Violations Bureau Established.

- A. The Township hereby establishes the Helena Township Municipal Ordinance Violations Bureau as authorized by law.
- B. The Bureau shall be located at the Helena Township Hall, 8751 Helena Road, Alden, Michigan 49612, or at such other location as may be designated by the Township Board.

C. The Bureau shall be under the supervision and control of the Township Clerk, or another Bureau Clerk designated by the Township Board.

D. Subject to Township Board approval, the Bureau Clerk may adopt administrative rules and procedures for operation of the Bureau and may designate qualified Township employees or officials to assist in administering the Bureau.

Section 9. Bureau Authority and Limitations.

A. The Bureau may accept admissions of responsibility for municipal civil infractions for which a scheduled fine has been established and for which a municipal civil infraction violation notice has been issued.

B. The Bureau may collect and retain civil fines and costs as prescribed by this Ordinance, by another applicable ordinance, by Township Board resolution, or by court order.

C. The Bureau shall not accept payment from a person who denies responsibility or who admits responsibility only with explanation.

D. The Bureau shall not determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

E. The fact that a fine has been scheduled for a violation does not entitle any person to dispose of the violation at the Bureau.

F. Nothing in this Ordinance prevents the Township from issuing a municipal civil infraction citation, seeking court enforcement, seeking injunctive relief, abatement, nuisance enforcement, or pursuing any other remedy authorized by law.

Section 10. Municipal Civil Infraction Violation Notices.

A. Municipal civil infraction violation notices may be issued and served by Authorized Township Officials under the same general circumstances as citations.

B. A violation notice shall include:

1. The name and address of the alleged violator, if known;
2. The address or location of the alleged violation;
3. A description of the violation and the ordinance section violated, if known;
4. The amount of the scheduled fine and costs;
5. The time by which the alleged violator must appear at the Bureau;

6. The methods by which appearance and payment may be made;
7. The address, telephone number, and office hours of the Bureau; and
8. The consequences for failure to appear and pay the required fine within the required time.

C. An alleged violator receiving a violation notice may appear at the Bureau and pay the specified fine and costs at or before the time specified in the violation notice.

D. Appearance may be made by mail, in person, or by representation, unless otherwise required by law or Township procedure.

E. If an admission of responsibility is not made, or if the scheduled fine and costs are not paid, the Township may issue and serve a municipal civil infraction citation and proceed in District Court.

Section 11. Civil Fines and Costs.

A. Unless a different schedule of civil fines is provided by another applicable ordinance, Township Board resolution, or court order, the civil fines for municipal civil infraction violation notices paid through the Bureau shall be:

1. First violation: \$150.00
2. Second violation: \$250.00
3. Third violation: \$400.00
4. Fourth or subsequent violation: \$500.00

B. Unless a different schedule of civil fines is provided by another applicable ordinance, Township Board resolution, or court order, the civil fines for municipal civil infraction citations filed with the District Court shall be:

1. First offense: \$250.00
2. Second offense: \$400.00
3. Third or subsequent offense: \$500.00

C. A repeat violation means a second or subsequent violation of the same ordinance requirement committed by the same person or occurring on the same property within a twelve-month period.

D. In addition to civil fines, the Township may recover costs, damages, expenses, attorney fees, abatement costs, and other sanctions as authorized by law, ordinance, resolution, or court order.

E. Each day that a violation continues shall constitute a separate violation, unless otherwise provided by ordinance or determined by a court of competent jurisdiction.

Section 12. Zoning Ordinance and Permit Violations.

A. A violation of the Helena Township Zoning Ordinance, including but not limited to construction, erection, alteration, enlargement, relocation, use, or occupancy of land, buildings, structures, or improvements without required zoning approval, permit, or compliance, may be enforced as a municipal civil infraction when designated by the Zoning Ordinance or other applicable Township ordinance.

B. Nothing in this Ordinance limits the Township's authority to seek abatement, injunctive relief, nuisance per se enforcement, permit compliance, restoration, removal, or any other remedy available under the Michigan Zoning Enabling Act, the Revised Judicature Act, the Township's ordinances, or other applicable law.

C. Payment of a civil fine does not authorize continuation of a violation and does not waive the requirement to obtain permits, approvals, inspections, compliance, removal, correction, or restoration.

Section 13. Records and Accounting.

A. The Bureau Clerk or other designated Township officials shall keep records of all municipal civil infraction violation notices, admissions of responsibility, fines, costs, and payments received.

B. Records shall be retained in accordance with applicable record retention schedules.

C. Civil fines and costs collected by the Bureau shall be delivered to the Township Treasurer at intervals established by the Township Board or as otherwise required by law.

D. Funds retained by the Township shall be deposited into the Township's general fund or other lawful fund designated by the Township Board.

Section 14. Other Enforcement Options.

Nothing in this Ordinance shall require the Township to proceed by municipal civil infraction violation notice or municipal civil infraction citation. The Township may, in its discretion, pursue any enforcement remedy authorized by law, including but not limited to court action, injunctive relief, nuisance abatement, permit enforcement, stop-work direction where authorized, cost recovery, or criminal enforcement where applicable.

Section 15. Applicability of State Law.

If this Ordinance is silent as to any procedural requirement, or if any provision conflicts with applicable state law, state law shall govern.

Section 16. Severability.

The provisions of this Ordinance are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 17. Replacement and Repeal.

This Ordinance replaces in its entirety any prior Helena Township ordinance governing civil infractions. All other ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 18. Effective Date.

This Ordinance shall take effect thirty (30) days after publication, or publication of a summary, as required by law following adoption by the Helena Township Board.

ROLL CALL VOTE:

YEAS: 5

NAYS: 0

ABSENT: 0

ABSTAIN: 0

ORDINANCE DECLARED ADOPTED.

HELENA TOWNSHIP

By: /s/ C.C. Peeples, Township Supervisor
C.C. "Butch" Peeples, Supervisor

By: /s/ Oryana Leffew, Township Clerk
Oryana Leffew, Clerk

Adopted: August 13, 2026

Published: August 27, 2026

Effective: September 26, 2026

CERTIFICATION

I, Oryana Leffew, Clerk of Helena Township, Antrim County, Michigan, certify that the foregoing is a true and complete copy of an ordinance adopted by the Helena Township Board at a regular/special meeting held on August 13, 2026. The ordinance, or a summary of the ordinance, was published in a newspaper of general circulation within Helena Township on August 27, 2026.

/s/ Oryana Leffew

Oryana Leffew
Helena Township Clerk