

# SEVILLE TOWNSHIP

8143 W. Madison Road, P.O. Box 222

Elwell, MI 48832

[www.SevilleTownship.com](http://www.SevilleTownship.com)

## Board Meeting Minutes

**Date:** 1/25/2024

**Time:** 6:00 PM

**Location:** Seville Township Hall  
8143 W. Madison Road  
Elwell, MI 48832

**MEETING TYPE**     Regular     Special  
**MINUTES TYPE**     Proposed     Approved

### I. Call To Order

The meeting was called to order at 6:20 PM

### II. Pledge of Allegiance

### III. Roll Call

Board Member Attendance:

Patricia (Tish) Mallory	Supervisor	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Ashlee Gibson-Smith	Treasurer	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Ann Moomey	Clerk	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Doug Brecht	Trustee	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Michale Miller	Trustee	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Other Township Attendees:

Linda Kresnak	Zoning Admin.	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Amy Densmore	Deputy Clerk	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
Jim Mulder	Cemetery Mgr.	<input type="checkbox"/> Present	<input checked="" type="checkbox"/> Absent

### IV. Approval of Agenda

**Action requested:** Motion to amend/approve the **agenda** as suggested.

<b>Motion</b>	Miller	
<b>Support</b>	Gibson-Smith	
<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
	5	0

### VI. Public Comment. Comments were provided and summarized as follows:

- **Deb Parker.** Shared a handout identifying various questions/concerns regarding the building of a new Township Hall.
- **Robert Leiter.** Shared a map and a handout regarding the building of a new Township Hall.
- **Sherry Root.** Suggested that the Elwell Park would be a good location for the new Township Hall.
- **Bernie Shaver.** Offered various suggestions on the layout, dimensions and amenities under consideration for the new Township Hall.
- **Robert Lombard.** Stated that he felt the community members were too much into the details. He noted that the Township members elected the Board to handle these decisions. He offered his support for the placement of the proposed Township Hall on Lincoln Road; he reiterated his support for the work the Township Board is doing.
- **Rosalie Brush.** Asked if the website could be updated with the minutes. [**Mallory** responded

that the minutes are available on the website].

**VII. Approval of Minutes**

**Action requested:** Motion to approve the **01/10/2024 Board Minutes as presented.**

<b>Motion</b>	Brecht		
<b>Support</b>	Miller		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**VIII. Old Business**

**a. Township Hall Discussion:**

- i. **Option 1: Retain Current Township Hall.** Mallory suggested the Board first review and discuss the bid received related to renovations to the current Township Hall. The board discussed the information and noted that they felt adequate due diligence was conducted to determine that improving the current Township Hall was not a viable option.
- ii. **Option 2: Construct a New Township Hall.** Board discussed the total budget available and discussed what items have been paid (to date) and what expenses are anticipated in addition to any that appear in the revised bids received thus far. One builder, Lott Construction (Rob Lott, owner) was present and engaged with the board (and community members) to answer questions. Based on the revised bids received, the Board felt it was not yet feasible to take formal action as it did not appear the funds available would be adequate to cover the expenses, as currently projected. Board discussed reducing the size of the multi-purpose room and provided a rough sketch to Mr. Lott. Board also discussed not having revised official blueprints drawn up until at least the next meeting as it does not make sense until the building is in a size and cost that appears to meet the proposed budget the Board has allotted for the project. Mallory stated that she would reach out to the other 2 builders that were not present at the meeting to let them know of the reduced plan (as roughly sketched) and request revised bids to be received before the next Board meeting, scheduled for February 14, 2024.

**IX. New Business.**

**Ordinance Discussion.** Significant discussion was held regarding the Township blight issues. Mallory distributed and discussed the documents received from the lawyer representing the Township indicating that they (the attorneys) determined revisions to ordinances were necessary in order to effectuate the necessary changes and enable the Township to proceed in a manner that will have the weight and support of the law.

**Action requested:** Motion to adopt the **Resolution to Adopt an Ordinance to Amend Ordinances to Impose Civil Infraction Penalties** as drafted and prepared by the Township attorney.

<b>Motion</b>	Miller		
<b>Support</b>	Brecht		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**Action requested:** Motion to adopt the **Ordinance to Amend Ordinances to Impose Civil Infraction Penalties** as drafted and prepared by the Township attorney.

<b>Motion</b>	Miller		
<b>Support</b>	Brecht		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**Action requested:** Motion to adopt the **Resolution to Adopt Municipal Civil Infraction Ordinance** as drafted and prepared by the Township attorney.

<b>Motion</b>	Mallory		
<b>Support</b>	Gibson-Smith		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**Action requested:** Motion to revise and approve the **Municipal Civil Infraction Ordinance** as drafted and prepared by the Township attorney.

<b>Motion</b>	Mallory		
<b>Support</b>	Miller		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**Additional Discussion: Mallory** indicated that Gratiot County Under Sheriff, Roy McCollum, will attend the next Township Board meeting and be available to discuss blight and other areas with the Board members.

**MTA Conference. Mallory** shared that the Michigan Township Association (MTA) Conference is scheduled for April 22-24, 2024, in Traverse City. The Board reviewed the itinerary and sessions.

**Action requested:** Motion to approve Township representation at the MTA Conference.

<b>Motion</b>	Miller		
<b>Support</b>	Brecht		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**VI. Public Comment**

- **Bernie Shaver.** Noted that he still has concerns whether the revised square footage for the proposed Township Hall could come in at the budgeted amount.
- **Deb Parker.** Noted that she appreciated that the Township is Board is trying to clean-up the Township but suggested that the Board look for ways to help its citizens that are struggling.
- **Sherry Root.** Shared that she is excited to hear about the Board’s approval of a civil infraction ordinance. She shared a story about a noise concern she experienced. She asked the Board if Dave Owens would be the one to talk to about getting a Gratiot County ordinance in place.

**VII. Final Board Comments**

Board members affirmed to Ms. Root that Dave Owens is the appropriate individual to contact to discuss and request that the County consider implementing a noise ordinance..

**VIII. Adjournment**

**Action requested:** Motion to adjourn.

<b>Motion</b>	Brecht		
<b>Support</b>	Miller		
	<b>VOTE</b>	<b>AYES</b>	<b>NAYS</b>
		5	0

**Minutes Certification:**

**PROPOSED** minutes respectfully submitted:



01/25/2024

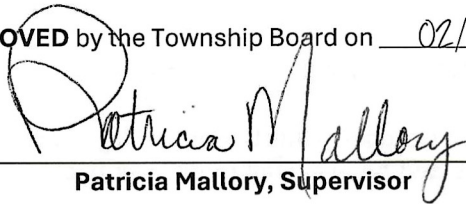
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Amy Van Atten-Densmore, Deputy Clerk

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Date

**APPROVED** by the Township Board on 02/14/2024

  
Patricia Mallory, Supervisor

2/14/24

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Date



02/14/2024

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Ann Moomey, Clerk  
Amy Van Atten-Densmore, Deputy Clerk

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Date

APPROVED

**TOWNSHIP OF SEVILLE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND ORDINANCES TO IMPOSE CIVIL INFRACTION  
PENALTIES**

**Seville Township ordains:**

**Section 1. Purpose.**

The purpose of this Ordinance is to ensure uniformity of imposing penalties for municipal civil infractions by amending several Seville Township ordinances to impose penalties pursuant to the Seville Township Municipal Civil Infractions Ordinance.

**Section 2. Amendment to Domestic Animal and Livestock Ordinance.**

The Seville Township Domestic Animal and Livestock Ordinance is amended to insert a new Section 5 and to renumber the subsequent sections. The new Section 5 reads as follows:

**Section 5. Penalty.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 3. Amendment of Blight Ordinance.**

Section 8(A) of the Seville Township Blight Ordinance is amended in its entirety to read as follows:

**Section 8. PENALTIES AND ENFORCEMENT.**

A. Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 4. Amendment of Ordinance for the Regulation and Control of Campers.**

A. Section 5 of the Seville Township Ordinance for the Regulation and Control of Campers is repealed.

B. Section 6 of the Seville Township Ordinance for the Regulation and Control of Campers is amended in its entirety to read as follows:

**Section 6: Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

C. All sections of the Seville Township Ordinance for the Regulation and Control of Campers are renumbered as necessary.

**Section 5. Amendment of Cemetery Ordinance.**

Section 15 of the Seville Township Cemetery Ordinance is amended in its entirety to read as follows:

**Section 15: Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 6. Amendment of Dangerous Buildings Ordinance.**

Section 8 of the Seville Township Dangerous Buildings Ordinance is amended in its entirety to read as follows:

**Section 8: Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 7. Amendment of Noise Ordinance.**

The Seville Township Noise Ordinance is amended to insert a new Section 2 and to renumber the subsequent sections. The new Section 2 reads as follows:

**Section 2. Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 8. Severability.**

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity of all other sections of this Ordinance.

**Section 9. Repealer.**

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance.

**Section 10. Effective Date.**

This Ordinance takes effect 30 days after publication of this Ordinance or of a summary of it as permitted by law.

ADOPTED.

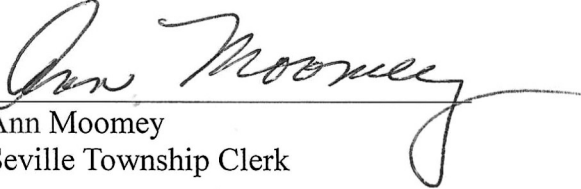
YEAS: 5

NAYS: 0

STATE OF MICHIGAN     )  
  ) ss  
COUNTY OF GRATIOT    )

**Clerk's Certification**

I, Ann Moomey, the duly elected, qualified and acting Clerk of the Township of Seville, Gratiot County, certify that the above Ordinance was adopted at a regular meeting of the Seville Township Board held at the Seville Township Hall, on the 25th day of January, 2024, by a majority of the members of the board presenting and voting.

  
\_\_\_\_\_  
Ann Moomey  
Seville Township Clerk

**TOWNSHIP OF SEVILLE**

**RESOLUTION TO ADOPT AN ORDINANCE TO AMEND ORDINANCES TO IMPOSE CIVIL INFRACTION PENALTIES**

**RESOLUTION NO.** \_\_\_\_\_

At a meeting of the Township Board of the Township of Seville (the "Township"), Gratiot County, Michigan, held at the Township Hall in the Township on January 25, 2024, at 6:00 p.m.

PRESENT: Brecht, Miller, Mallory, Moomey, Gibson-Smith

ABSENT: None

The following resolution was offered by Miller and supported by Brecht.

**WHEREAS**, Chapter 87 of Public Act 326 of 1961, MCL 600.8701 *et seq.*, as amended, authorizes a township to penalize violations of its ordinances as municipal civil infractions and assess fines for such infractions; and

**WHEREAS**, the Township adopted the Seville Township Municipal Civil Infractions Ordinance to regulate the process of issuing municipal civil infraction citations, commencing a municipal civil infraction citation action, and providing penalties for municipal civil infraction; and

**WHEREAS**, the Township desires to address violations of its ordinances in a uniform manner; and

**WHEREAS**, the Township desires to amend its several ordinances to be subject to the provisions of the Seville Township Municipal Civil Infractions Ordinance; and

**WHEREAS**, the Township has determined that adopting the Ordinance is in the best interest of the health, safety, and welfare of Township residents.



**NOW, THEREFORE,** the Township Board of Township of Seville, Gratiot County, Michigan, resolves as follows:

1. Ordinance No. \_\_\_\_\_, Ordinance to Amend Several Ordinances to Impose Penalties (the "Ordinance"), which is attached as Exhibit A to this Resolution, is hereby adopted.
2. The Ordinance shall be filed with the Township Clerk.
3. The Township Clerk shall post the Ordinance in the Township Clerk's office and on the Township's website and shall publish a Notice of Adopted Ordinance, a sample is attached as Exhibit B to this Resolution, in a newspaper of general circulation in the Township.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of the Ordinance.

YEAS:     5    

NAYS:     0    

THE RESOLUTION WAS DECLARED ADOPTED.

STATE OF MICHIGAN            )  
  ) ss  
COUNTY OF GRATIOT         )

I the undersigned, the duly qualified and acting Township Clerk of the Township of Seville, Gratiot County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board at a meeting held on the 25<sup>th</sup> day of January, 2024, at 6:00 p.m.

  
Ann Moomey, Township Clerk

**EXHIBIT A**

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**TOWNSHIP OF SEVILLE**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND ORDINANCES TO IMPOSE CIVIL INFRACTION  
PENALTIES**

**Seville Township ordains:**

**Section 1. Purpose.**

The purpose of this Ordinance is to ensure uniformity of imposing penalties for municipal civil infractions by amending several Seville Township ordinances to impose penalties pursuant to the Seville Township Municipal Civil Infractions Ordinance.

**Section 2. Amendment to Domestic Animal and Livestock Ordinance.**

The Seville Township Domestic Animal and Livestock Ordinance is amended to insert a new Section 5 and to renumber the subsequent sections. The new Section 5 reads as follows:

**Section 5. Penalty.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 3. Amendment of Blight Ordinance.**

Section 8(A) of the Seville Township Blight Ordinance is amended in its entirety to read as follows:

**Section 8. PENALTIES AND ENFORCEMENT.**

- A. Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 4. Amendment of Ordinance for the Regulation and Control of Campers.**

- A. Section 5 of the Seville Township Ordinance for the Regulation and Control of Campers is repealed.
- B. Section 6 of the Seville Township Ordinance for the Regulation and Control of Campers is amended in its entirety to read as follows:

**Section 6: Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

C. All sections of the Seville Township Ordinance for the Regulation and Control of Campers are renumbered as necessary.

**Section 5. Amendment of Cemetery Ordinance.**

Section 15 of the Seville Township Cemetery Ordinance is amended in its entirety to read as follows:

**Section 15: Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 6. Amendment of Dangerous Buildings Ordinance.**

Section 8 of the Seville Township Dangerous Buildings Ordinance is amended in its entirety to read as follows:

**Section 8: Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 7. Amendment of Noise Ordinance.**

The Seville Township Noise Ordinance is amended to insert a new Section 2 and to renumber the subsequent sections. The new Section 2 reads as follows:

**Section 2. Penalties.** Any violation of, or any failure to comply with, this Ordinance is a municipal civil infraction punishable pursuant to the Seville Township Municipal Civil Infraction Ordinance.

**Section 8. Severability.**

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity of all other sections of this Ordinance.

**Section 9. Repealer.**

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance.

**Section 10. Effective Date.**

This Ordinance takes effect 30 days after publication of this Ordinance or of a summary of it as permitted by law.

**EXHIBIT B**

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**SEVILLE TOWNSHIP  
TOWNSHIP BOARD**

**NOTICE OF ORDINANCE ADOPTION  
AND SUMMARY**

On JANUARY 25, 2024, Seville Township (the "Township") adopted Ordinance No. \_\_\_\_\_, Municipal Civil Infraction Ordinance (the "Ordinance"). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Township Hall, 8143 W Madison Road, PO Box 222. Elwell, MI 48832.

**Section 1.** Provides the purpose of the Ordinance.

**Section 2.** Amends the Domestic Animal and Livestock Ordinance to make a violation a municipal civil infraction.

**Section 3.** Amends the Blight Ordinance to make a violation a municipal civil infraction.

**Section 4.** Amends the Ordinance for the Regulation and Control of Campers to make a violation a municipal civil infraction.

**Section 5.** Amends the Cemetery Ordinance to make a violation a municipal civil infraction.

**Section 6.** Amends the Dangerous Building Ordinance to make a violation a municipal civil infraction.

**Section 7.** Amends the Noise Ordinance to make a violation a municipal civil infraction.

**Section 8.** Provides that the provisions of the Ordinance are severable.

**Section 9.** Repeals any ordinances or parts of ordinances that conflict with the Ordinance.

**Section 10.** Provides the effective date of the Ordinance.

Dated: January 25, 2024

Ann Moomey  
Township Clerk  
8143 W Madison Rd  
Elwell, MI 48832  
(989) 463-6180

**TOWNSHIP OF SEVILLE**

**RESOLUTION TO ADOPT MUNICIPAL CIVIL INFRACTION ORDINANCE**

**RESOLUTION NO. \_\_\_\_\_**

At a meeting of the Township Board of the Township of Seville (the "Township"), Gratiot County, Michigan, held at the Township Hall in the Township on January 25, 2024, at 6:00 p.m.

PRESENT: Brecht, Miller, Mallory, Moomey, Gibson-Smith

ABSENT: None

The following resolution was offered by Mallory and supported by Gibson-Smith.

**WHEREAS**, Chapter 87 of Public Act 326 of 1961, MCL 600.8701 *et seq.*, as amended, authorizes a township to penalize violations of its ordinances as municipal civil infractions and assess fines for such infractions; and

**WHEREAS**, the Township desires to consider an Ordinance to codify the procedures, regulations, and fines assessed for municipal civil infractions; and

**WHEREAS**, the Township has determined that adopting the Ordinance is in the best interest of the health, safety, and welfare of Township residents.

**NOW, THEREFORE**, the Township Board of Township of Seville, Gratiot County, Michigan, resolves as follows:

1. Ordinance No. \_\_\_\_\_, Municipal Civil Infraction Ordinance (the "Ordinance"), which is attached as Exhibit A to this Resolution, is hereby adopted.
2. The Ordinance shall be filed with the Township Clerk.
3. The Township Clerk shall post the Ordinance in the Township Clerk's office and on the Township's website and shall publish a Notice of Adopted Ordinance, a sample is attached as Exhibit B to this Resolution, in a newspaper of general circulation in the Township.

**EXHIBIT A**

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**TOWNSHIP OF SEVILLE  
ORDINANCE NO. \_\_\_\_\_  
MUNICIPAL CIVIL INFRACTION ORDINANCE**

**Seville Township ordains:**

**Section 1. Title.**

This Ordinance is to be known and may be cited as the Seville Township Municipal Civil Infraction Ordinance.

**Section 2. Definitions.**

For the purpose of this Ordinance, the following words and phrases shall be construed to have the following meanings, unless it is apparent from the context that a different meaning is intended:

- A. "Act" means Public Act 236 of 1961, as amended.
- B. "Authorized Township Official" means a police officer, code enforcement officer, or other personnel of the Township of Seville authorized by this Ordinance or any ordinance or resolution to issue municipal civil infraction citations or municipal civil infraction violation notices.
- C. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- D. "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 by the person cited.
- E. "Repeat Offense" means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within any 2-month period (unless some other period is specifically provided by this Ordinance or any ordinance).
- F. "Township" means Seville Township.
- G. "Warning Letter" means correspondence prepared by an authorized Township official advising the recipient of a municipal civil infraction and directing the person to correct the alleged violation.

**Section 3. Designation of Authorized Township Officials.**

- A. The following personnel of the Township have the authority to issue municipal civil infraction citations and misdemeanor citations pursuant to this Ordinance:
1. Township Supervisor, and
  2. Township Zoning Administrator, and
  3. Gratiot County Sheriff's Dept. and their employees and designees, and
  4. Michigan State Police and their employees and designees, and
  5. Any other person as may from time to time be designated by the Township by resolution.

**Section 4. Warning Letters and Municipal Civil Infraction Action Commencement.**

- A. Prior to commencing a municipal civil infraction action, an authorized Township official may send a warning letter by regular or certified mail advising the recipient of an alleged municipal civil infraction and directing that the alleged violation be corrected within thirty (30) days of the date the warning letter was issued. If the authorized Township official determines that the recipient has made substantial progress to correct the violation within the first thirty (30) days, the period to correct the violation may be extended in writing, provided that the extension does not exceed an additional thirty (30) days. In the event the violation is not corrected within the specified time, the authorized Township official may commence a municipal civil infraction action as permitted by this Ordinance. Nothing in this Section shall be construed to require a warning letter prior to commencing a municipal civil infraction action.
- B. A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in court.

**Section 5. Municipal Civil Infraction Citations: Issuance and Service.**

- A. Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:
1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
  2. The place for appearance specified in a citation shall be the 65B District Court.
  3. Each citation shall be numbered consecutively and shall be in the form approved by the state court administrator. The original citation shall be filed with the Court; the first

copy shall be retained by the Township; the second copy shall be issued to the to the alleged violator.

4. A citation for a municipal civil infraction signed by an authorized Township 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."
  5. An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
  6. An authorized Township official may issue a citation to a person if:
    - (a) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
    - (b) Based upon investigation of a complaint by someone who allegedly witnessed the person violate this Code, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the Township attorney approves in writing the issuance of the citation.
- B. Except as provided by subsection 5(B)(1), below, an authorized Township official shall personally serve a copy of the citation upon the alleged violator.
1. If the 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 of the citation on the land 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 the land, building or structure at the owner's last known address.

#### **Section 6. Municipal Civil Infraction Citations: Contents.**

- A. A municipal civil infraction citation shall contain the name of the plaintiff, the name and the address of the defendant, the municipal civil infraction alleged, the place where the defendant shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. The municipal civil infraction citation shall inform the defendant that he or she may do one of the following:
  1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.



2. Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance or, in person, or by representation.
3. Deny responsibility for the municipal civil infraction by doing either of the following:
  - (a) Appearing in person for an information hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
  - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
  - (c) The citation shall also inform the defendant of the following:
    - i. If the defendant desires to admit responsibility “with explanation” in person or by representation, the defendant must apply to the Court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance.
    - ii. If the defendant desires to deny responsibility, the defendant must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
    - iii. A hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the Township.
    - iv. At an informal hearing the defendant must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
    - v. At a formal hearing the defendant must appear in person before a judge with the opportunity of being represented by an attorney.
  - (d) The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in the entry of a default judgment against the defendant on the municipal civil infraction.

**Section 7. Penalties for Violations of Civil Infractions.**

- A. Unless specifically designated elsewhere by Township Ordinance, the penalty for civil infractions shall be the amount as provided by this Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Part 87 of the Act, and any other applicable laws.
- B. Unless otherwise specified, the fine for a municipal civil infraction shall be as follows:

<b>Offense (Violation)</b>	<b>Fine</b>
Failure to comply with any provision of the applicable ordinance.	Not less than \$100.00 plus costs.
First Repeat Offense.	Not less than \$250.00 plus costs.
Any subsequent Repeat Offense.	Not less than \$500.00 plus costs.

- C. Unless a violation is specifically designated as a civil infraction, the violation shall be deemed a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.
- D. A violation includes any act that is prohibited or made or declared to be unlawful or an offense by this Code; and any omission or failure to act where the act is required by this Code.
- E. Each day on which any violation continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- F. If the defendant in a municipal civil infraction action is determined responsible for a municipal civil infraction, the judge or district court magistrate, in addition to any fine, costs, and assessment imposed under section 8727 of the Act, as amended, may assess additional costs incurred in compelling the appearance of the defendant, which costs shall be returned to the general fund of the Township.
- G. All costs ordered by the court shall be in addition to the fines ordered and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction in accordance with Section 8727 of the Act, provided that costs of no more than \$500.00 shall be ordered.
- H. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of any Township ordinance.

**Section 8. Failure to Appear Penalty.**

A person served with a municipal civil infraction citation as provided herein who fails to appear within the time specified in the citation or at the time scheduled for hearing or appearance is guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars. Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.

**Section 9. Severability.**

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity of all other sections of this Ordinance.

**Section 10. Repealer.**

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance.

**Section 11. Effective Date.**

This Ordinance takes effect 30 days after the publication of this Ordinance or of a summary of it as permitted by law.

**EXHIBIT B**

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**SEVILLE TOWNSHIP  
TOWNSHIP BOARD**

**NOTICE OF ORDINANCE ADOPTION  
AND SUMMARY OF MUNICIPAL CIVIL INFRACTION ORDINANCE**

On January 25, 2024, Seville Township (the “Township”) adopted Ordinance No.       , Municipal Civil Infraction Ordinance (the “Ordinance”). The following is a summary of the Ordinance. A true copy of the Ordinance is available at the Township Hall, 8143 W Madison Road, PO Box 222. Elwell, MI 48832.

**Section 1.** Provides the title of the Ordinance.

**Section 2.** Provides definitions for the Ordinance.

**Section 3.** Designates officials authorized to issue municipal civil infractions.

**Section 4.** Provides that a municipal civil infraction action may be commenced with or without a warning letter.

**Section 5.** Regulates the issuance and service of municipal civil infraction citations.

**Section 6.** Regulates the content of municipal civil infraction citations.

**Section 7.** Provides penalties for municipal civil infractions.

**Section 8.** Provides that failure to appear for a municipal civil infraction citation is misdemeanor.

**Section 9.** Provides that the Ordinance’s provisions are severable.

**Section 10.** Provides that ordinances and parts of ordinances that conflict with this Ordinance are repealed.

**Section 11.** Provides the effective date of the Ordinance.

Dated: January 25, 2024

Ann Moomey  
Township Clerk  
8143 W Madison Rd  
Elwell, MI 48832  
(989) 463-6180



**TOWNSHIP OF SEVILLE**  
**ORDINANCE NO. \_\_\_\_\_**  
**MUNICIPAL CIVIL INFRACTION ORDINANCE**

**Seville Township ordains:**

**Section 1. Title.**

This Ordinance is to be known and may be cited as the Seville Township Municipal Civil Infraction Ordinance.

**Section 2. Definitions.**

For the purpose of this Ordinance, the following words and phrases shall be construed to have the following meanings, unless it is apparent from the context that a different meaning is intended:

A. "Act" means Public Act 236 of 1961, as amended.

B. "Authorized Township Official" means a police officer, code enforcement officer, or other personnel of the Township of Seville authorized by this Ordinance or any ordinance or resolution to issue municipal civil infraction citations or municipal civil infraction violation notices.

C. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

D. "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 by the person cited.

E. "Repeat Offense" means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within any 2-month period (unless some other period is specifically provided by this Ordinance or any ordinance).

F. "Township" means Seville Township.

G. "Warning Letter" means correspondence prepared by an authorized Township official advising the recipient of a municipal civil infraction and directing the person to correct the alleged violation.

**Section 3. Designation of Authorized Township Officials.**

- A. The following personnel of the Township have the authority to issue municipal civil infraction citations and misdemeanor citations pursuant to this Ordinance:
1. Township Supervisor, and
  2. Township Zoning Administrator, and
  3. Gratiot County Sheriff's Dept. and their employees and designees, and
  4. Michigan State Police and their employees and designees, and
  5. Any other person as may from time to time be designated by the Township by resolution.

**Section 4. Warning Letters and Municipal Civil Infraction Action Commencement.**

- A. Prior to commencing a municipal civil infraction action, an authorized Township official may send a warning letter by regular or certified mail advising the recipient of an alleged municipal civil infraction and directing that the alleged violation be corrected within thirty (30) days of the date the warning letter was issued. If the authorized Township official determines that the recipient has made substantial progress to correct the violation within the first thirty (30) days, the period to correct the violation may be extended in writing, provided that the extension does not exceed an additional thirty (30) days. In the event the violation is not corrected within the specified time, the authorized Township official may commence a municipal civil infraction action as permitted by this Ordinance. Nothing in this Section shall be construed to require a warning letter prior to commencing a municipal civil infraction action.
- B. A municipal civil infraction action may be commenced upon the issuance by an authorized Township official of a municipal civil infraction citation directing the alleged violator to appear in court.

**Section 5. Municipal Civil Infraction Citations: Issuance and Service.**

- A. Municipal civil infraction citations shall be issued and served by authorized Township officials as follows:
1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
  2. The place for appearance specified in a citation shall be the 65B District Court.
  3. Each citation shall be numbered consecutively and shall be in the form approved by the state court administrator. The original citation shall be filed with the Court; the first

copy shall be retained by the Township; the second copy shall be issued to the to the alleged violator.

4. A citation for a municipal civil infraction signed by an authorized Township 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."
  5. An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
  6. An authorized Township official may issue a citation to a person if:
    - (a) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
    - (b) Based upon investigation of a complaint by someone who allegedly witnessed the person violate this Code, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the Township attorney approves in writing the issuance of the citation.
- B. Except as provided by subsection 5(B)(1), below, an authorized Township official shall personally serve a copy of the citation upon the alleged violator.
1. If the 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 of the citation on the land 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 the land, building or structure at the owner's last known address.

#### **Section 6. Municipal Civil Infraction Citations: Contents.**

- A. A municipal civil infraction citation shall contain the name of the plaintiff, the name and the address of the defendant, the municipal civil infraction alleged, the place where the defendant shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- B. The municipal civil infraction citation shall inform the defendant that he or she may do one of the following:
  1. Admit responsibility for the municipal civil infraction by mail, in person, or by



representation, at or by the time specified for appearance.

2. Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance or, in person, or by representation.
3. Deny responsibility for the municipal civil infraction by doing either of the following:
  - (a) Appearing in person for an information hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township.
  - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
  - (c) The citation shall also inform the defendant of the following:
    - i. If the defendant desires to admit responsibility “with explanation” in person or by representation, the defendant must apply to the Court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance.
    - ii. If the defendant desires to deny responsibility, the defendant must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
    - iii. A hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the Township.
    - iv. At an informal hearing the defendant must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
    - v. At a formal hearing the defendant must appear in person before a judge with the opportunity of being represented by an attorney.
  - (d) The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in the entry of a default judgment against the defendant on the municipal civil infraction.

## **Section 7. Penalties for Violations of Civil Infractions.**

- A. Unless specifically designated elsewhere by Township Ordinance, the penalty for civil infractions shall be the amount as provided by this Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Part 87 of the Act, and any other

applicable laws.

B. Unless otherwise specified, the fine for a municipal civil infraction shall be as follows:

<b>Offense (Violation)</b>	<b>Fine</b>
Failure to comply with any provision of the applicable ordinance.	Not less than \$100.00 plus costs.
First Repeat Offense.	Not less than \$250.00 plus costs.
Any subsequent Repeat Offense.	Not less than \$500.00 plus costs.

- C. Unless a violation is specifically designated as a civil infraction, the violation shall be deemed a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.
- D. A violation includes any act that is prohibited or made or declared to be unlawful or an offense by this Code; and any omission or failure to act where the act is required by this Code.
- E. Each day on which any violation continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- F. If the defendant in a municipal civil infraction action is determined responsible for a municipal civil infraction, the judge or district court magistrate, in addition to any fine, costs, and assessment imposed under section 8727 of the Act, as amended, may assess additional costs incurred in compelling the appearance of the defendant, which costs shall be returned to the general fund of the Township.
- G. All costs ordered by the court shall be in addition to the fines ordered and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction in accordance with Section 8727 of the Act, provided that costs of no more than \$500.00 shall be ordered.
- H. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of any Township ordinance.

**Section 8. Failure to Appear Penalty.**

A person served with a municipal civil infraction citation as provided herein who fails to appear within the time specified in the citation or at the time scheduled for hearing or appearance is guilty

of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars. Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.

**Section 9. Severability.**

If any provision of this Ordinance is declared invalid for any reason, that declaration does not affect the validity of all other sections of this Ordinance.

**Section 10. Repealer.**

This Ordinance expressly repeals all township ordinances and parts of ordinances in conflict with this Ordinance.

**Section 11. Effective Date.**

This Ordinance takes effect 30 days after the publication of this Ordinance or of a summary of it as permitted by law.

**ADOPTED.**


YEAS: Brecht, Miller, Mallory, Moomey, Gibson-Smith

NAYS: None

STATE OF MICHIGAN     )  
  ) ss  
COUNTY OF GRATIOT    )

**Clerk's Certification**

I, Ann Moomey, the duly elected, qualified and acting Clerk of the Township of Seville, Gratiot County, certify that the above Ordinance was adopted at a regular meeting of the Seville Township Board held at the Seville Township Hall, on the 25<sup>th</sup> day of January, 2024, by a majority of the members of the board presenting and voting.

  
\_\_\_\_\_  
Ann Moomey  
Seville Township Clerk