

WASHTENAW COUNTY, MICHIGAN

Ordinance No. _____

WASHTENAW COUNTY DOG LICENSE
MUNICIPAL CIVIL INFRACTION
ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF MUNICIPAL CIVIL INFRACTIONS FOR OWNING AN UNLICENSED DOG; TO ESTABLISH THE BUREAU FOR THIS MUNICIPAL CIVIL INFRACTION AS THE WASHTENAW COUNTY TREASURER; TO PROVIDE FOR LICENSING FEE CHANGES; AND TO PROVIDE AN EFFECTIVE DATE

THE COUNTY OF WASHTENAW ORDAINS:

SECTION 1. DEFINITIONS.

- (1) “Act” means Act No. 236 of the Public Acts 1961, MCL 600.8701 et. seq., The Revised Judicature Act of 1961; as amended.
- (2) “Authorized County Official” means a County sheriff’s deputy, the Washtenaw County Treasurer, authorized Treasurer Staff, other personnel of Washtenaw County authorized by this Ordinance or any County ordinance to issue municipal civil infraction violation notices or municipal civil infraction citations.
- (3) “Bureau” means the Washtenaw County Treasurer, as established by this Ordinance.
- (4) “Municipal Civil Infraction Action” means a civil infraction in which the defendant is alleged to be responsible for owning an unlicensed dog.
- (5) “Municipal Civil Infraction Violation Notice” means a written notice, other than a citation, prepared by an authorized County official, directing a person to appear at the Office of the Washtenaw County Treasurer to pay the fines and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the County.
- (6) “Municipal Civil Infraction Citation” means a written complaint or citation prepared by an authorized County official, directing a person to appear at 14 A District Court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- (7) “Dog Law of 1919” means Michigan Act No. 339 of the Public Acts 1919 as amended.

- (8) “Unlicensed dog” means any dog 6 months old or over not licensed in accordance with Michigan Act No. 339 of the Public Acts 1919, “Dog Law of 1919”.

SECTION 2. MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT.

A municipal civil infraction action is commenced upon the issuance by an authorized County official of (1) a municipal civil infraction violation notice directing the alleged violator to appear at the Office of the Washtenaw County Treasurer; or (2) a municipal civil infraction citation directing the alleged violator to appear in the 14A District Court.

SECTION 3. MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE AND MUNICIPAL CIVIL INFRACTION CITATION; ISSUANCE AND SERVICE.

I. Municipal Civil Infraction Violation Notice

(1) Issuance

- (A) An authorized County official may issue a municipal civil infraction violation notice to a person if:
- (i) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction for owning an unlicensed dog; or
 - (ii) 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 a municipal civil infraction for owning an unlicensed dog.
- (B) A municipal civil infraction violation notice for owning an unlicensed dog shall include a time for appearance by the alleged violator that is within thirty days of the date issued. The place for appearance specified in the municipal civil infraction violation notice shall be the Office of the Washtenaw County Treasurer.
- (C) Each violation notice shall be numbered consecutively and shall be in a form approved by the state court administrator. The original violation notice shall be filed at the Bureau. A copy of the violation notice shall be retained by the authorized County Official and a copy issued to the alleged violator as provided by Section 8705 of the Act.
- (D) A violation notice for a municipal civil infraction signed by an authorized County official shall be treated as made under oath if the violation alleged in the notice occurred in the presence of the authorized County official signing the notice and if the notice 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 County 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 all required copies of a notice.

(2) Service.

An authorized County official shall personally serve a copy of the municipal civil infraction violation notice upon the alleged violator as provided by Section 8707 of the Act.

II. Municipal Civil Infraction Citation

(1) Issuance.

- (A) A municipal civil infraction citation shall be issued by the Bureau if:

- (i) the alleged violator fails to appear on a municipal civil infraction violation notice within the period specified, or
- (ii) the alleged violator does not admit responsibility and pay the fines or fees prescribed in the notice, within the period specified.

- (B) The time for appearance by the defendant specified in the citation shall be within 30 days of the date issued, and the place for appearance by the defendant specified in a citation shall be the 14A District Court.

- (C) Each citation shall be numbered consecutively. The original citation shall be filed with the 14-A District Court. Copies of the citation shall be retained by the Bureau and issued to the defendant as provided by Section 8705 of the Act.

- (D) A citation for a municipal civil infraction signed by an authorized County official shall be treated as made under oath 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 County official shall prepare and subscribe, as soon as possible and as completely as possible, an original and all required copies of a citation.

(2) Service.

An authorized County official shall personally serve a copy of the municipal civil infraction citation upon the alleged violator unless the alleged violator fails to respond to the municipal civil infraction notice within the time period specified. If the alleged violator fails to respond to the municipal civil infraction violation notice, the municipal civil infraction citation shall be served by first-class mail to the defendant's last known address as provided by Section 8707 of the Act.

SECTION 4. MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE AND MUNICIPAL CIVIL INFRACTION CITATION; CONTENTS.

I. Municipal Civil Infraction Violation Notice

- (1) A municipal civil infraction violation notice shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the location of the Bureau, the telephone number of the Bureau, and the times at which the appearance can be made.
- (2) The violation notice shall inform the alleged violator that he or she may do one of the following:
 - (A) Admit responsibility and pay all applicable fines & costs for the municipal civil infraction violation notice for owning an unlicensed dog by mail, e-mail, fax, telephone, in person, by representation, or on-line (when available) at or by the time specified for appearance at the Bureau;
 - (B) Admit responsibility and purchase a dog license by mail, e-mail, fax, telephone, in person, by representation, or on-line (when available) at or by the time specified for appearance at the Bureau. The municipal civil infraction violation notice for owning an unlicensed dog shall then be dismissed by the Bureau.
 - (C) Admit responsibility for the municipal civil infraction violation notice "with explanation" in person to the Bureau, at or by the time specified to request an appearance before a 14A District Court judge or magistrate;
 - (D) Deny responsibility for the municipal civil violation notice by doing either of the following:
 - (i) At or by the time specified for appearance, contacting the Bureau in person to request an informal hearing, and appearing at the 14A District Court in person for an informal hearing before a district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a district court judge is requested by the County; or

- (ii) At or by the time specified for appearance, contacting the Bureau in person to request a formal hearing, and appearing at the 14A District Court in person for a formal hearing before a district court judge, with the opportunity of being represented by an attorney.

II. Municipal Civil Infraction Citation

- (1) A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the location of the Court, the telephone number of the Court, and the time at or by which the appearance shall be made.
- (2) The municipal civil infraction citation shall also inform the alleged violator of all of the following:
 - (A) That if the alleged violator desires to admit responsibility “with explanation” the alleged violator must apply to the district court in person within the time specified for appearance and obtain a scheduled date and time to appear for a hearing and enter his or her plea with explanation;
 - (B) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the district court in person 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;
 - (C) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the County;
 - (D) That at an informal hearing, the alleged violator must appear in person before a district court magistrate without the opportunity of being represented by an attorney;
 - (E) That at a formal hearing the alleged violator must appear in person before a district court judge with the opportunity of being represented by an attorney.
- (3) The citation shall contain a notice in boldface type that the failure of the alleged violator 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 entry of a default judgment against the alleged violator on the municipal civil infraction, and may result in additional fines and penalties, including issuance of a bench warrant.

SECTION 5. MUNICIPAL CIVIL INFRACTION VIOLATIONS BUREAU.

- (1) Bureau established. The County hereby establishes the Washtenaw County Treasurer as a Municipal Civil Infraction Violation Bureau (“Bureau”), as authorized under

Section 8396 of the Act, to accept admissions of responsibility for municipal civil infraction violation notices for owning an unlicensed dog in response to municipal civil infraction violation notices issued and served by authorized County officials, to collect and retain civil fines and costs as prescribed by this Ordinance, to sell dog licenses, and to dismiss municipal civil infraction violation notices.

- (2) Location, supervision, employees, rules and regulations. The Bureau shall be located within the Office of the Washtenaw County Treasurer and shall be under the supervision and control of the Washtenaw County Treasurer. The Treasurer may adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified County employees, or contract with service providers, to administer the Bureau.
- (3) Disposition of violations. The Bureau may dispose only of municipal civil infraction violation notices related to owning an unlicensed dog for which a municipal civil infraction violation notice has been issued and for which a fine has been scheduled. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this section shall prevent or restrict the County from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau, and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- (4) Bureau limited to accepting admissions of responsibility. The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infraction violation notices and collecting and retaining civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the offense or, who admits responsibility only "with explanation" and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any factor matter relating to an alleged violation.
- (5) Municipal civil infraction violation notices. Municipal civil infraction violation notices shall be issued and served by authorized County officials under the same circumstances and upon the same persons as provided for citations under Section 8707 of the Act. In addition to any other information required by this or other ordinances, the notice of violation shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- (6) Appearance: payment of fines and costs. An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine

and costs at or by the time specified for appearance in the municipal civil infraction violation notice, unless the notice is dismissed by the Bureau upon either presentation or purchase of a valid dog license. An appearance may be made by mail, e-mail, fax, telephone, in person, by representation, or on-line (when available).

- (7) Procedure where admission of responsibility not made or fine not paid. If an authorized County official issues and serves a municipal civil infraction violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be issued by the Bureau and filed with the 14-A District Court and a copy of the citation may be served by first-class mail upon the alleged violator at his or her last known address. The citation filed with the court need not comply in all particulars with the requirements for citations as provided in Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal civil infraction violation notice and shall fairly inform the alleged violator how to respond to the citation.

SECTION 6. SCHEDULE OF CIVIL FINES ESTABLISHED.

- (1) The County Board of Commissioners shall by Resolution adopt a schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices, which may be amended by a subsequent Resolution. The initial schedule of fines payable at the Bureau shall be as follows:

First offense \$50.00

Second offense \$100.00

Third (or any subsequent) offense \$500.00

- (2) A copy of the schedule, as amended from time to time, shall be posted at the Bureau.
- (3) If a defendant purchases a license for their dog, or presents proof of a valid license, at the time of presenting the municipal civil infraction violation notice to the Bureau within the time specified for appearance, the civil infraction violation shall be dismissed.
- (4) If a defendant admits responsibility for a municipal civil infraction “with explanation”, the court shall accept the admission as though the defendant has admitted responsibility and may consider the defendant’s explanation by way of mitigating any sanction, including fines, costs, damages and expenses, that the court may order. If the defendant has appeared by representation or mail, the court may accept the admission with the same effect as though the defendant personally appeared in court, but the court may require the defendant to provide further explanation or to appear in court personally.

SECTION 7. LICENSING FEE.

The dog license fee structure is as follows:

For Spayed or Neutered Dogs

- \$6 a year or partial year OR
- \$15 for a maximum of 3 years to coincide with the rabies vaccination expiration date

For Unaltered Dogs

- \$12 a year or partial year OR
- \$30 for a maximum of 3 years to coincide with the rabies vaccination expiration date

Service dogs with proper documentation and proof of rabies vaccination are licensed at no charge.

SECTION 8. REPEALER.

All ordinances in conflict are repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 9. SEVERABILITY.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this ordinance be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 10. SAVINGS CLAUSE.

All proceedings pending and a rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

SECTION 11. EFFECTIVE DATE.

The provisions of this Ordinance are ordered to take effect after publication.

I, Lawrence Kestenbaum, Washtenaw County Clerk, certify that this Ordinance was adopted by the Washtenaw County Board of Commissioners and published on _____

Lawrence Kestenbaum, Washtenaw County Clerk