

SENATE BILL No. 96

February 19, 1991, Introduced by Senators CONROY,
KOIVISTO, CHERRY and BERRYMAN and referred to the
Committee on Local Government and Reapportionment.

A bill to amend sections 113, 8302, 8313, 8375, 8379, and
8512 of Act No. 236 of the Public Acts of 1961, entitled as
amended

"Revised judicature act of 1961,"

section 8302 as added by Act No. 438 of the Public Acts of 1980,
section 8379 as amended by Act No. 54 of the Public Acts of 1990,
and section 8512 as amended by Act No. 278 of the Public Acts of
1984, being sections 600.113, 600.8302, 600.8313, 600.8375,
600.8379, and 600.8512 of the Michigan Compiled Laws; and to add
section 8396 and chapter 87.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 113, 8302, 8313, 8375, 8379, and 8512
2 of Act No. 236 of the Public Acts of 1961, section 8302 as added
3 by Act No. 438 of the Public Acts of 1980, section 8379 as
4 amended by Act No. 54 of the Public Acts of 1990, and section

1 8512 as amended by Act No. 278 of the Public Acts of 1984, being
2 sections 600.113, 600.8302, 600.8313, 600.8375, 600.8379, and
3 600.8512 of the Michigan Compiled Laws, are amended and section
4 8396 and chapter 87 are added to read as follows:

5 Sec. 113. (1) As used in this act:

6 (a) "Civil infraction" means an act or omission THAT IS pro-
7 hibited by law ~~which~~ OR ORDINANCE AND THAT is not a crime as
8 defined in section 5 of THE MICHIGAN PENAL CODE, Act No. 328 of
9 the Public Acts of 1931, being section 750.5 of the Michigan
10 Compiled Laws, and for which civil sanctions may be ordered.

11 (b) "Civil infraction action" means a civil action in which
12 the defendant is alleged to be responsible for COMMITTING a civil
13 infraction.

14 (c) "MUNICIPAL CIVIL INFRACTION" MEANS A CIVIL INFRACTION
15 INVOLVING A VIOLATION OF AN ORDINANCE FOR WHICH A CIVIL FINE MAY
16 BE IMPOSED. MUNICIPAL CIVIL INFRACTION DOES NOT INCLUDE A TRAF-
17 FIC OR PARKING VIOLATION OR AN ACT OR OMISSION THAT CONSTITUTES A
18 CRIME AS DEFINED BY LAW OR ORDINANCE.

19 (d) "MUNICIPAL CIVIL INFRACTION ACTION" MEANS A CIVIL ACTION
20 IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE FOR COMMIT-
21 TING A MUNICIPAL CIVIL INFRACTION.

22 (2) Except as otherwise provided in this act, a civil
23 infraction action involving a traffic or parking violation shall
24 be governed by THE MICHIGAN VEHICLE CODE, Act No. 300 of the
25 Public Acts of 1949, as amended, being sections 257.1 to 257.923
26 of the Michigan Compiled Laws.

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, A MUNICIPAL
2 CIVIL INFRACTION ACTION IS GOVERNED BY CHAPTER 87.

3 (4) ~~-(3)-~~ A determination that a ~~person~~ DEFENDANT is
4 responsible for a civil infraction and thus subject to civil
5 sanctions shall be by a preponderance of the evidence.

6 Sec. 8302. (1) In addition to the civil jurisdiction pro-
7 vided in sections 5704 and 8301, the district court ~~shall have~~
8 HAS equitable jurisdiction and authority concurrent with that of
9 the circuit court in the matters and to the extent provided by
10 this section.

11 (2) In cases brought under chapter 84, the district court
12 may issue and enforce an injunctive order or an order rescinding
13 or reforming a contract.

14 (3) In ~~cases brought~~ AN ACTION under chapter 57, the dis-
15 trict court may hear and determine an equitable claim relating to
16 or arising under ~~chapters~~ CHAPTER 31, 33, ~~and~~ OR 38 ~~or~~ or
17 involving a right, interest, obligation, or title in land. The
18 court may issue and enforce ~~any~~ A judgment or order necessary
19 to effectuate the court's equitable jurisdiction as provided in
20 this subsection, including the establishment of escrow accounts
21 and receiverships.

22 (4) IN AN ACTION UNDER CHAPTER 87, THE DISTRICT COURT MAY
23 ISSUE AND ENFORCE ANY JUDGMENT, WRIT, OR ORDER NECESSARY TO
24 ENFORCE THE LOCAL ORDINANCE. THE GRANT OF EQUITABLE JURISDICTION
25 AND AUTHORITY TO THE DISTRICT COURT UNDER THIS SUBSECTION DOES
26 NOT AFFECT THE JURISDICTION OF THE CIRCUIT COURT TO HEAR AND

1 DECIDE CLAIMS BASED ON NUISANCE OR TO ABATE NUISANCES UNDER
2 SECTION 2940.

3 Sec. 8313. ~~All violations~~ A VIOLATION of state criminal
4 law shall be prosecuted in the district court by the prosecuting
5 attorney. ~~All~~ AN ordinance ~~violations which are misdemeanors~~
6 ~~or which are~~ VIOLATION THAT IS A MISDEMEANOR OR THAT IS not des-
7 ignated as A civil ~~infractions~~ INFRACTION shall be prosecuted
8 in the district court by the attorney for the political subdivi-
9 sion whose ~~law~~ ORDINANCE was violated. If the violation is a
10 civil infraction, the prosecuting attorney or attorney for the
11 political subdivision shall ~~be required to~~ appear in court only
12 in those civil infraction actions ~~which~~ THAT are contested
13 before a judge of the district court in a formal hearing as pro-
14 vided in section 747 of THE MICHIGAN VEHICLE CODE, Act No. 300 of
15 the Public Acts of 1949, being section 257.747 of the Michigan
16 Compiled Laws, OR SECTION 8721, AS APPLICABLE.

17 Sec. 8375. The district court may assess the same costs as
18 are permitted in the circuit court. In civil infraction actions
19 the district court may assess costs as provided in section 907 of
20 THE MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of
21 1949, being section 257.907 of the Michigan Compiled Laws, OR
22 SECTION 8727, AS APPLICABLE. A district court magistrate may
23 assess costs in an amount fixed by rule of the district court.

24 Sec. 8379. (1) Fines and costs assessed in the district
25 court shall be paid to the clerk of the court who shall appropri-
26 ate them as follows:

1 (a) A fine imposed for the violation of a penal law of this
2 state and a civil fine ordered in a civil infraction action for
3 THE violation of a law of this state shall be paid to the county
4 treasurer and applied for library purposes as provided by law.

5 (b) In ~~-districts-~~ A DISTRICT of the first ~~-and-~~ OR second
6 class, costs imposed for the violation of a penal law of this
7 state or ordered in a civil infraction action for the violation
8 of a law of this state shall be paid to the treasurer of the
9 county in which the action was commenced. In ~~-districts-~~ A
10 DISTRICT of the third class, costs imposed for the violation of a
11 penal law of this state or ordered in a civil infraction action
12 for the violation of a law of this state shall be paid to the
13 treasurer of the political subdivision where the guilty plea or
14 civil infraction admission was entered or where the trial or
15 civil infraction action hearing took place.

16 (c) Except as provided in subsection (2), in ~~-districts-~~ A
17 DISTRICT of the first ~~-and-~~ OR second class, 1/3 of all fines and
18 costs, other than those imposed for the violation of a penal law
19 of this state or ordered in a civil infraction action for the
20 violation of a law of this state, shall be paid to the political
21 subdivision whose law was violated and 2/3 shall be paid to the
22 county in which the political subdivision is located. In
23 ~~-districts-~~ A DISTRICT of the third class, all fines and costs,
24 other than those imposed for the violation of a penal law of this
25 state or ordered in a civil infraction action for the violation
26 of a law of this state, shall be paid to the political
27 subdivision whose law was violated, except that ~~-where-~~ IF fines

1 and costs are assessed in a political subdivision other than the
2 political subdivision whose law was violated, 2/3 shall be paid
3 to the political subdivision where the guilty plea or civil
4 infraction admission was entered or where the trial or civil
5 infraction action hearing took place and the balance shall be
6 paid to the political subdivision whose law was violated. FOR
7 MUNICIPAL CIVIL INFRACTIONS, THIS SUBDIVISION DOES NOT APPLY TO A
8 DISTRIBUTION OF FINES AND COSTS IF A DIFFERENT DISTRIBUTION OF
9 FINES AND COSTS IS PROVIDED FOR BY ANOTHER ACT.

10 (d) In a district of the third class, if each political sub-
11 division within the district, by resolution of its governing
12 body, agrees to a distribution of fines and costs, other than
13 fines imposed for the violation of a penal law of this state or
14 ordered in a civil infraction action for the violation of a law
15 of this state, differently than as provided by this section, the
16 distribution of those fines and costs among the political subdi-
17 visions of that district shall be as agreed to. An existing
18 agreement applicable to the distribution of fines and costs shall
19 apply with the same effect to the distribution of civil fines and
20 costs ordered in civil infraction actions.

21 (2) In the fifty-second district, 30% of all fines and
22 costs, other than those imposed for the violation of a penal law
23 of this state or ordered in a civil infraction action for the
24 violation of a law of this state, shall be paid to the political
25 subdivision whose law was violated and 70% shall be paid to the
26 county in which the political subdivision is located. This
27 subsection shall apply only if the consolidation of the

1 forty-fifth-b district with the fifty-second district, as
2 provided in section 8123, takes place pursuant to section 8177.
3 FOR MUNICIPAL CIVIL INFRACTIONS, THIS SUBSECTION DOES NOT APPLY
4 TO A DISTRIBUTION OF FINES AND COSTS IF A DIFFERENT DISTRIBUTION
5 OF FINES AND COSTS IS PROVIDED FOR BY ANOTHER ACT.

6 SEC. 8396. A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY BY
7 ORDINANCE ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU TO
8 ACCEPT ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRAC-
9 TIONS AND TO COLLECT AND RETAIN CIVIL FINES AND COSTS PURSUANT TO
10 A SCHEDULE AS PRESCRIBED BY ORDINANCE. THE EXPENSE OF OPERATING
11 A MUNICIPAL ORDINANCE VIOLATIONS BUREAU SHALL BE BORNE BY THE
12 COUNTY, CITY, VILLAGE, OR TOWNSHIP, AND THE PERSONNEL OF THE
13 BUREAU SHALL BE COUNTY, CITY, VILLAGE, OR TOWNSHIP EMPLOYEES.

14 Sec. 8512. (1) A district court magistrate may hear and
15 preside over civil infraction admissions and admissions with
16 explanation and conduct informal hearings in civil infraction
17 actions pursuant to section 746 of THE MICHIGAN VEHICLE CODE, Act
18 No. 300 of the Public Acts of 1949, being section 257.746 of the
19 Michigan Compiled Laws, OR SECTION 8719, AS APPLICABLE. In exer-
20 cising the authority conferred by this subsection, the magistrate
21 may administer oaths, examine witnesses, and make findings of
22 fact and conclusions of law. If the defendant is determined to
23 be responsible for a civil infraction, the magistrate may impose
24 the civil sanctions authorized by section 907 of Act No. 300 of
25 the Public Acts of 1949, being section 257.907 of the Michigan
26 Compiled Laws, OR SECTION 8727, AS APPLICABLE.

1 (2) A district court magistrate shall not conduct an
2 informal hearing in a civil infraction action INVOLVING A TRAFFIC
3 OR PARKING VIOLATION GOVERNED BY ACT NO. 300 OF THE PUBLIC ACTS
4 OF 1949, BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED
5 LAWS, until he or she has successfully completed a special train-
6 ing course in traffic law adjudication and sanctions. ~~—, which—~~
7 THE course shall be given periodically by the state court
8 administrator.

9 (3) A district court magistrate may exercise the authority
10 conferred by this section only to the extent expressly authorized
11 by the chief judge, presiding judge, or only judge of the dis-
12 trict court district.

13 CHAPTER 87.

14 MUNICIPAL CIVIL INFRACTIONS

15 SEC. 8701. AS USED IN THIS CHAPTER:

16 (A) "AUTHORIZED LOCAL OFFICIAL" MEANS A POLICE OFFICER OR
17 OTHER PERSONNEL OF A VILLAGE, CITY, TOWNSHIP, OR COUNTY AUTHO-
18 RIZED BY ORDINANCE TO ISSUE MUNICIPAL CIVIL INFRACTION
19 CITATIONS.

20 (B) "CITATION" MEANS A WRITTEN COMPLAINT OR NOTICE TO APPEAR
21 IN COURT UPON WHICH AN AUTHORIZED LOCAL OFFICIAL RECORDS THE
22 OCCURRENCE OR EXISTENCE OF 1 OR MORE MUNICIPAL CIVIL INFRACTIONS
23 BY THE PERSON CITED.

24 (C) "MUNICIPAL CIVIL INFRACTION DETERMINATION" MEANS A
25 DETERMINATION THAT A DEFENDANT IS RESPONSIBLE FOR A MUNICIPAL
26 CIVIL INFRACTION BY 1 OF THE FOLLOWING:

1 (i) AN ADMISSION OF RESPONSIBILITY FOR THE MUNICIPAL CIVIL
2 INFRACTION.

3 (ii) AN ADMISSION OF RESPONSIBILITY FOR THE MUNICIPAL CIVIL
4 INFRACTION, "WITH EXPLANATION".

5 (iii) A PREPONDERANCE OF THE EVIDENCE AT AN INFORMAL HEARING
6 OR FORMAL HEARING ON THE QUESTION UNDER SECTION 8719 OR 8721,
7 RESPECTIVELY.

8 (iv) A DEFAULT JUDGMENT, FOR FAILING TO APPEAR AS DIRECTED
9 BY A CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER
10 SECTION 8715(3)(B) OR (4), AT AN INFORMAL HEARING UNDER
11 SECTION 8719, OR AT A FORMAL HEARING UNDER SECTION 8721.

12 SEC. 8703. (1) A MUNICIPAL CIVIL INFRACTION ACTION IS COM-
13 MENCED UPON THE ISSUANCE OF A CITATION AS PROVIDED IN
14 SECTION 8707. THE PLAINTIFF IN A MUNICIPAL CIVIL INFRACTION
15 ACTION IS THE POLITICAL SUBDIVISION WHOSE ORDINANCE HAS BEEN
16 VIOLATED.

17 (2) EXCEPT AS PROVIDED IN SUBSECTION (5), THE DISTRICT COURT
18 AND ANY MUNICIPAL COURT HAVE JURISDICTION OVER MUNICIPAL CIVIL
19 INFRACTION ACTIONS.

20 (3) THE TIME SPECIFIED IN A CITATION FOR APPEARANCE SHALL BE
21 WITHIN A REASONABLE TIME AFTER THE CITATION IS ISSUED PURSUANT TO
22 SECTION 8707.

23 (4) THE PLACE SPECIFIED IN THE CITATION FOR APPEARANCE SHALL
24 BE THE COURT REFERRED TO IN SUBSECTION (2) THAT HAS TERRITORIAL
25 JURISDICTION OF THE PLACE WHERE THE MUNICIPAL CIVIL INFRACTION
26 OCCURRED. VENUE IN THE DISTRICT COURT IS GOVERNED BY
27 SECTION 8312.

1 (5) IF THE PERSON CITED FOR A MUNICIPAL CIVIL INFRACTION IS
2 UNDER THE AGE OF 17 AT THE TIME OF THE COMMISSION OF THE VIOLA-
3 TION, THE JUVENILE DIVISION OF THE PROBATE COURT OF THE COUNTY
4 WHERE THE VIOLATION IS ALLEGED TO HAVE BEEN COMMITTED HAS JURIS-
5 DICTION OVER THE PROCEEDINGS AND SHALL PROCEED TO HEAR AND DIS-
6 POSE OF THE CASE, AS PROVIDED BY CHAPTER 12A OF ACT NO. 288 OF
7 THE PUBLIC ACTS OF 1939, BEING SECTIONS 712A.1 TO 712A.28 OF THE
8 MICHIGAN COMPILED LAWS.

9 SEC. 8705. (1) EACH CITATION SHALL BE NUMBERED CONSECUTIVE-
10 LY, BE IN A FORM AS APPROVED BY THE STATE COURT ADMINISTRATOR,
11 AND CONSIST OF THE FOLLOWING PARTS:

12 (A) THE ORIGINAL, WHICH IS A COMPLAINT AND NOTICE TO APPEAR
13 BY THE AUTHORIZED OFFICIAL AND SHALL BE FILED WITH THE COURT IN
14 WHICH THE APPEARANCE IS TO BE MADE.

15 (B) THE FIRST COPY, WHICH SHALL BE RETAINED BY THE LOCAL
16 ORDINANCE ENFORCEMENT AGENCY.

17 (C) THE SECOND COPY, WHICH SHALL BE ISSUED TO THE ALLEGED
18 VIOLATOR IF THE VIOLATION IS A MISDEMEANOR.

19 (D) THE THIRD COPY, WHICH SHALL BE ISSUED TO THE ALLEGED
20 VIOLATOR IF THE VIOLATION IS A MUNICIPAL CIVIL INFRACTION.

21 (2) WITH THE PRIOR APPROVAL OF THE STATE COURT ADMINISTRA-
22 TOR, THE CITATION MAY BE MODIFIED AS TO CONTENT OR NUMBER OF
23 COPIES TO ACCOMMODATE LAW ENFORCEMENT AND LOCAL COURT PROCEDURES
24 AND PRACTICES. USE OF THIS CITATION FOR VIOLATIONS OTHER THAN
25 MUNICIPAL CIVIL INFRACTIONS IS OPTIONAL.

26 (3) A COMPLAINT FOR A MUNICIPAL CIVIL INFRACTION SIGNED BY
27 AN AUTHORIZED LOCAL OFFICIAL SHALL BE TREATED AS MADE UNDER OATH

1 IF THE VIOLATION ALLEGED IN THE COMPLAINT OCCURRED OR WAS
2 COMMITTED IN THE SIGNING OFFICIAL'S PRESENCE AND IF THE COMPLAINT
3 CONTAINS THE FOLLOWING STATEMENT IMMEDIATELY ABOVE THE DATE AND
4 SIGNATURE OF THE OFFICIAL: "I DECLARE UNDER THE PENALTIES OF
5 PERJURY THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY
6 INFORMATION, KNOWLEDGE, AND BELIEF."

7 SEC. 8707. (1) AN AUTHORIZED LOCAL OFFICIAL WHO WITNESSES A
8 PERSON COMMIT A MUNICIPAL CIVIL INFRACTION SHALL PREPARE AND SUB-
9 SCRIBE, AS SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE, AN
10 ORIGINAL AND 3 COPIES OF A CITATION.

11 (2) AN AUTHORIZED LOCAL OFFICIAL MAY ISSUE A CITATION TO A
12 PERSON IF, BASED UPON INVESTIGATION, THE OFFICIAL HAS REASONABLE
13 CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A MUNICIPAL
14 CIVIL INFRACTION. AN AUTHORIZED LOCAL OFFICIAL MAY ISSUE A
15 CITATION TO A PERSON IF, BASED UPON INVESTIGATION OF A COMPLAINT
16 BY SOMEONE WHO WITNESSED THE PERSON COMMIT A MUNICIPAL CIVIL
17 INFRACTION, THE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT THE
18 PERSON IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND IF THE
19 PROSECUTING ATTORNEY OR OTHER ATTORNEY FOR THE POLITICAL SUBDIVI-
20 SION EMPLOYING THE AUTHORIZED LOCAL OFFICIAL APPROVES IN WRITING
21 THE ISSUANCE OF THE CITATION.

22 (3) EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (4), THE
23 AUTHORIZED LOCAL OFFICIAL SHALL PERSONALLY SERVE THE THIRD COPY
24 OF THE CITATION UPON THE ALLEGED VIOLATOR.

25 (4) IN A MUNICIPAL CIVIL INFRACTION ACTION INVOLVING THE USE
26 OR OCCUPANCY OF LAND OR A BUILDING OR OTHER STRUCTURE, A COPY OF
27 THE CITATION NEED NOT BE SERVED PERSONALLY UPON THE ALLEGED

1 VIOLATOR BUT MAY BE SERVED UPON AN OWNER OR OCCUPANT OF THE LAND,
2 BUILDING, OR STRUCTURE BY POSTING THE COPY ON THE LAND OR ATTACH-
3 ING THE COPY TO THE BUILDING OR STRUCTURE. IN ADDITION, A COPY
4 OF THE CITATION SHALL BE SENT BY FIRST-CLASS MAIL TO THE OWNER OF
5 THE LAND, BUILDING, OR STRUCTURE AT THE OWNER'S LAST KNOWN
6 ADDRESS.

7 (5) A CITATION SERVED UNDER SUBSECTION (4) FOR A VIOLATION
8 INVOLVING THE USE OR OCCUPANCY OF LAND OR A BUILDING OR OTHER
9 STRUCTURE SHALL BE PROCESSED IN THE SAME MANNER AS A CITATION
10 SERVED PERSONALLY UPON A DEFENDANT PURSUANT TO SUBSECTION (1) OR
11 (2).

12 SEC. 8709. (1) A CITATION ISSUED PURSUANT TO SECTION 8707
13 SHALL CONTAIN THE NAME OF THE PLAINTIFF, THE NAME AND ADDRESS OF
14 THE DEFENDANT, THE MUNICIPAL CIVIL INFRACTION ALLEGED, THE PLACE
15 WHERE THE DEFENDANT SHALL APPEAR IN COURT, THE TELEPHONE NUMBER
16 OF THE COURT, THE TIME AT OR BY WHICH THE APPEARANCE SHALL BE
17 MADE, AND THE ADDITIONAL INFORMATION REQUIRED BY THIS SECTION.

18 (2) THE CITATION SHALL INFORM THE DEFENDANT THAT HE OR SHE,
19 AT OR BY THE TIME SPECIFIED FOR APPEARANCE, MAY DO 1 OF THE
20 FOLLOWING:

21 (A) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION
22 IN PERSON, BY REPRESENTATION, OR BY MAIL.

23 (B) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION
24 "WITH EXPLANATION" IN PERSON, BY REPRESENTATION, OR BY MAIL.

25 (C) DENY RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION
26 BY DOING EITHER OF THE FOLLOWING:

1 (i) APPEARING IN PERSON FOR AN INFORMAL HEARING BEFORE A
2 DISTRICT COURT MAGISTRATE OR A JUDGE, WITHOUT THE OPPORTUNITY OF
3 BEING REPRESENTED BY AN ATTORNEY, UNLESS A FORMAL HEARING BEFORE
4 A JUDGE IS REQUESTED BY THE POLITICAL SUBDIVISION ACTING AS
5 PLAINTIFF.

6 (ii) APPEARING IN COURT FOR A FORMAL HEARING BEFORE A JUDGE,
7 WITH THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

8 (3) THE CITATION SHALL INFORM THE DEFENDANT THAT IF THE
9 DEFENDANT DESIRES TO ADMIT RESPONSIBILITY "WITH EXPLANATION"
10 OTHER THAN BY MAIL OR TO HAVE AN INFORMAL HEARING OR A FORMAL
11 HEARING, THE DEFENDANT MUST APPLY TO THE COURT IN PERSON, BY
12 MAIL, BY TELEPHONE, OR BY REPRESENTATION WITHIN THE TIME SPECI-
13 FIED FOR APPEARANCE AND OBTAIN A SCHEDULED DATE AND TIME TO
14 APPEAR FOR A HEARING. A HEARING DATE MAY BE SPECIFIED ON THE
15 CITATION.

16 (4) THE CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE
17 THAT THE FAILURE OF THE DEFENDANT TO APPEAR WITHIN THE TIME SPEC-
18 IFIED IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR
19 APPEARANCE IS A MISDEMEANOR AND WILL RESULT IN ENTRY OF A DEFAULT
20 JUDGMENT AGAINST THE DEFENDANT ON THE MUNICIPAL CIVIL
21 INFRACTION. TIMELY APPLICATION TO THE COURT FOR A HEARING,
22 RETURN OF THE CITATION WITH AN ADMISSION OF RESPONSIBILITY WITH
23 EXPLANATION, OR RETURN OF THE CITATION WITH AN ADMISSION OF
24 RESPONSIBILITY AND WITH FULL PAYMENT OF APPLICABLE CIVIL FINES
25 AND COSTS CONSTITUTES A TIMELY APPEARANCE.

26 SEC. 8711. IF AN AUTHORIZED LOCAL OFFICIAL ISSUES A
27 CITATION UNDER SECTION 8707, THE COURT MAY ACCEPT AN ADMISSION

1 WITH EXPLANATION OR AN ADMISSION OR DENIAL OF RESPONSIBILITY UPON
2 THE CITATION WITHOUT THE NECESSITY OF A SWORN COMPLAINT. IF THE
3 DEFENDANT DENIES RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRAC-
4 TION, FURTHER PROCEEDINGS SHALL NOT BE HAD UNTIL A SWORN COM-
5 PLAINT IS FILED WITH THE COURT. A WARRANT FOR ARREST FOR FAILURE
6 TO APPEAR ON THE MUNICIPAL CIVIL INFRACTION CITATION UNDER SEC-
7 TION 8727(9) SHALL NOT BE ISSUED UNTIL A SWORN COMPLAINT RELATIVE
8 TO THE MUNICIPAL CIVIL INFRACTION IS FILED WITH THE COURT.

9 SEC. 8713. AN AUTHORIZED LOCAL OFFICIAL WHO, KNOWING THE
10 STATEMENT IS FALSE, MAKES A MATERIALLY FALSE STATEMENT IN A
11 CITATION ISSUED UNDER SECTION 8707 IS GUILTY OF PERJURY, A FELONY
12 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS, AND IN
13 ADDITION IS IN CONTEMPT OF COURT.

14 SEC. 8715. (1) A PERSON TO WHOM A CITATION IS ISSUED UNDER
15 SECTION 8707 SHALL APPEAR BY OR AT THE TIME SPECIFIED IN THE
16 CITATION AND MAY RESPOND TO THE ALLEGATIONS IN THE CITATION AS
17 PROVIDED IN THIS SECTION.

18 (2) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE
19 MUNICIPAL CIVIL INFRACTION, THE DEFENDANT MAY DO SO BY APPEARING
20 IN PERSON, BY REPRESENTATION, OR BY MAIL. IF APPEARANCE IS MADE
21 BY REPRESENTATION OR MAIL, THE COURT MAY ACCEPT THE ADMISSION
22 WITH THE SAME EFFECT AS THOUGH THE DEFENDANT PERSONALLY APPEARED
23 IN COURT. UPON ACCEPTANCE OF THE ADMISSION, THE COURT MAY ORDER
24 ANY OF THE SANCTIONS PERMITTED UNDER SECTION 8727.

25 (3) IF THE DEFENDANT WISHES TO ADMIT RESPONSIBILITY FOR THE
26 MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION", THE DEFENDANT MAY
27 DO SO IN EITHER OF THE FOLLOWING WAYS:

1 (A) BY APPEARING BY MAIL.

2 (B) BY CONTACTING THE COURT IN PERSON, BY MAIL, BY TELE-
3 PHONE, OR BY REPRESENTATION TO OBTAIN FROM THE COURT A SCHEDULED
4 DATE AND TIME TO APPEAR, AT WHICH TIME THE DEFENDANT SHALL APPEAR
5 IN PERSON OR BY REPRESENTATION.

6 (4) IF A DEFENDANT ADMITS RESPONSIBILITY FOR A MUNICIPAL
7 CIVIL INFRACTION "WITH EXPLANATION" UNDER SUBSECTION (3), THE
8 COURT SHALL ACCEPT THE ADMISSION AS THOUGH THE DEFENDANT HAS
9 ADMITTED RESPONSIBILITY UNDER SUBSECTION (2) AND MAY CONSIDER THE
10 DEFENDANT'S EXPLANATION BY WAY OF MITIGATING ANY SANCTION THAT
11 THE COURT MAY ORDER UNDER SECTION 8727. IF APPEARANCE IS MADE BY
12 REPRESENTATION OR MAIL, THE COURT MAY ACCEPT THE ADMISSION WITH
13 THE SAME EFFECT AS THOUGH THE DEFENDANT PERSONALLY APPEARED IN
14 COURT, BUT THE COURT MAY REQUIRE THE DEFENDANT TO PROVIDE A FUR-
15 THER EXPLANATION OR TO APPEAR IN COURT.

16 (5) IF THE DEFENDANT WISHES TO DENY RESPONSIBILITY FOR A
17 MUNICIPAL CIVIL INFRACTION, THE DEFENDANT SHALL DO SO BY APPEAR-
18 ING FOR AN INFORMAL OR FORMAL HEARING. IF THE HEARING DATE IS
19 NOT SPECIFIED ON THE CITATION, THE DEFENDANT SHALL CONTACT THE
20 COURT IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELEPHONE, AND
21 OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR AN INFORMAL OR
22 FORMAL HEARING. IF THE HEARING DATE IS SPECIFIED ON THE
23 CITATION, THE DEFENDANT SHALL APPEAR ON THAT DATE. THE HEARING
24 SHALL BE AN INFORMAL HEARING, UNLESS A FORMAL HEARING IS
25 REQUESTED BY THE DEFENDANT OR THE PLAINTIFF AS PROVIDED BY
26 SECTION 8717. IF A HEARING IS SCHEDULED BY TELEPHONE, THE COURT
27 SHALL MAIL THE DEFENDANT A CONFIRMING NOTICE OF THAT HEARING BY

1 REGULAR MAIL TO THE ADDRESS APPEARING ON THE CITATION OR TO AN
2 ADDRESS THAT IS FURNISHED BY THE DEFENDANT. AN INFORMAL HEARING
3 SHALL BE CONDUCTED PURSUANT TO SECTION 8719, AND A FORMAL HEARING
4 SHALL BE CONDUCTED PURSUANT TO SECTION 8721.

5 SEC. 8717. (1) THE COURT SHALL SCHEDULE A FORMAL HEARING IF
6 EITHER A DEFENDANT WISHING TO DENY RESPONSIBILITY FOR A MUNICIPAL
7 CIVIL INFRACTION OR THE PLAINTIFF EXPRESSLY REQUESTS A FORMAL
8 HEARING AS PROVIDED BY THIS SECTION.

9 (2) A REQUEST FOR A FORMAL HEARING MUST BE RECEIVED BY THE
10 COURT AT LEAST 10 DAYS BEFORE THE HEARING DATE. THE REQUEST MAY
11 BE MADE IN PERSON, BY REPRESENTATION, BY MAIL, OR BY TELEPHONE.

12 (3) THE PARTY REQUESTING A FORMAL HEARING SHALL NOTIFY THE
13 OTHER PARTY OR PARTIES OF THE REQUEST. NOTIFICATION OF THE
14 REQUEST MUST BE RECEIVED BY THE OTHER PARTIES AT LEAST 10 DAYS
15 BEFORE THE HEARING DATE. THE NOTIFICATION OF A REQUEST FOR A
16 FORMAL HEARING MAY BE MADE IN PERSON, BY REPRESENTATION, BY MAIL,
17 OR BY TELEPHONE.

18 SEC. 8719. (1) AN INFORMAL HEARING SHALL BE CONDUCTED BY A
19 DISTRICT COURT MAGISTRATE, IF AUTHORIZED BY THE JUDGE OR JUDGES
20 OF THE DISTRICT COURT DISTRICT, OR BY A JUDGE OF THE DISTRICT
21 COURT OR A MUNICIPAL COURT. A DISTRICT COURT MAGISTRATE MAY
22 ADMINISTER OATHS, EXAMINE WITNESSES, AND MAKE FINDINGS OF FACT
23 AND CONCLUSIONS OF LAW AT AN INFORMAL HEARING. THE JUDGE OR DIS-
24 TRICT COURT MAGISTRATE SHALL CONDUCT THE INFORMAL HEARING IN AN
25 INFORMAL MANNER SO AS TO DO SUBSTANTIAL JUSTICE ACCORDING TO THE
26 RULES OF SUBSTANTIVE LAW, BUT IS NOT BOUND BY THE STATUTORY
27 PROVISIONS OR RULES OF PRACTICE, PROCEDURE, PLEADING, OR

1 EVIDENCE, EXCEPT PROVISIONS RELATING TO PRIVILEGED
2 COMMUNICATIONS. THERE SHALL NOT BE A JURY AT AN INFORMAL
3 HEARING. A VERBATIM RECORD OF AN INFORMAL HEARING IS NOT
4 REQUIRED.

5 (2) AT AN INFORMAL HEARING, THE DEFENDANT MAY NOT BE REPRE-
6 SENTED BY AN ATTORNEY NOR MAY THE PLAINTIFF BE REPRESENTED BY THE
7 PROSECUTING ATTORNEY OR ATTORNEY FOR A POLITICAL SUBDIVISION.

8 (3) NOTICE OF A SCHEDULED INFORMAL HEARING SHALL BE GIVEN TO
9 THE PLAINTIFF. THE PLAINTIFF AND DEFENDANT MAY SUBPOENA
10 WITNESSES. WITNESS FEES NEED NOT BE PAID IN ADVANCE TO A
11 WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF THE PLAINTIFF
12 ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE DISTRICT COURT
13 FOR THE PLACE WHERE THE HEARING OCCURS, OR BY THE CITY OR VILLAGE
14 IF THE HEARING INVOLVES AN ORDINANCE VIOLATION IN A DISTRICT
15 WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

16 (4) IF THE JUDGE OR DISTRICT COURT MAGISTRATE DETERMINES BY
17 A PREPONDERANCE OF THE EVIDENCE THAT THE DEFENDANT IS RESPONSIBLE
18 FOR A MUNICIPAL CIVIL INFRACTION, THE JUDGE OR MAGISTRATE SHALL
19 ENTER AN ORDER AGAINST THE DEFENDANT AS PROVIDED IN
20 SECTION 8727. OTHERWISE, A JUDGMENT SHALL BE ENTERED FOR THE
21 DEFENDANT, BUT THE DEFENDANT IS NOT ENTITLED TO COSTS OF THE
22 ACTION.

23 (5) THE PLAINTIFF AND DEFENDANT ARE ENTITLED TO APPEAL AN
24 ADVERSE JUDGMENT ENTERED AT AN INFORMAL HEARING. AN APPEAL FROM
25 A MUNICIPAL JUDGE SHALL BE A TRIAL DE NOVO IN THE CIRCUIT COURT.
26 IN OTHER INSTANCES, AN APPEAL SHALL BE DE NOVO IN THE FORM OF A
27 SCHEDULED FORMAL HEARING AS FOLLOWS:

1 (A) THE APPEAL FROM A JUDGE OF THE DISTRICT COURT SHALL BE
2 HEARD BY A DIFFERENT JUDGE OF THE DISTRICT.

3 (B) THE APPEAL FROM A DISTRICT COURT MAGISTRATE SHALL BE
4 HEARD BY A JUDGE OF THE DISTRICT.

5 SEC. 8721. (1) A FORMAL HEARING SHALL BE CONDUCTED ONLY BY
6 A JUDGE OF THE DISTRICT COURT OR A MUNICIPAL COURT.

7 (2) IN A FORMAL HEARING, THE DEFENDANT MAY BE REPRESENTED BY
8 AN ATTORNEY, BUT IS NOT ENTITLED TO COUNSEL APPOINTED AT PUBLIC
9 EXPENSE.

10 (3) NOTICE OF A FORMAL HEARING SHALL BE GIVEN TO THE PROSE-
11 CUTING ATTORNEY OR ATTORNEY FOR THE POLITICAL SUBDIVISION WHO
12 REPRESENTS THE PLAINTIFF. THAT ATTORNEY SHALL APPEAR IN COURT
13 FOR A FORMAL HEARING AND IS RESPONSIBLE FOR THE ISSUANCE OF A
14 SUBPOENA TO EACH WITNESS FOR THE PLAINTIFF. THE DEFENDANT MAY
15 ALSO SUBPOENA WITNESSES. WITNESS FEES NEED NOT BE PAID IN
16 ADVANCE TO A WITNESS. WITNESS FEES FOR A WITNESS ON BEHALF OF
17 THE PLAINTIFF ARE PAYABLE BY THE DISTRICT CONTROL UNIT OF THE
18 DISTRICT COURT FOR THE PLACE WHERE THE HEARING OCCURS, OR BY THE
19 CITY OR VILLAGE IF THE HEARING INVOLVES AN ORDINANCE VIOLATION IN
20 A DISTRICT WHERE THE DISTRICT COURT IS NOT FUNCTIONING.

21 (4) THERE SHALL NOT BE A JURY TRIAL IN A FORMAL HEARING.

22 (5) IF THE JUDGE DETERMINES BY A PREPONDERANCE OF THE EVI-
23 DENCE THAT THE DEFENDANT IS RESPONSIBLE FOR A MUNICIPAL CIVIL
24 INFRACTION, THE JUDGE SHALL ENTER AN ORDER AGAINST THE DEFENDANT
25 AS PROVIDED IN SECTION 8727. OTHERWISE, A JUDGMENT SHALL BE
26 ENTERED FOR THE DEFENDANT, BUT THE DEFENDANT IS NOT ENTITLED TO
27 COSTS OF THE ACTION.

1 SEC. 8723. IF THE DEFENDANT FAILS TO APPEAR AS DIRECTED BY
2 THE CITATION OR OTHER NOTICE, AT A SCHEDULED APPEARANCE UNDER
3 SECTION 8715(3)(B) OR (4), AT A SCHEDULED INFORMAL HEARING, OR AT
4 A SCHEDULED FORMAL HEARING, THE COURT SHALL ENTER A DEFAULT JUDG-
5 MENT AGAINST THE DEFENDANT.

6 SEC. 8725. (1) AN AUTHORIZED LOCAL OFFICIAL ISSUING A
7 CITATION UNDER THIS CHAPTER FOR A MUNICIPAL CIVIL INFRACTION
8 SHALL NOT ACCEPT A FEE FOR ISSUING THE CITATION.

9 (2) AN AUTHORIZED LOCAL OFFICIAL WHO VIOLATES THIS SECTION
10 IS GUILTY OF MISCONDUCT IN OFFICE AND SUBJECT TO REMOVAL FROM
11 OFFICE.

12 SEC. 8727. (1) A MUNICIPAL CIVIL INFRACTION IS NOT A LESSER
13 INCLUDED OFFENSE OF A CRIMINAL OFFENSE.

14 (2) IF A DEFENDANT IS DETERMINED TO BE RESPONSIBLE OR
15 RESPONSIBLE "WITH EXPLANATION" FOR A MUNICIPAL CIVIL INFRACTION,
16 THE JUDGE OR DISTRICT COURT MAGISTRATE MAY ORDER THE DEFENDANT TO
17 PAY A CIVIL FINE AND COSTS AS PROVIDED IN SUBSECTION (3). IN THE
18 ORDER OF JUDGMENT, THE JUDGE OR DISTRICT COURT MAGISTRATE MAY
19 GRANT A DEFENDANT PERMISSION TO PAY A CIVIL FINE AND COSTS WITHIN
20 A SPECIFIED PERIOD OF TIME OR IN SPECIFIED INSTALLMENTS.
21 OTHERWISE, THE CIVIL FINE AND COSTS ARE PAYABLE IMMEDIATELY.

22 (3) IF A DEFENDANT IS ORDERED TO PAY A CIVIL FINE UNDER
23 SUBSECTION (2), THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL SUM-
24 MARILY TAX AND DETERMINE THE COSTS OF THE ACTION, WHICH ARE NOT
25 LIMITED TO THE COSTS TAXABLE IN ORDINARY CIVIL ACTIONS AND MAY
26 INCLUDE ALL EXPENSES, DIRECT AND INDIRECT, TO WHICH THE PLAINTIFF
27 HAS BEEN PUT IN CONNECTION WITH THE MUNICIPAL CIVIL INFRACTION,

1 UP TO THE ENTRY OF JUDGMENT. COSTS OF NOT LESS THAN \$5.00 SHALL
2 BE ORDERED. COSTS SHALL NOT BE ORDERED IN EXCESS OF \$100.00.
3 EXCEPT AS OTHERWISE PROVIDED BY LAW, COSTS SHALL BE PAYABLE TO
4 THE GENERAL FUND OF THE PLAINTIFF.

5 (4) IN ADDITION TO ORDERING THE DEFENDANT TO PAY A CIVIL
6 FINE AND COSTS, THE JUDGE OR DISTRICT COURT MAGISTRATE MAY ISSUE
7 A WRIT OR ORDER UNDER SECTION 8302.

8 (5) A DISTRICT COURT MAGISTRATE SHALL IMPOSE THE SANCTIONS
9 PERMITTED UNDER SUBSECTIONS (2) AND (4) ONLY TO THE EXTENT
10 EXPRESSLY AUTHORIZED BY THE CHIEF JUDGE OR ONLY JUDGE OF THE DIS-
11 TRICT COURT DISTRICT.

12 (6) EACH DISTRICT OF THE DISTRICT COURT AND EACH MUNICIPAL
13 COURT MAY ESTABLISH A SCHEDULE OF CIVIL FINES AND COSTS TO BE
14 IMPOSED FOR MUNICIPAL CIVIL INFRACTIONS THAT OCCUR WITHIN THE
15 DISTRICT OR CITY. IF A SCHEDULE IS ESTABLISHED, IT SHALL BE
16 PROMINENTLY POSTED AND READILY AVAILABLE FOR PUBLIC INSPECTION.
17 A SCHEDULE NEED NOT INCLUDE ALL VIOLATIONS THAT ARE DESIGNATED BY
18 ORDINANCE AS MUNICIPAL CIVIL INFRACTIONS. A SCHEDULE MAY EXCLUDE
19 CASES ON THE BASIS OF A DEFENDANT'S PRIOR RECORD OF MUNICIPAL
20 CIVIL INFRACTIONS.

21 (7) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS
22 ORDERED UNDER SUBSECTION (2) OR (3) OR AN INSTALLMENT OF THE FINE
23 OR COSTS MAY BE COLLECTED BY A MEANS AUTHORIZED FOR THE ENFORCE-
24 MENT OF A JUDGMENT UNDER CHAPTER 40 OR CHAPTER 60.

25 (8) IF A DEFENDANT FAILS TO COMPLY WITH AN ORDER OR JUDGMENT
26 ISSUED PURSUANT TO THIS SECTION WITHIN THE TIME PRESCRIBED BY THE

1 COURT, THE COURT MAY PROCEED UNDER SECTION 8729 OR 8731, OR BOTH,
2 AS APPLICABLE.

3 (9) A DEFENDANT WHO FAILS TO ANSWER A CITATION OR NOTICE TO
4 APPEAR IN COURT FOR A MUNICIPAL CIVIL INFRACTION IS GUILTY OF A
5 MISDEMEANOR.

6 SEC. 8729. (1) IF A DEFENDANT DEFAULTS IN THE PAYMENT OF A
7 CIVIL FINE OR COSTS OR OF ANY INSTALLMENT, AS ORDERED PURSUANT TO
8 SECTION 8727, THE COURT, UPON THE MOTION OF THE PLAINTIFF OR UPON
9 ITS OWN MOTION, MAY REQUIRE THE DEFENDANT TO SHOW CAUSE WHY THE
10 DEFAULT SHOULD NOT BE TREATED AS IN CIVIL CONTEMPT AND MAY ISSUE
11 A SUMMONS, ORDER TO SHOW CAUSE, OR A BENCH WARRANT OF ARREST FOR
12 THE DEFENDANT'S APPEARANCE.

13 (2) IF A CORPORATION OR AN ASSOCIATION IS ORDERED TO PAY A
14 CIVIL FINE OR COSTS, THE INDIVIDUALS AUTHORIZED TO MAKE DISBURSE-
15 MENT SHALL PAY THE FINE OR COSTS, AND THEIR FAILURE TO DO SO
16 SHALL BE CIVIL CONTEMPT UNLESS THEY MAKE THE SHOWING REQUIRED IN
17 THIS SECTION.

18 (3) UNLESS THE DEFENDANT SHOWS THAT THE DEFAULT WAS NOT
19 ATTRIBUTABLE TO AN INTENTIONAL REFUSAL TO OBEY THE ORDER OF THE
20 COURT OR TO A FAILURE ON HIS OR HER PART TO MAKE A GOOD FAITH
21 EFFORT TO OBTAIN THE FUNDS REQUIRED FOR PAYMENT, THE COURT SHALL
22 FIND THAT THE DEFAULT CONSTITUTES A CIVIL CONTEMPT AND MAY ORDER
23 THE DEFENDANT COMMITTED UNTIL ALL OR A SPECIFIED PART OF THE
24 CIVIL FINE, COSTS, OR BOTH, IS PAID.

25 (4) IF IT APPEARS THAT THE DEFAULT IN THE PAYMENT OF A FINE
26 OR COSTS DOES NOT CONSTITUTE CIVIL CONTEMPT, THE COURT MAY ENTER
27 AN ORDER ALLOWING THE DEFENDANT ADDITIONAL TIME FOR PAYMENT,

1 REDUCING THE AMOUNT OF PAYMENT OR OF EACH INSTALLMENT, OR
2 REVOKING THE FINE OR COSTS.

3 (5) THE TERM OF IMPRISONMENT ON CIVIL CONTEMPT FOR NONPAY-
4 MENT OF A CIVIL FINE OR COSTS SHALL BE SPECIFIED IN THE ORDER OF
5 COMMITMENT, AND SHALL NOT EXCEED 1 DAY FOR EACH \$10.00 OF THE
6 FINE AND COSTS. A PERSON COMMITTED FOR NONPAYMENT OF A CIVIL
7 FINE OR COSTS SHALL BE GIVEN CREDIT TOWARD PAYMENT FOR EACH DAY
8 OF IMPRISONMENT AND EACH DAY OF DETENTION IN DEFAULT OF RECOGNI-
9 ZANCE BEFORE JUDGMENT AT THE RATE OF \$10.00 PER DAY.

10 (6) A DEFENDANT COMMITTED TO IMPRISONMENT FOR CIVIL CONTEMPT
11 FOR NONPAYMENT OF A CIVIL FINE OR COSTS SHALL NOT BE DISCHARGED
12 FROM CUSTODY UNTIL 1 OF THE FOLLOWING OCCURS:

13 (A) THE DEFENDANT IS CREDITED WITH THE AMOUNT DUE PURSUANT
14 TO SUBSECTION (5).

15 (B) THE AMOUNT DUE IS COLLECTED THROUGH EXECUTION OF PROCESS
16 OR OTHERWISE.

17 (C) THE AMOUNT DUE IS SATISFIED PURSUANT TO A COMBINATION OF
18 SUBDIVISIONS (A) AND (B).

19 (7) THE CIVIL CONTEMPT SHALL BE PURGED UPON DISCHARGE OF THE
20 DEFENDANT PURSUANT TO SUBSECTION (6).

21 SEC. 8731. (1) IF A DEFENDANT DOES NOT PAY A CIVIL FINE OR
22 COSTS OR AN INSTALLMENT ORDERED UNDER SECTION 8727 WITHIN 30 DAYS
23 AFTER THE DATE OF ENTRY OF AN ORDER UNDER SECTION 8727 IN A
24 MUNICIPAL CIVIL INFRACTION ACTION BROUGHT FOR A VIOLATION INVOLV-
25 ING THE USE OR OCCUPATION OF LAND OR A BUILDING OR OTHER STRUC-
26 TURE, THE PLAINTIFF MAY OBTAIN A LIEN AGAINST THE LAND, BUILDING,
27 OR STRUCTURE INVOLVED IN THE VIOLATION BY RECORDING A COPY OF THE

1 COURT ORDER REQUIRING PAYMENT OF THE FINE AND COSTS WITH THE
2 REGISTER OF DEEDS FOR THE COUNTY IN WHICH THE LAND, BUILDING, OR
3 STRUCTURE IS LOCATED. THE LIEN IS EFFECTIVE IMMEDIATELY UPON
4 RECORDING OF THE COURT ORDER WITH THE REGISTER OF DEEDS.

5 (2) THE COURT ORDER RECORDED WITH THE REGISTER OF DEEDS
6 SHALL CONSTITUTE NOTICE OF THE PENDENCY OF THE LIEN. IN ADDI-
7 TION, A WRITTEN NOTICE OF THE LIEN SHALL BE SENT BY THE PLAINTIFF
8 BY FIRST-CLASS MAIL TO THE OWNER OF RECORD OF THE LAND, BUILDING,
9 OR STRUCTURE AT THE OWNER'S LAST KNOWN ADDRESS.

10 (3) THE LIEN MAY BE ENFORCED AND DISCHARGED BY A VILLAGE,
11 TOWNSHIP, CITY, OR COUNTY IN THE MANNER PRESCRIBED BY ITS
12 CHARTER, BY THE GENERAL LAWS OF THE STATE PROVIDING FOR THE
13 ENFORCEMENT AND DISCHARGING OF TAX LIENS, OR BY AN ORDINANCE DULY
14 PASSED BY THE GOVERNING BODY OF THE VILLAGE, TOWNSHIP, CITY, OR
15 COUNTY.

16 (4) A LIEN CREATED UNDER THIS SECTION HAS PRIORITY OVER ANY
17 OTHER LIEN, WHETHER OR NOT THE OTHER LIEN IS CREATED OR RECORDED
18 BEFORE THE CREATION OF THE LIEN UNDER THIS SECTION, UNLESS 1 OR
19 MORE OF THE FOLLOWING APPLY:

20 (A) THE OTHER LIEN IS A LIEN FOR TAXES OR SPECIAL
21 ASSESSMENTS.

22 (B) THE OTHER LIEN IS CREATED BEFORE THE EFFECTIVE DATE OF
23 THE AMENDATORY ACT THAT ADDED THIS SECTION.

24 (C) FEDERAL LAW PROVIDES THAT THE OTHER LIEN HAS PRIORITY.

25 (5) A VILLAGE, TOWNSHIP, CITY, OR COUNTY MAY INSTITUTE AN
26 ACTION IN A COURT OF COMPETENT JURISDICTION FOR THE COLLECTION OF
27 THE FINES AND COSTS IMPOSED BY A COURT ORDER FOR A MUNICIPAL

1 CIVIL INFRACTION. HOWEVER, AN ATTEMPT BY A VILLAGE, TOWNSHIP,
2 CITY, OR COUNTY TO COLLECT THE FINES OR COSTS BY ANY PROCESS DOES
3 NOT INVALIDATE OR WAIVE THE LIEN UPON THE LAND, BUILDING, OR
4 STRUCTURE.

5 (6) A LIEN PROVIDED FOR BY THIS SECTION SHALL NOT CONTINUE
6 FOR A PERIOD LONGER THAN 5 YEARS AFTER A COPY OF THE COURT ORDER
7 IMPOSING A FINE OR COSTS IS RECORDED, UNLESS WITHIN THAT TIME AN
8 ACTION TO ENFORCE THE LIEN IS COMMENCED.