

INGHAM COUNTY PARK AND ZOO RULES AND REGULATIONS

Adopted June 27, 1998 - Modified June 12, 2007 – Modified June 23, 2023

**ORDINANCE TO ADOPT RULES AND REGULATIONS FOR THE PARKS
AND ZOO UNDER THE JURISDICTION OF INGHAM COUNTY, MICHIGAN,
AND TO ESTABLISH PENALTIES FOR VIOLATIONS**

The County of Ingham ordains:

Section 1. Ordinance Title.

The title of this Ordinance shall be the Ingham County Parks and Zoo Rules and Regulations.

Section 2. Definitions.

- A. “Authorized Local Official” means the Parks Director, Zoo Director, or their respective designee(s); Public Safety Rangers; or other personnel of the County legally authorized to issue municipal civil infraction citations.
- B. “Citation” means a written complaint or notice to appear in District Court upon which an authorized local official records the occurrence or existence of 1 or more violations of this Ordinance by the party cited.
- C. “Civil Infraction” means a parking violation prohibited by this Ordinance, for which civil sanctions may be ordered.
- D. “County” means the County of Ingham, Michigan.
- E. “District Court” means the 55th Judicial District Court.
- F. “Misdemeanor” means a violation of this Ordinance which is not designated as a municipal civil infraction by this Ordinance.
- G. “Municipal Civil Infraction” means an act or omission that is prohibited by this Ordinance, but which is not a misdemeanor under this Ordinance, and for which civil sanctions including, without limitations, fines, damages, expenses, and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.
- H. “Municipal Civil Infraction Action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- I. “Parks” means all parks under the jurisdiction of the County of Ingham, unless otherwise indicated herein.

- J. “Potter Park” means the area from Pennsylvania Avenue to the Potter Park Zoo perimeter fence.
- K. “State” means the State of Michigan.
- L. “Violation” means an act which is prohibited by this Ordinance. A violation shall include any omission or failure to act where the action is required by this Ordinance.
- M. “Zoo” means the area inside the perimeter fence of the Potter Park Zoo.

Section 3. Park and Zoo Hours.

- A. Hours of Operation. All Parks under the jurisdiction of the County shall open at 8:00 a.m. and close at sunset.
- B. Exceptions—Parks. No person or vehicle shall remain at the Park between 30 minutes after sunset, unless otherwise posted or permission has been granted in writing by the Parks Director, Zoo Director, or their respective designee(s). These exceptions include, but are not limited to:
 - 1. Individuals camping with an approved permit issued by the Parks Director, Zoo Director, or their respective designee(s); or
 - 2. Special events authorized in advance, in writing, by the Parks Director, Zoo Director, or their respective designee(s). Details regarding Special Event Permits can be found on the County’s website.
- C. Exceptions—Zoo. All Zoo visitors are required to leave the premises within 60 minutes after posted closing times.
- D. Variations in Hours of Operation. The Parks, Potter Park, Zoo, or portions thereof, may be closed entirely or closed to certain uses for such period(s) of time as may be determined by the Parks Director, Zoo Director, or their respective designee(s).

Section 4. Conduct on Park and Zoo Property.

- A. Preservation of Property. No person shall willfully disturb, destroy, deface, alter, change, or remove any part of the Parks, Potter Park, or Zoo, or any facility, building, sign, structure, equipment, utility, or other property found therein.
- B. Preservation of Natural Resources and Plant Life. No person shall:

1. Remove, or cause to be removed, any sod, earth, humus, peat, boulder, gravel, sand, or water found within the Parks, Potter Park, or Zoo without the prior written permission of the Parks Director, Zoo Director, or their respective designee(s).
 2. Cut, remove, dig, injure, pick, damage, deface or destroy any tree, flower, shrub, or plant, whether alive or dead, found within a Park or the Zoo without prior written permission of the Parks Director, Zoo Director, or their respective designee(s) (with the exception of picking mushrooms).
 3. Destroy or remove any historical or pre-historical ruin or parts thereof, or any object of antiquity without the permission of the Parks Director, Zoo Director, or their respective designee(s).
 4. Traverse across County property to participate in items listed in B1 and B2 above.
- C. Preservation of Wildlife. No person shall hunt, trap, bait, pursue, injure, feed, kill, or in any manner disturb any amphibian, reptile, bird, or mammal on any land or waters under the jurisdiction of the County unless posted or written permission has been granted by the Parks Director, Zoo Director, or their respective designee(s).
- D. Invasive Plant and/or Animal Species. No person shall introduce an invasive plant and/or animal species into the Parks, Potter Park, or Zoo, land, or water, except as authorized by the Parks Director, Zoo Director, or their respective designee(s). An invasive species is one that is not native and whose introduction causes harm, or is likely to cause harm, to Michigan's economy, environment, or human health.
- E. Fires. No person shall build a fire within the Parks, Potter Park, or Zoo except in grills or fire rings provided for such purpose. Fires in the beach area are expressly forbidden. Firewood may not be collected to be used within the Parks, Potter Park, or Zoo. Section 4. E. does not apply to Parks and Zoo employees gathering fallen wood in the course of their employment with the County.
- F. Disposal or Refuse. No person shall:
1. Deposit or abandon in the Parks or Potter Park, in any waters in or adjacent to the Parks or Potter Park or on the ice thereof, or in the Zoo any garbage, refuse, trash, waste, or other obnoxious material, except in receptacles provided for such purposes.
 2. Bring into the Parks, Potter Park, or Zoo refuse or litter originating outside any Park for the purpose of depositing such in Park receptacles.
- G. Fireworks, Firearms, and Other Weapons. No person shall:

1. Have in their possession or control any slingshot, BB gun, paint ball guns, fireworks, or any other substance of an explosive or dangerous nature within the Parks, Potter Park, or the Zoo.
2. Have in their possession or control any bow or arrow within the Parks, Potter Park, or Zoo, except if posted or by prior written permission of the County.
3. Discharge or set off any rifle, shotgun, pellet gun, air rifle, pistol, or other firearm in the Parks, Potter Park, or Zoo for any reason, provided that this rule shall not apply if otherwise posted or to any law enforcement officer acting in the course of their employment or members of the Zoo Emergency Response Team. Possession of firearms shall be permitted in the Parks, Potter Park, and Zoo in accordance with the laws of the State of Michigan.

H. Alcoholic Beverages.

1. No alcohol of any kind will be consumed on Parks, Potter Park, or Zoo premises by any person under the legal age. Valid identification may be requested of any person(s) who appear to be underage at any time. All guests must have a valid ID if they plan to consume alcoholic beverages while on Parks, Potter Park, or Zoo premises.
2. Alcoholic beverages of any kind may not be possessed, consumed, sold, or dispersed in the Zoo, Lake Lansing Park-South, and Hawk Island County Park unless allowed as a condition of an approved Special Event Permit issued by the Parks Director, Zoo Director, or their respective designee(s). The recipient of an approved Special Event Permit is responsible for consulting with the Michigan Liquor Control Commission to determine whether a license to service alcoholic beverages must be obtained. If a license is required, a copy of said license shall be provided to the County and conspicuously displayed on the day of the special event in compliance with the laws of the State of Michigan and the rules of the Michigan Liquor Control Commission regarding the sale, furnishing, and consumption of alcoholic beverages.
3. Notwithstanding Section 4(H)(1) and (2), beer and wine are permitted at the following Parks without prior written permission from the Parks Director, Zoo Director, or their respective designee(s):
 - a. Burchfield Park,
 - b. Riverbend Natural Area,
 - c. McNamara Canoe Landing,

- d. Potter Park,
- e. Bunker Road Canoe Landing, and
- f. Lake Lansing Park-North.

Keg beer is only allowed by a Special Event Permit granted by the Parks Director, Zoo Director, or their respective designee(s) for a specific area on a specific date.

- 4. Possession and/or consumption of alcoholic beverages of any kind is prohibited at park beaches, dog parks, water parks, and playgrounds.

I. Disorderly Conduct. No person shall:

- 1. Commit, make, or engage in violent, abusive, boisterous, loud, illegal, obscene, or similar disorderly conduct within the boundaries of the Parks, Potter Park, and Zoo. Disorderly conduct includes, but is not limited to, any of the following
 - a. A person who is intoxicated in a public place with a blood alcohol level that exceeds the legal limit, or when under the influence of illegal drugs or controlled substances.
 - b. A person who is endangering the safety of another person or property or is acting in a manner that causes a public disturbance.
 - c. A person who is engaged in indecent or obscene conduct in a public place.
- 2. Interfere with Parks, Potter Park, or Zoo employees in the discharge of their duties or fail or refuse to obey any lawful command issued by them.

J. Audio Devices.

- 1. No person shall use or operate any radio, musical instrument, phonograph, television, or other machine or device that produces or reproduces sound in such a manner that produces excessive noise. The use of such a machine or device such that the sound produced therefrom is audible in any direction at a distance in excess of 100 feet, shall be deemed a prima facie violation of this Section, unless prior written permission has been obtained from the Parks Director, Zoo Director, or their respective designee(s).
- 2. No person, group, or organization using any picnic shelter within the Parks, Potter Park, or Zoo, with or without having reserved or rented said picnic shelter, shall use or operate any radio, musical instrument, phonograph, television, compact disc player, tape player, or other machine or device that produces or reproduces sound

or music, regardless of its audio volume, within 150 feet of any picnic shelter, unless specific written permission has been obtained from the Parks Director, Zoo Director, or their respective designee(s). Such written permission shall be in the form of a County-approved Special Event Permit, and shall include the name of the person responsible for the control of such equipment, the type of equipment authorized for use, hours of use and any other information or restrictions regarding the audio equipment's use that shall be deemed necessary by the Parks Director, Zoo Director, or their respective designee(s). The responsible party named in the written permit shall be on site and available to Park and Zoo officials at all times while the audio equipment is in use. Such permit may be revoked at any time by the Parks Director, Zoo Director, or their respective designee(s).

3. This rule does not apply to the use of a machine or device equipped with a headphone or an earphone where the sound or music would be limited to or confined to the user in control of the machine or device while the headphone or earphone is in use for its intended purpose.

K. Other.

1. No person under the age of fifteen (15) shall be allowed entrance into the Zoo, unless accompanied by an adult at least eighteen (18) years of age.
2. No person shall be allowed on Zoo premises without shoes and a shirt.
3. All visitors to the Zoo shall remain behind public barricades.
4. No person shall in any manner willfully disturb a Zoo animal.
5. All visitors are prohibited from feeding Zoo animals except as otherwise designated.
6. No person shall use metal detectors in any turf areas within the Parks, Potter Park, or Zoo.
7. No person shall play Frisbee and/or ball games within the Zoo or the beach areas of Lake Lansing Park-South, Hawk Island County Park, and William M. Burchfield Park.
8. No person shall operate a hot air balloon or model rocket vehicle, model aircraft, or model watercraft, which are powered by battery, gas, fuel, or fuel pellet, in any Park or the Zoo without the prior written permission of the Parks Director, Zoo Director, or their respective designee(s).

9. Use of drones at the Parks, Potter Park, and Zoo shall be subject to and in full compliance with all Federal Aviation Administration regulations and the laws of the State of Michigan.
10. The launching of trailered watercrafts directly into a body of water is prohibited at Hawk Island County Park and Burchfield Park without prior written permission from the Parks Director or their designee(s). Non-motorized watercrafts that are capable of being hand carried are permitted to be launched at Hawk Island County Park and Burchfield Park at designated locations only. Non-electric motors are prohibited at Hawk Island County Park and Burchfield Park.
11. Smoking and/or the use of any smoking device that produces vapor or smoke from nicotine or other substances, including, but not limited to, e-cigarettes, is strictly prohibited within the Parks, Potter Park, and the Zoo. This prohibition does not apply to designated parking areas.

Section 5. Swimming, Bathing, and Wading.

- A. Designated Areas. No person shall swim, bathe, or wade in any lake, pond, or watercourse, except within those areas so designated. Swimming in designated areas may be prohibited from time to time for such period of time as may be determined by the Parks Director or their designee(s). Swimming is strictly prohibited in any area of the Zoo.
- B. Age Restrictions. Children eight (8) years of age and under shall be accompanied by an adult at least eighteen (18) years of age while in a designated swimming area.
- C. Hours of Operation. Beach and swim areas during the regular summer season shall be open as posted.
- D. Inflatable Devices. Air mattresses, inner tubes, life jackets, or any other devices, inflatable or otherwise, used in the aid of swimming are prohibited unless otherwise posted. Only U.S. Coast Guard approved personal flotation devices may be worn by individuals.
- E. Prohibited Items. Alcoholic beverages, glass containers, and pets are not allowed within the posted limits of the beach area.

Section 6. Dogs and Pets.

- A. Leash Requirements. Unless otherwise posted, dogs shall be kept on a leash no greater than 6 feet in length at all times while on Park and Potter Park premises. The only exception is within designated off-leash areas.
- B. Prohibited Conduct. All pets must be under the immediate control of a responsible adult and shall not be allowed to disturb or annoy Park or Potter Park visitors or wildlife.

- C. Designated Areas. Pets are allowed in Lake Lansing Park-North, Burchfield Park, Hawk Island County Park, and Potter Park, and Lake Lansing Park-South, McNamara Canoe Landing, Riverbend Natural Area unless otherwise posted.
- D. Exceptions. Pets are not allowed on ski trails when open for skiing or within designated bathing beach areas, Park buildings, restrooms, playgrounds, mountain bike trails, and shelters, unless allowed as a condition of an approved Special Event Permit or to transport a pet directly from an automobile to a watercraft at the Lake Lansing Boat Launch.
- E. Unattended Pets. Pets must always be accompanied and must never be left unattended. This includes being left in a vehicle or trailer.
- F. Pet Droppings. Owners must clean up pet droppings.

Section 7. Service Animals.

- A. Definition. In compliance with the Americans with Disabilities Act, 42 USC § 12101 *et seq.*, a service animal means a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Emotional support, therapy, comfort, or animals that provide comfort just by being with a person are not considered service animals because they have not been trained to perform a specific job or task. Therefore, they do not qualify as service animals.
- B. Leash Requirements. Service animals and service animals in-training must be harnessed, leashed, or tethered while in public places, unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. MCL 750.502c(4).
- C. Prohibited Conduct. Service animals and service animals in-training may be excluded from a place of public accommodation if the service animal or service animal in-training is:
 - 1. Out of control and its handler does not take effective action to control it, or
 - 2. Not housebroken. MCL 750.502c(2).
- D. Designated Areas. Service animals and service animals in-training are allowed in all areas that are open to the public at the Parks, Potter Park, and Zoo as provided under MCL 750.502c, as amended. A service animal or service animal in-training may not be excluded from the premises due to allergies or the fear of the animal.
- E. Exceptions—Parks, Potter Park, and Zoo. A dog or miniature horse may be excluded from areas in which pets are generally prohibited if it is:

1. Not a service animal or service animal in-training,
2. Not accompanying a person with a disability, or
3. Otherwise out of control or unduly disruptive.

F. Exceptions—Zoo. The Zoo is responsible for the health and well-being of a vast collection of valued and, in many cases, rare and endangered species of animals. As the Zoo is subject to stringent regulations pertaining to the care and protection of these animals, service animals and service animals in-training are restricted from inside the contact area (Goat Area) and Animal Meet and Greet/Behind the Scenes Encounters.

In the event a service animal or service animal in-training's presence visibly upsets or agitates Zoo animals, the Zoo reserves the right to designate some areas not previously listed herein as off limits, or to designate the area as sensitive and request that the owner of the service animal or service animal in-training observe extra caution in those areas. Sensitive areas may be designated in areas that house animals considered vulnerable or sensitive to predator species or as a result of new births or hatchlings, nesting or breeding behaviors in progress, or new animals on exhibit. The Zoo Director or their designee(s) will determine whether special circumstances warrant restrictions on service animals or service animals in-training in any area.

G. Admission Procedure.

1. In compliance with MCL 750.502c(6), if it is not readily apparent that an animal is a trained service dog or miniature horse, Park and/or Zoo employees are permitted to ask only the following questions of the owner, if necessary, to determine if the dog or miniature horse is a service animal:
 - a. Is the animal required because of a disability? and,
 - b. What work or task is the animal trained to provide?
2. Park and Zoo employees are prohibited from
 - a. Asking about a person's disability,
 - b. Requiring medical documentation,
 - c. Requiring a special identification card or training document for the service animal, or

- d. Asking that the service animal demonstrate its ability to perform work or a task. MCL 750.502c(6)-(7)(a).
3. If admission of the animal is denied based on the owner's answers to the questions outlined herein under Section 7(G)(1), the owner shall be provided with an opportunity to enter the Parks, Potter Park, or Zoo. At the Zoo, if requested, an escort will be provided to assist the owner. The Parks, Potter Park, or Zoo shall not kennel or care for the animal during the time the owner is inside the Parks, Potter Park, or Zoo.

Section 8. Horses.

It shall be a violation for a person to ride, lead, or allow a horse to be upon any property not designated as a horse trail by or under the jurisdiction of the County unless prior written permission has been obtained from the Parks Director, Zoo Director, or their respective designee(s).

Section 9. Bicycles, Skateboards, Scooters, Roller-Skates, and Other Devices.

Bicycles or other similar conveyances shall be permitted on designated trails only. No person shall operate a bicycle, skateboard, scooter, roller-skates, or other similar conveyance upon any sidewalk or trail, except at such times and at such places as may be designated or maintained by the County. At no time shall a person's use of a bicycle, skateboard, scooter, roller-skates, or similar device be done in a manner that would obstruct vehicle or pedestrian traffic within the Parks, Potter Park, or Zoo. Section 9 does not apply to Parks and Zoo employees utilizing bicycles in the course of their employment with the County.

Section 9a. Electric Bicycles.

Except as otherwise provided under Act No. 300 of the Public Acts of 1949, an individual riding an electric bicycle is subject to the same requirements as an individual riding a bicycle.

Section 10. Natural Area and Nature Trails.

- A. **Pedestrian Use.** Nature trails shall be for pedestrian traffic only, unless otherwise posted. The reckless operation of mobility vehicles that meet the Americans with Disabilities Act, 42 USC § 12101 *et seq* guidelines is prohibited.
- B. **Fires.** Fires are prohibited within any nature study areas, unless prior written permission has been granted by the Parks Director, Zoo Director, or their respective designee(s).
- C. **Prohibited Access.** Bicycles, horses, and pets are prohibited within such areas, unless otherwise posted and with the exception that bicycles are allowed at Riverbend Natural Area. Dogs are permitted on hiking trails only.

Section 11. Motor Vehicles.

- A. Operation of Motor Driven Vehicles. With the exception of County Parks Department and Zoo Department employees, it shall be unlawful for any person to:
1. Operate a motor driven vehicle of any kind or nature in excess of 15 miles per hour within the Parks, Potter Park, or Zoo, except where otherwise posted.
 2. Operate any motor driven vehicle of any kind or nature except on designated public roads, unless prior written approval has been provided by the Parks Director, Zoo Director, or their respective designee(s).
 3. Operate a motor driven vehicle of any kind or nature in violation of posted traffic control signs or devices.
 4. Operate an unlicensed motor vehicle upon any park road or parking area.
- B. State Laws. All motor driven vehicles operated on park roadways or parking lots shall be subject to the laws of the State of Michigan as set forth in the Michigan Motor Vehicle Code.

Section 12. Parking.

- A. Parking in Prohibited Areas. It shall be unlawful for any person, except for Park and Zoo personnel, to:
1. Park or leave unattended any motor vehicle within any area not designated as a parking area or space.
 2. Stop, stand, or park any motor vehicle at any place where official signs prohibit.
 3. Park any motor vehicle in any space designated by sign for use by a disabled person without displaying an official placard or registration plate issued to a disabled person.
- B. Use of Parking Areas.
1. Unless otherwise permitted in writing by the Parks Director, Zoo Director, or their respective designee(s), parking lots in the Parks, Potter Park, and Zoo are hereby closed to all activities except parking of vehicles and entry and exit from vehicles. No park land usage, including, but not limited to, picnicking, Frisbee throwing, games, or other activities, shall be permitted in the parking lots of the Parks, Potter

Park, or Zoo. All Parks, Potter Park, and Zoo activities, except traversing to and from parking lots and/or parking of vehicles in case of emergencies, are prohibited.

2. When posted, parking at the Lake Lansing Boat Launch is hereby restricted to vehicles with boats only.

C. Obstructing Traffic.

1. It shall be unlawful for the operator of any vehicle to stop, stand, or park such vehicle upon any roadway or in any parking area in such a manner as to form an obstruction to traffic.
2. Whenever any police officer finds a vehicle unattended upon a roadway or in a parking area and where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.
3. The necessary costs for such removal shall become a lien upon such vehicle and the person into whose custody the vehicle is given may retain it until all expenses involved have been paid.

Section 13. Commercial Activities and Advertising.

- A. Solicitation. All constitutionally protected speech will be permitted by the County within reasonable time, place, and manner parameters. No solicitations shall be allowed within any Park, Potter Park, or Zoo building; adjacent to any Park, Potter Park, or Zoo building entrance; or in any other areas designated by signs. Solicitations shall not interfere or conflict with the normal business of employees of or visitors to the Parks, Potter Park, or Zoo, or the free flow of vehicular and pedestrian traffic. No signs may be erected on County property.
- B. Disruptive Conduct. The County reserves the right to prohibit any solicitation or distribution activities by any non-employee, organization, or employee that disrupts or interferes with the normal work activity of the County, visitors to County properties, parks and facilities, or the free flow of vehicular and pedestrian traffic.
- C. Peddling. No person or organization shall advertise, vend, sell, post, or distribute any service, food, beverage, merchandise, commercial leaflet, or poster within the Parks, Potter Park, or Zoo, except by prior written permission from the Parks Director, Zoo Director, or their respective designee(s).

Section 14. Camping.

No person shall camp within the Parks, Potter Park, or Zoo, except in those areas or buildings designated for that purpose, unless permission is provided in writing by the Parks Director, Zoo Director, or respective designee(s).

Section 15. Fees, Charges, and Permits.

- A. It shall be a violation of this Ordinance for any person to use any facility, building, land area, or equipment within the Parks, Potter Park, or Zoo for which a fee or charge has been established by the County without payment of such fee or charge, unless waived per the guidelines in Board of Commissioners Resolution #17-111.
- B. It shall be a violation for any person, group, or organization to occupy, use or fail to vacate any facility, building, land area, or equipment for which a permit has been granted to another person, group, or organization.

Section 16. Violations and Penalties.

- A. Any person violating any provision of this Ordinance, except provisions of the Motor Vehicle Code incorporated herein, parking violations, and Section 4.H. shall be responsible for a municipal civil infraction. Repeat violations under this Ordinance shall be subject to increased fines or misdemeanor penalties as provided in Sections 18 and 19 of this Ordinance.
- B. Any person violating the provisions of the Motor Vehicle Code shall be subject to the fines and penalties set forth in that Code. Any person violating any provision of Section 12 regarding parking violations shall be responsible for a civil infraction.
- C. Persons continuing to violate any of the above provisions after being cited may also be evicted from said Parks, Potter Park, or Zoo for the remainder of the day of the offense.

Section 17. Municipal Civil Infraction Citations; Issuance and Service.

Municipal civil infraction citations shall be issued and served by an Authorized Local Official as follows:

- A. The time for appearance specified in a citation shall be within 10 days after the citation is issued.
- B. The place for appearance specified in a citation shall be the District Court.
- C. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of

the citation shall be retained by the County and issued to the alleged violator as provided by Section 8705 of Act No. 236 of the Public Acts of 1961, as amended.

- D. A citation for a municipal civil infraction signed by an Authorized Local 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."
- E. An Authorized Local 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.
- F. An Authorized Local Official may issue a citation to a person if:
 - 1. Based upon investigation, the Authorized Local Official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - 2. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the Authorized Local Official has reasonable cause to believe that the person is responsible for an infraction and if the County Prosecuting Attorney approves in writing the issuance of the citation.
- G. Municipal civil infraction citations shall be served personally by serving a copy of the citation upon the alleged violator.

Section 18. Municipal Civil Infraction Citations; Contents.

- A. A municipal civil infraction citation shall name the County as plaintiff and shall contain the name and 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. Further, the citation shall inform the defendant that they may do one (1) 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, 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 informal hearing before the Judge or Magistrate of the District Court without the opportunity of being represented by an attorney unless a formal hearing before the District Court's Judge is requested by the County.
 - b. Appearing in the District Court for a formal hearing before the District Court's Judge, with the opportunity of being represented by an attorney.
4. The citation shall also inform the defendant of all the following:
- a. That if the defendant desires to admit responsibility "with explanation" in person or by representation, the defendant must apply to the District 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.
 - b. That if the defendant desires to deny responsibility, the defendant must apply to the District 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.
 - c. That a hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the County.
 - d. That, at an informal hearing, the defendant must appear in person before the District Court's Judge or Magistrate, without the opportunity of being represented by an attorney.
 - e. That, at a formal hearing, the defendant must appear in person before the District Court's Judge with the opportunity of being represented by an attorney.
5. 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 19. Establishment of Schedule of Civil Fines.

- A. A schedule of civil fines for violations of this Ordinance is hereby established. The fines for the violations shall be as follows:

1. For the first citation issued to a defendant who admits or is found by the District Court to have violated this Ordinance, the civil infraction fine shall be \$50.00 for the first violation cited and an additional \$50.00 for each additional violation listed within the citation, up to, but not to exceed, \$500.00. In addition to such fines, the defendant shall pay such costs and damages and expenses as may be set by the District Court, as authorized by Section 8727 of Act No. 236 of the Public Acts of 1961, as amended.
 2. For a second citation issued to a defendant who admits or is found by the District Court to have committed repeated violations of this Ordinance, the civil infraction fine shall be up to \$500.00 for each repeat violation. As used in this section, "repeat violations" means a second violation of the same requirement or provision (i) committed by a defendant within any one (1) year period, and (ii) for which the defendant admits responsibility or is determined to be responsible. In addition to such fines, the defendant shall pay such costs and damages and expenses as may be set by the District Court, as authorized by Section 8727 of Act No. 236 of the Public Acts of 1961, as amended.
- B. Failure to appear at the District Court within the time specified in a citation or at the time scheduled for a hearing or an appearance is a misdemeanor and will result in entry of a default judgment against the defendant on the municipal civil infraction.
- C. Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages, or expenses, so ordered may result in enforcement actions, including, but not limited to, imprisonment on civil contempt which shall not exceed 1 day for each \$30.00 due, collections, placement of liens or other remedies as permitted by Chapter 87 of Act 236 of Public Acts of 1961, as amended.
- D. A municipal civil infraction is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.
- E. Civil infractions for violations of Section 11.A. regarding parking are punishable by a fine of \$50.00 plus costs for a first offense, \$100.00 plus costs for a second offense, and \$250.00 plus costs for a third offense, except that violations of Section 11.A.(3) shall be punishable by a fine of \$250.00 plus costs for a first or subsequent offense.

Section 20. Misdemeanor Violations.

- A. Any person convicted of violating Section 4.I relating to disorderly persons shall be guilty of a misdemeanor.
- B. A third and subsequent repeated violation of this Ordinance shall be a misdemeanor. As used in this Section, "repeat violations" means a third or subsequent violation of the same requirement or provision (i) committed by a defendant within any one (1) year period, and

(ii) for which the defendant admits responsibility or is determined by the District Court to be responsible.

- C. Actions or omissions which are a misdemeanor under this Ordinance shall be punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed ninety (90) days, or both.

Section 21. Construction.

When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include the feminine and neutral. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted as defined in statutes, regulations, or codes to which they apply or if not so defined shall be defined in the manner or their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any section of this Ordinance.

Section 22. Severability.

The various parts, sections, subsections, paragraphs, sentences, phrases, and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 23. Repealer Clause.

Any ordinance or parts of ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 24. Savings Clause.

This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 25. Effective Date.

This Ordinance shall become effective on the _____ day of _____, 20__.