

**ROSE TOWNSHIP
PROPOSED ORDINANCE NUMBER 159
AN ORDINANCE TO ADD SECTION 18-60 TO CHAPTER 18,
LAW ENFORCEMENT, TO ESTABLISH A
MUNICIPAL ORDINANCE VIOLATIONS BUREAU**

Section 18 – 60. Municipal Ordinance (Civil Infraction) Violations Bureau.

(a) *Purpose.* The purpose of this Section is to establish a municipal ordinance (civil infraction) violations bureau as authorized under 1994 PA 12 (MCL 600.8396) and provide provisions governing its operation and provide regulations for the issuance and administration of municipal civil infraction violation notices:

(b) *Definitions.* The following words, terms and phrases when used in this section shall have the meanings ascribed to them in this subsection unless the context clearly indicates otherwise:

Bureau means the Rose Township Ordinance (Civil Infraction) Violations Bureau established in subsection (a) of this section.

Municipal Civil Infraction Violation Notice means a written notice prepared by an authorized local official, directing a person to appear at the Township Ordinance (Civil Infraction) Violations Bureau for the purpose of admitting to and paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.

Municipal Civil Infraction Citation Notice shall mean a written notice directing a person to appear in Court for the purpose of admitting responsibility, admitting responsibility with explanation, or denying responsibility for the alleged civil infraction. A District Court Judge or Magistrate shall determine responsibility at a Formal or Informal Hearing. The civil infraction citation shall be on a form consistent with State law requirements and shall include, at a minimum, the information listed in subsections (d) (1) a through (d) (1)g of the section.

(c) *Establishment.*

- (1) The Bureau is hereby established for the purpose of accepting admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices.
- (2) Payments made to the Bureau shall be retained and accounted for as fines and costs respectively, and shall be deposited in the general fund or as otherwise prescribed by ordinance.
- (3) The Bureau shall be located in the Township Hall, and shall be under the supervision and control of the Township Treasurer. The Township Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and may appoint any necessary and qualified Township employees to administer the Bureau.

(d) *Authority.* The Bureau is authorized to accept payment of civil fines and costs in response to admissions of responsibility (without explanation) to municipal civil infraction violation notices that have been issued and served. The Bureau shall not be authorized to accept monies or admissions of responsibility in response to municipal civil infraction citations. The Bureau shall not accept payment of fines or costs from any person who denies having committed a municipal civil infraction charged in a municipal civil infraction violation notice, or who admits responsibility only with an explanation. The Bureau shall not have authority or jurisdiction to determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(e) *Civil Infraction Violation Notice Requirements.* Municipal civil infraction violations notices shall be issued and served by authorized local officials as provided by law. A Township civil infraction notice shall include, at a minimum, all of the following:

- (1) The nature of the violation, including the Code Section Number;
- (2) The time within which the person must contact the Bureau (or the Court if a citation notice) for the purposes of admitting or denying the responsibility for the violation;
- (3) The amount of the scheduled fines/costs for the violation;

- (4) The methods by which the violation may be admitted or denied;
- (5) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
- (6) The address and telephone number of the Bureau;
- (7) The days and hours that the Bureau is opened.

(f) *Service of Civil Infraction Violation Notice.*

- (1) Except as provided in subsection (b) of this section, an authorized local official shall personally serve a copy of the civil infraction violation notice (as compared to a citation) upon an alleged violator;
- (2) In a municipal civil infraction action involving the use or occupancy of land, building or other structure, a copy of the municipal civil infraction violation notice need not be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the land, building or structure at the owner or occupant's last known address.

(g) *Election of Person Charged with Violation.*

- (1) Any person receiving a Township civil infraction violation notice shall be permitted to dispose of the charge alleged in the notice by making payment of the fine and/or costs to the Bureau. However, a person shall have the right to elect not to have the violation processed by the Bureau and to have the alleged violation processed in a Court of competent jurisdiction. The unwillingness of any person to dispose of a violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law;
- (2) A person electing to have the alleged violation processed shall appear at the Bureau, and pay the specified fine and/or costs within the time specified for appearance on the municipal civil infraction violation notice. Such appearance may be made by

mail, in person, or by representation, provided that if appearance is made by mail, the person charged in the notice shall have the responsibility for timely delivery of fines and/or costs within the time specified in the municipal civil infraction violation notice;

- (3) Nothing in this article shall prevent or restrict the Township, in its sole discretion, from issuing a municipal civil infraction citation and/or from taking such additional or other enforcement action it deems necessary regarding any ordinance violation, or from prosecuting any violation in a Court of competent jurisdiction.
- (h) *Procedure for Persons Electing Not to Respond to Municipal Civil Infraction Violations Notices or Who Deny Responsibility.* If a person or entity fails to respond, or elects not to admit responsibility and pay the specified civil fine and/or costs prescribed for the respective violation, a municipal civil infraction citation may be filed with the District Court. A copy of the citation shall be served by First Class Mail upon the person or entity charged with the municipal civil infraction at such person or entity's last known address. The citation filed with the Court shall consist of sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the defendant how to respond to the citation.

Section 18.61. Schedule of Fines and/or Costs.

- (a) Unless a different schedule of civil fines and/or costs is provided for by an applicable ordinance, or unless fines and/or costs are individually established in connection with various other chapters, articles and/or sections of this Ordinance, the civil fines payable to the municipal ordinance (civil infraction) violations bureau upon admissions or responsibility by persons or entities served with Township ordinance violation notices shall be determined upon the following schedule:

- (1) First violation: the minimum fine shall be ... \$100.00
- (2) Second repeat offense: the minimum fine shall be ... \$250.00
- (3) Third or subsequent repeat offense:
the minimum fine shall be ... \$500.00

(b) In addition to the civil fines prescribed in subsection (a) of this section, costs in the amount of \$15.00 shall be assessed by the Bureau if the fine and costs are paid within 10 days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$30.00 shall be assessed by the Bureau.

Section 18.62. Records and Accounting.

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require, concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau, and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall required and shall be deposited in the general fund at the Township.

Section 18.63 Exceptions.

Under MCL 4.183, the following may not be established as municipal civil infractions; Article 7 or 1766A of the Public Health Code; Michigan Penal Code; Michigan Vehicle Code; Liquor Control Code; Marine Safety Act; Aeronautics Code; Snowmobiles; Off-Road Vehicles; Operation of Locomotive Under the Influence, and/or any act punishable by more than 93 days in jail.

Moved by: Kalcec Seconded by: Scheib-Snider

Ayes: Gordon, Scheib-Snider, Miller, Slaughter, Kalcec
 Naves: None
 Absent: None

The Supervisor declared the ordinance adopted.

CERTIFICATION

I, Debbie Miller, the duly elected clerk of the Township of Rose, County of Oakland, and State of Michigan, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Board of Trustees of the Township of Rose at the regular meeting held on the 8th day of December, 2010 at which time a quorum was present.

IN WITNESS WHEREOF, I have affixed my official signature this 9th day of December, 2010.

A handwritten signature in cursive script that reads "Debbie Miller". The signature is written in black ink and is positioned above a horizontal line.

Signed: Debbie Miller
Rose Township Clerk
Oakland County, Michigan

Publish: January 1, 2011