

MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE:						Length: 4 Pages			
Reviewed									
Revised	*10/05								

*denotes date of origin

Definition of Ordinance:

An ordinance adopted pursuant to 1994 Public Act No. 12 to establish a Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts or ordinances.

Grass Lake Charter Township, Jackson County, Michigan

I. Title and Purpose of Ordinance:

This ordinance shall be known and cited as the Grass Lake Charter Township Municipal Civil Infraction Ordinance. The purpose of this ordinance is to decriminalize the misdemeanor penalty provisions in specific township ordinances; ordinances affected include:

1. Anti-Noise and Public Nuisance Ordinance
2. Blight Elimination Ordinance
3. Dilapidated Building Ordinance
4. Garbage & Rubbish Disposal Ordinance
5. Junk Vehicle Ordinance

II. Establishment, Location and Personnel of Municipal Ordinance Violations Bureau

- A. Establishment. Grass Lake Charter Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to 1994 Public Act 12 (MCL600.8396), as it may be amended from time to time, for the purpose of accepting admission or responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.
- B. Location. The Bureau shall be located at Grass Lake Charter Township Office or such other location in the Township as may be designated by the Township Board.
- C. Personnel. All personnel of the Bureau shall be Township employees. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein as otherwise may be delegated by the Township Board.

III. Bureau Authority

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed and alleged violation nor who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

IV. Ordinance Violation Notice Requirements Admission/Denial of Responsibility

A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Township officials as provided by law. A municipal civil infraction ordinance violation notice shall include, at a minimum, all of the following:

1. the violation
2. the time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
3. the amount of the scheduled fines/cost 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 open.

B. Denial of Responsibility. Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated Township employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The violation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

V. Penalties and Civil Fines/Cost

Any person, firm or corporation found violating the provisions of this Ordinance, is

**Municipal Ordinance Violations Bureau
Ordinance**

responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it constitutes a separate offense. The fine starts the day after the deadline date stated on the notice. Checks for fines shall be made payable to Grass Lake Charter Township.

First Violation within a 3-year period*..... \$50.00/per day

Second violation within a 3-year period*..... \$100.00/per day

Third violation within a 3-year period*..... \$200.00/per day

Fourth or subsequent violation within a 3-year period.. \$400.00/per day

*(*determined on the basis of the date of the violation(s))*

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

VI. Records and Accounting

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal ordinance 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 require, and shall be deposited in the general fund of the Township.

VII. Availability of Other Enforcement Options

Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

VIII. Severability

If any section, subdivision sentence, regulation, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, subdivisions, sentences, regulations, clauses and phrases of this ordinance or the regulation as an entirety.

IX. Repeal

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby

repealed.

X. Effective Date

This Ordinance shall take effect immediately upon publication or posting as required by law following adoption by the Township Board. Adoptive Date 10-11-2005.

Marjorie A. Clark
Grass Lake Charter Township, Clerk
ldp