

Ordinance #34 - Markey Township Municipal Violations Bureau

MARKEY TOWNSHIP MUNICIPAL VIOLATIONS BUREAU ORDINANCE #34

PREAMBLE:

An ordinance adopted pursuant to Public Act 12 of 1994 to establish a municipal ordinance violations bureau for the purpose of accepting admissions of responsibility for 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 of ordinances.

Section 1: Title

This ordinance shall be known and cited as the Markey Township Municipal Ordinance Violations Bureau Ordinance.

Section 2: Establishment, Location and Personnel of Municipal Ordinance Violations Bureau

A. Establishment. The Markey Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of 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 the township hall/office or other such location in the township as may be designated by the township board.

C. Personnel. All personnel of the bureau shall be Markey Township employees. The township board may by resolution designate a bureau personnel clerk within the duties prescribed herein and as otherwise may be delegated by the township board.

Section 3: 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 the alleged violation or 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.

SECTION 4: Ordinance Violation Notice Requirements

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 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/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 to contact the bureau within the required time;
6. the address and telephone number of the bureau, and
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 fine/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 citation 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.

Section 5: Schedule of Civil Fines/Costs

Unless a different schedule of civil fines/costs is provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

First violation within a 3 year period, \$ 50.00

Second violation within a 3 year period, \$125.00

Third violation within a 3 year period, \$250.00

Fourth or subsequent violation within a 3 year period, \$400.00

In addition to the above prescribed civil fines, costs in the amount of \$20.00 may be assessed by the bureau if the fine is not paid within 10 days of the date of service of the municipal ordinance violation notice.

Section 6: Record 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.

Section 7: 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.

Section 8: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

Section 9: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10: Effective date

This ordinance shall take effect immediately following publication on April 20, 2000.

This Ordinance was adopted by the Township Board of the Township of Markey, Roscommon County, Michigan at a regular meeting thereof held on April 10, 2000. On a roll call vote, 5 aye votes were recorded. No nay votes.

I certify that this is a true and correct copy of Markey Township Municipal Violations Bureau Ordinance #34.

Shirley A. Meibeyer
Markey Township Clerk