

Milton Township Notice of Adoption of

MILTON TOWNSHIP ORDINANCE 2007-02

MILTON TOWNSHIP MUNICIPAL VIOLATIONS BUREAU ORDINANCE

Adopted: July 16, 2007

Effective: August 25, 2007

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 of ordinances.

MILTON TOWNSHIP, located in Cass County, Michigan ORDAINS:

Section 1: Title. This ordinance shall be known and cited as the Milton Township Municipal Ordinance Violations Bureau Ordinance.

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

A. Establishment. The Milton Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as amended, 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 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 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 violations notice 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, 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 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 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 promptly report the same to the appropriate ordinance enforcement personnel of the Township. The ordinance enforcement personnel shall thereafter proceed as authorized to issue and file a municipal civil infraction citation for such violation with the district court having jurisdiction of the matter.

The citation shall be on a form designated by the State Court Administrator's Office for the State of Michigan, shall be filed with the court within 3 days of issuance, and 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 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:

- 1st violation within 3-year period* ----- \$ 75.00
- 2nd violation within 3-year period* ----- \$150.00
- 3rd violation within 3-year period* ----- \$375.00
- 4th or subsequent violation within 3-year period* ---- \$500.00

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

In addition to the above-prescribed civil fines, costs in the amount of \$10.00 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 \$20.00 shall be assessed by the Bureau.

Section 6: 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.

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 a 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 to the extent they are in conflict, but only to the extent of such conflict or inconsistency.

Section 10: Effective Date. This Ordinance shall take effect 30 days after publication.

Copies of the ordinance may be viewed at the Milton Township Hall located at 2576 E. Bertrand Road, Niles, Michigan, Mondays & Fridays, 9:00 a.m. to 5:00 p.m. and Wednesdays, 9:00 a.m. to 1 p.m. or by appointment by calling the Township Clerk at 269-684-7262.

Jacqueline Boggs, Milton Township Clerk.