

CHAPTER 602
Municipal Violations Bureau

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CROSS REFERENCES

Establishment of Bureau – see M.C.L.A. 600.8396

602.01 Title

This ordinance shall be known and cited as the City of Ewart Municipal Ordinance Violations Bureau Ordinance.

602.02 Establishment, Location and Personnel of Municipal Ordinance Violations Bureau

a) Establishment

The City 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 Evert City Hall or such other location in the City as may be designated by the City Council.

c) Personnel.

All personnel of the Bureau shall be City employees. The City Council may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the City Council.

602.03 Bureau Authority

The Bureau shall only have authority to accept admissions of responsibility (with or without explanation) for municipal civil infractions for which a municipal ordinance violations 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 ordinances. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

602.04 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 City 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 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 City 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.

602.05 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* -----\$ 100.00

2nd violation within 3-year period* -----\$200.00

3rd violation within 3-year period* -----\$300.00

4th or subsequent violation within 3-year period* ----\$400.00

*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 \$25.00 shall be assessed by the Bureau.

602.06 Records and Accounting

The Bureau Clerk or other designated City official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the City Council, once a month or at such other intervals as the City Council 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 City Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the City.

602.07 Availability of Other Enforcement Options

Nothing in this Ordinance shall be deemed to require the City 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 City 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.

602.08 Severability

The provisions of this Chapter 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 Chapter which shall continue in full force and effect.