

ORDINANCE #27

MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

An Ordinance to establish a Municipal Ordinance Violations Bureau pursuant to Act No. 12 of the Public Acts of 1944 (MLC 600.8396) for the purpose of accepting civil infraction admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines for such admissions as prescribed herein; and to repeal all ordinances or parts of ordinances in conflict herewith.

**BEAVER CREEK TOWNSHIP
CRAWFORD COUNTY, MICHIGAN
ORDAINS:**

**SECTION I
TITLE**

This Ordinance shall be known and cited as **“The Beaver Creek Township Municipal Ordinance Violations Bureau Ordinance.”**

**SECTION II
ESTABLISHMENT OF MUNICIPAL ORDINANCE VIOLATIONS
BUREAU**

Beaver Creek Township hereby establishes a Municipal Ordinance Violations Bureau pursuant to 1994 P.A. 12 (MCL 600.8396), as it may be amended from time to time, to accept admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials, and to collect and retain civil fines for such admissions as prescribed herein.

**SECTION III
CIVIL FINES**

Unless a different schedule of civil fines is provided for by any Ordinance, the following schedule of civil fines shall apply, payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices

| | |
|-------------------------|----------|
| 1 st Offense | \$ 75.00 |
| 2 nd Offense | \$150.00 |
| 3 rd Offense | \$325.00 |
| 4 th Offense | \$500.00 |

**SECTION IV
ORDINANCE VIOLATION NOTICE REQUIREMENTS
AND ADMISSION OF RESPONSIBILITY**

Any persons receiving any municipal ordinance violation notice shall be advised on the notice as to all matters required by law including, at a minimum, the offense, the time within which the person must contact the Municipal Ordinance Violations Bureau for purposes of admitting or denying responsibility, and the consequences for failure to pay the required fine or to contact the Bureau within the required time. Such person may admit responsibility for such violation before the Clerk of the Municipal Ordinance Violations Bureau or other designated Township employee(s) within the Bureau. Upon accepting such admission of responsibility, the Clerk or other designated employee(s) shall collect from the person the civil fine for such violation as provided in this Ordinance. The Clerk of the Bureau shall be a Township employee and shall be appointed to such position by resolution of the Township Board.

SECTION V DENIAL OF RESPONSIBILITY

With respect to any person who fails to admit responsibility and pay the required civil fine within the designated time period, the Clerk or other designated Township employee(s) within the Bureau shall advise the complainant to issue and file a municipal civil infraction violation citation for such violation with the Court for the 83rd Judicial District of the State of Michigan or such other court having jurisdiction of the matter. The citation filed with the court need not comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of 1994 PA 12, but shall consist of a sworn complaint containing 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 violation shall thereafter be processed as a municipal civil infraction as provided by law (MCL 600.8707(6)).

SECTION VI ACCOUNT OF CIVIL FINES

The Municipal Ordinance Violations Bureau Clerk or other designated employee shall retain all municipal ordinance violation notices, shall account to the Township Board once a month concerning the number of admissions and denials or responsibility made concerning municipal civil infractions and the amount of fines collected. The amounts collected in civil fines shall be turned over to the Township Treasurer to be placed in the general fund of the Township.

SECTION VII AVAILABILITY OF OTHER ENFORCEMENT REMEDIES

Nothing in this Ordinance shall be deemed to obligate the Township to initiate its ordinance enforcement activity through the issuance of a municipal ordinance violation notice. The Township shall have the right to directly proceed with the issuance of a municipal civil infraction citation for any municipal civil infraction or to take such other enforcement action as is authorized by law.

SECTION VIII SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

SECTION IX REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION X EFFECTIVE DATE

The ordinance shall take effect immediately upon publication following adoption by the Township Board.

Motion by Little and seconded by Balmes to adopt Ordinance #27 as presented. Ayes: Riley, Little, Balmes, Mobarak and Hartman. Motion passed.

ADOPTED: 1/12/2004
EFFECTIVE: 2/1/2004
PUBLISHED: 1/22/2004