

## **Municipal Civil Infraction Ordinance**

An Ordinance adopted pursuant to Chapter 87 of the Revised Judicature Act of 1961, Public Act 236 of 1961, as amended, Municipal Civil Infractions (MCL 600.8701, *et seq.*), 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.

THE VILLAGE OF FRUITPORT, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

### **Section 1: Title**

This ordinance shall be known and cited as the Village of Fruitport Municipal Civil Infraction Ordinance.

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

**A. Establishment.** The Village of Fruitport 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 a location in the Village as designated by the Village Council.

**C. Personnel.** All personnel of the Bureau shall be Village officials or employees. The Village Council may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Village Council.

### **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 (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, Admission/Denial of Responsibility**

**A. Ordinance Violation Notice Requirements.** Municipal civil infraction violation notices shall be issued and served by authorized Village 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 Village 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 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 2-year period\* ----- \$ 100.00

2nd violation within 2-year period\* ----- \$250.00

3rd violation within 2-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 Village official or employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Village Council once a month or at such other intervals as the Village 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 Village 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 Village 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 Village 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: Ordinance Violations as Municipal Civil Infractions**

Violations of all Village General and Zoning Ordinances are hereby declared to be municipal civil infractions unless a state law or regulation which is adopted by reference designates a different penalty.

**Section 9: 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 10: Repeal**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 11: Effective Date**

This Ordinance shall take effect 30 days from date of publication.