



Whitefish Township
Municipal Civil Infraction Ordinance Violations Bureau
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 TOWNSHIP WHITEFISH, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE

This ordinance shall be known and cited as the Township of Whitefish “Municipal Ordinance Violations Bureau” Ordinance.

SECTION 2: BUREAU ESTABLISHMENT, LOCATION AND PERSONNEL

A. Establishment: The Township of Whitefish Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to 1994 Public Act 12 (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 at 7052 N M-123, Paradise Michigan, 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 Clerk, or other Township official/employee as designated by the Township Clerk, is hereby appointed as the Bureau Clerk with the duties prescribed herein or as otherwise appointed by resolution of 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 (as compared to a citation) has been issued and served, and to collect and retain the schedule of civil fines/costs for such violations specified pursuant to this Ordinance or as determined by resolution of the Township Board. 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: VIOLATION NOTIFICATION

A. An authorized local official who witnesses a person violate an ordinance, a violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a notice.

B. An authorized local official may issue a notice to a person if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction. An authorized local official may issue a notice to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction.

SECTION 5: NOTICE REQUIREMENTS

Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Township Officials as provided by law. A copy of a notice of a municipal civil infraction action involving the use or occupancy of land, or a building, or other structure, may be served upon an owner or occupant of the land, building or structure by posting the copy on the land, or attaching the copy to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or a structure at the owners last known address. All other notices of municipal civil infractions shall require the authorized local official to personally serve the copy of the notice upon the alleged violator. A municipal ordinance violation notice shall include, as a minimum, all of the following:

A. The Violations;

B. The time within which the person must contact the Bureau for purpose of admitting or denying responsibility for the violations;

C. The amount of the scheduled fines/costs for the violation;

D. The methods by which the violations may be admitted or denied;

E. The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;

F. The address and telephone number of the Bureau;

G. The days and hours that the Bureau is open.

SECTION 6: ADMISSION OR DENIAL OF RESPONSIBILITY

Admission or 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 advise the complainant they will 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 in person or 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 7: SCHEDULE OF CIVIL FINES/COSTS

The Civil Fines/Costs payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined by the individual ordinance.

SECTION 8: 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 9: OTHER ENFORCEMENT OPTIONS

Nothing in the 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 10: SEVERABILITY

The provisions of the 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 11: REPEAL

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

SECTION 12: EFFECTIVE DATE

This ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

The above Ordinance was offered for introduction by Township Board Member _____, and was seconded by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSTAIN/ABSENT:

ORDINANCE DECLARED ADOPTED:

By: Wanda Knox, Clerk
Township of Whitefish
