

Riley Township
St. Clair County, Michigan
Ordinance #52-06 Violations Bureau Ordinance

AN ORDINANCE ADOPTED PURSUANT TO PUBLIC ACT NO. 12 OF THE PUBLIC ACTS OF 1994, AS AMENDED (BEING MCLA 600.113, MCLA 600.8302, MCLA 600.8313, MCLA 600.8375, MCLA 600.8396, MCLA 600.8512, AND MCLA 600.8701, *ET SEQ*, AS AMENDED), 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, AND/OR CITATIONS 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 OF RILEY, IN ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

Section 1: Title

This Ordinance shall be known and cited as the Riley Township Municipal Ordinance Violations Bureau Ordinance.

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

- A. **ESTABLISHMENT** The RILEY TOWNSHIP MUNICIPAL ORDINANCE VIOLATIONS BUREAU (hereafter sometimes referred to as the "Bureau") is hereby established pursuant to 1994 Public Act 12 (Being MCLA 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 and costs for such violations as prescribed herein.
- B. **LOCATION** The BUREAU shall be located at the RILEY TOWNSHIP HALL, Riley Township Offices, or such other location in the Township as shall be designated by the Riley Township Board by Resolution, or other action of the Township Board, as now or hereafter permitted by law.
- C. **PERSONNEL** All personnel of the BUREAU shall be Township employees. The Riley Township Board may by Resolution designate a BUREAU Clerk, and Deputy Clerks, with the duties prescribed herein and as otherwise may be delegated by the Riley 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 and/or citation (but not a Court citation) has been issued and served, and to collect and retain the scheduled civil fines and/or costs for such violations specified pursuant to this Ordinance or other applicable Ordinance or Ordinances. The BUREAU shall not accept payment of fines and/or 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 AND/OR CITATION REQUIREMENTS Municipal civil infraction violation notices and/or citations may be given and issued, at the discretion of the Township Board and/or Ordinance Enforcement Officer, or such other law enforcement officials as may and/or shall be later appointed and designated by the Riley Township Board. Any such violations notices and/or citations shall be issued and served by authorized Township officials as provided by law. A municipal ordinance violation notice and/or citation 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 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:

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|---|----------|
| 1st violation within 3-year period* ----- | \$100.00 |
| 2nd violation within 3-year period* ----- | \$300.00 |
| 3rd violation within 3-year period* ----- | \$500.00 |
| 4th or subsequent violations within 3-year period* -- | \$500.00 |

(*determined on the basis of the dates of violation(s))

In addition to the above-prescribed civil fines, costs in the amount of \$25.00 shall be assessed by the BUREAU if the fine and costs are paid within ten (10) days after the date of service of the municipal ordinance violation

notice and/or citation. Otherwise, costs of \$50.00 shall be assessed by the BUREAU. The said additional amount, which would be applicable to fines and costs which are not paid within the said ten (10) day period, may be adjusted and/or increased hereafter from time to time by appropriate Resolution adopted by the Township Board for the Township of Riley.

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/or citations, and shall account to the Riley 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 and/or costs collected with respect to such violations.

The civil fines/costs collected shall be delivered to the Riley Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township of Riley.

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/Court citation or take such other enforcement action as is authorized by law. Further, nothing in this Ordinance shall be deemed to preclude, prohibit and/or prevent the Township of Riley from commencing, and pursuing other enforcement actions as permitted by law and/or in equity, including but not limited to suits and actions in the Circuit Court for temporary, interim and permanent injunctive relief and/or enforcement.

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.

Section 10: Effective Date

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

LINDA WADDY,
Township Clerk
Township of Riley

CERTIFICATION BY CLERK

I hereby certify that the following Riley Township Municipal Ordinance Violations Bureau Ordinance, Ordinance No. 52-06, was duly adopted by the Riley Township Board at a regular meeting thereof held on the 1st day of May, 2006, and was ordered published by the Riley Township Board.

LINDA WADDY,
Township Clerk
Township of Riley

Published in The Voice.
Publication Date: 05/24/06

A copy of the above Riley Township Ordinance No. 52-06 may be purchased or inspected during regular business hours at the Riley Township Hall at 13042 Belle River Road, Riley, Michigan 48041; telephone number (810) 392-2326.