

Village of Roscommon

County of Roscommon, State of Michigan

Village of Roscommon Ordinance No. 74

Adopted: June 12, 2006

Effective: June 18, 2006

Municipal Ordinance Violations Bureau Ordinance

An ordinance adopted pursuant to Public Act 12 of 1994 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 ordinance or parts of ordinances.

Section 1: Title

This ordinance shall be known and cited as the Village of Roscommon Municipal Ordinance Violations Bureau Ordinance.

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

A. Establishment. The Village of Roscommon Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to Public Act 12 of 1994 (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 village hall or other such location in the village as may be designated by the village council.

C. Personnel. All personnel of the bureau shall be village 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

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, and
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 or seek other enforcement action as is authorized by law. 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:

First violation within a 3-year period * \$50

Second violation within a 3-year period * \$ 75 . 00

Third violation within a 3-year period * \$: 150 . 00

Fourth or subsequent violation within a 3-year period \$400

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

In addition to the above-prescribed civil fines, costs in the amount of \$10 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 shall be assessed by the bureau.

Section 6: Record and Accounting

The bureau clerk or other designated village official/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 village.

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: 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 village council.