

VILLAGE COUNCIL
VILLAGE OF LAKEVIEW
MONTCALM COUNTY, MICHIGAN

Councilmember Rasmussen, supported by Councilmember Schottle, moved the adoption of the following ordinance:

ORDINANCE NO. 00-05
AN ORDINANCE TO PROVIDE FOR
MUNICIPAL CIVIL INFRACTIONS, ESTABLISH
A MUNICIPAL CIVIL INFRACTIONS BUREAU
AND ADOPT A SCHEDULE OF FINES

THE VILLAGE OF LAKEVIEW ORDAINS:

Section 1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (a) "Act" means Act No. 236 of the Public Acts of Michigan of 1961, as amended.
- (b) "Authorized Village Official" means a police officer, village manager, building official, zoning administrator or other officer of the Village authorized by resolution or ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.
- (c) "Bureau" means the Village of Lakeview Municipal Ordinance Violations Bureau as established by this Ordinance.
- (d) "Municipal Civil Infraction" means an act or omission that is prohibited by any ordinance in the Village, but which is not a crime under an ordinance of the Village, and for which civil sanctions including, without limitations, fines, damages, expenses and costs may be ordered.
- (e) "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- (f) "Municipal Civil Infraction Citation" means a written complaint or notice prepared by an authorized Village official, directing a person, firm, corporation, trust, partnership or other legal entity to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the persons cited.
- (g) "Municipal Civil Infraction Violation Notice" means a written notice prepared by an authorized Village official, directing a person, firm, corporation, trust, partnership or other legal

entity to appear at the Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Village, as authorized under Sections 8396 and 8707(6) of the Act.

(h) "Subsequent Violation" means a repeat municipal civil infraction violation of the same requirement or provision of an ordinance committed by a person, firm, corporation, trust, partnership or other legal entity and for which the person admits responsibility or its determined to be responsible.

Section 2. Commencement of a Municipal Civil Infraction Action.

A municipal civil infraction action may be commenced upon the issuance, by an authorized Village official, of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the Bureau. With respect to a municipal civil infraction notice, in an admission of responsibility is not made and the civil fine and costs prescribed by the ordinance for the violation are not paid at the Bureau, a citation may be filed with the court and a copy of the citation may be served by first class mail upon the alleged violator at his or her last known address.

Section 3. Municipal Ordinance Violations Bureau Established Pursuant to Section 8396 of the Act.

The Bureau is hereby established to accept admissions of responsibility for municipal and to collect and retain civil fines and costs as prescribed. The Bureau shall be under the supervision and control of the Village Clerk.

Section 4. Municipal Ordinance Violations Bureau; Location; Employees.

The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the Bureau, appoint qualified Village employees to administer the Bureau and adopt rules and regulations for its operation. The Bureau may be operated and administered in conjunction with the Village Parking Violations Bureau, established pursuant to Village Ordinance No. 35, as amended.

Section 5. Municipal Ordinance Violations Bureau: Disposition of Violations.

The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the Bureau. Nothing in this Ordinance shall prevent or restrict the Village from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the Bureau and may have the violation processed before a court of competent jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice a person or in any way diminish the person's rights, privileges and protection accorded to that person by law.

Section 6. Bureau Limited to Accepting Admissions of Responsibility.

The scope of the Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

Section 7. Municipal Civil Infraction Violation Notices.

Municipal civil infraction violation notices shall specify the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

Section 8. Schedule of Fines Established.

(a) A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows:

Ordinance	Fine for 1st Violation	Fine for 2nd Violation	Fine for 3rd or any Subsequent Violation
No. 4	\$50	\$150	\$500
No. 5	50	150	500
No. 7	50	150	500
No. 9	50	150	500
No. 12	50	150	500
No. 14	50	150	500
No. 29	50	150	500
No. 37	50	150	500
No. 68	50	150	500
No. 92-1	50	150	500
No. 92-3	50	150	500

No. 93-3	50	150	500
No. 94- 10	50	150	500

(b) Copies of the schedule of fines shall be posted as required by law.

Section 9. Procedure Where Admission of Responsibility is Not Made or Fine Is Not Paid.

If an alleged violator who is served with a municipal civil infraction notice does not appear at the Bureau, admit responsibility and pay the civil fine and costs prescribed by the schedule of fines for the violation within the time specified in the notice, a municipal civil infraction citation may be filed with the district court and 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 need not comply with all form and content

requirements of Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal civil infractions violation notice and shall fairly inform the alleged violator how to respond to the citation.

Section 10. General Penalty for Municipal Civil Infraction.

(a) Unless another penalty is expressly provided, any person, firm, corporation, trust, partnership or other legal entity determined responsible for a violation of a Village ordinance which has been designated as a municipal civil infraction shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or subsequent violation and shall be liable for the payment of the costs of prosecution in an amount not less than nine dollars (\$9.00) but not more than five hundred dollars (\$500.00). Each act of violation and every day upon which any such violation shall occur or continue shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) In addition to the penalties provided by this section, the district court shall have jurisdiction to enforce any judgement, writ, or order necessary to enforce any provision of a Village ordinance, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or granting any injunctive relief. In addition, the court may impose the total amount of the civil fine, costs or both as a lien upon the property where the violation occurred.

Section 11. Repealer.

Ordinance No. 96-2 is repealed.

Section 12. Severability.

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, section or clause is found to be unlawful by a court of competent jurisdiction the remainder of the Ordinance shall not be affected.

Section 13. Effective Date.

The ordinance shall take effect twenty (20) days after its adoption or upon the publication of a synopsis of this ordinance, whichever occurs first.

YEAS: Burlison, Rasmussen, Earhart, McElhinny, Lund, Winter, Schottle

NAYS: None

ABSENT: None

ORDINANCE NO. 00-05 DECLARED ADOPTED.

Lee Burlison, President

Wally Delamater, Clerk

I hereby certify that the foregoing is a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Lakeview held on December 11, 2000, and that a synopsis of the ordinance was published in the Enterprise on December 27, 2000.

Wally Delamater, Clerk

Adopted: December 11, 2000
Published: December 27, 2000
Effective: December 31, 2000

119798.01