

# **Charter Township of Orion**

## **Ordinance No. 109**

### **Municipal Ordinance Violations Bureau**

Adopted December 5, 1994

**AN ORDINANCE WHICH HEREBY ESTABLISHES A MUNICIPAL ORDINANCE VIOLATIONS BUREAU AS AUTHORIZED UNDER MCL 600.8936 TO ACCEPT ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRACTIONS IN RESPONSE TO MUNICIPAL CIVIL INFRACTION NOTICES OF VIOLATION ISSUED AND SERVED BY AUTHORIZED TOWNSHIP OFFICIALS, AND TO COLLECT AND RETAIN CIVIL FINES AND COSTS AS PRESCRIBED BY THIS ORDINANCE OR ANY ORDINANCE.**

### **Section 1 - Title**

This Ordinance shall be known as the Municipal Ordinance Violations Bureau Ordinance.

### **Section 2 - Bureau Established**

The Charter Township of Orion hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under MCL 600.8936 to accept admissions of responsibility for municipal civil infractions in response to Municipal Civil Infraction Notices of Violation issued and served by authorized Township officials, and to collect and retain civil fines and costs as prescribed by this Ordinance or any ordinance.

### **Section 3 - Location; Supervision; Employees; Rules & Regulations**

The Bureau shall be located at the Township Hall and shall be under the supervision and control of the Township Treasurer. The Township Treasurer, subject to the approval of the Township Board, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified Township employees to administer the Bureau.

### **Section 4 - Disposition of Violations**

The Bureau may dispose of only municipal civil infraction violations for which a fine has been scheduled and for which a Municipal Civil Infraction Notice of Violation 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 Township 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 an municipal civil infraction violation at the Bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges, and protection accorded by law.

### **Section 5 - 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 and costs as a result of those admissions. The Bureau shall not accept payment of a fine 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 6 - Municipal Civil Infraction Notices of Violation**

Municipal Civil Infraction Notices of Violation shall be issued and served by authorized Township officials under the same circumstances and upon the same persons as provided by Township Ordinances. In addition to any other information required by this Ordinance or other Ordinance, the Notice of Violation shall indicate the time by which the alleged violator must appear at the Bureau, the method by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, and the consequences for failure to appear and pay the required fine within the required time.

### **Section 7 - Appearance; Payments of Fines and Costs**

An alleged violator receiving a Municipal Civil Infraction Notice of Violation shall appear at the Bureau and pay the specified fine and cost at or by the time specified for appearance in the Municipal Civil Infraction Notice of Violation. An appearance may be made by mail, in person, or by representation.

**Section 8 - Procedure Where Admission of Responsibility Not Made or Fine Not Paid**

If an authorized Township official issues and serves a Municipal Ordinance Notice of Violation and if an admission of responsibility is not made, and the civil fine and cost, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, the Municipal Civil Infraction 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 the alleged violator’s last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by MCL 600.8705 and MCL 600.8709, but shall consist of a sworn complaint containing the allegations stated in the Municipal Ordinance Notice of Violation and shall fairly inform the alleged violator how to respond to the citation.

**Section 9 - Schedule of Civil Fines Established**

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 violations listed below shall be as follows:

<b>Ordinance/Section No.</b>	<b>Offense</b>	<b>Fine</b>
78	Zoning Ordinance Violation	65.00
	First Repeat Offense	90.00
	Second or Subsequent Repeat Offense	500.00
111-113	Building, Plumbing, Mechanical Code Violations	65.00
	First Repeat Offense	90.00
	Second or Subsequent Repeat Offense	500.00
All other Ordinances for which penalty is a Municipal Civil Infraction	All other Ordinance violations	65.00
	First Repeat Offense	90.00
	Second or Subsequent Repeat Offense	500.00

**Section 10 - Posting Of Schedule**

A copy of the Schedule of Civil Fines as amended from time to time shall be posted at the bureau.

**Section 11 - Severability**

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

**Section 12 - Effective Date**

This Ordinance shall become effective after publication, as provided by law.

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