

2000 VIOLATIONS BUREAU ORDINANCE

TOWNSHIP OF BAINBRIDGE

BERRIEN COUNTY, MICHIGAN

**Ordinance
No. 41
No. 34**

Adopted: June 5, 2000

Published: June 14, 2000

Effective: July 14, 2000

ORDINANCE

An ordinance adopted pursuant to Public Act 12 of 1994 to establish a township ordinance violations bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as township civil infractions for which township 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 I

Title

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

SECTION II

Establishment, Location and Personnel of Township Ordinance Violations Bureau

- A. **Establishment.** The Bainbridge Township Ordinance Violations Bureau (hereinafter "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 township 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/office or other such 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 board may by resolution appoint a bureau clerk with the duties prescribed herein and as otherwise may be delegated by the township board.

SECTION III

Bureau Authority

The bureau shall only have authority to accept admissions of responsibility (without explanation) for township civil infractions for which a township 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 ordinances. 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 IV

Ordinance Violation Notice Requirements

- A. **Ordinance Violation Notice Requirements.** Township civil infraction violation notices shall be issued and served by authorized township officials as provided by law. A township 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 schedule 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 township employee(s) shall advise the complainant to issue and file a township 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 township 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 V

Schedule of Civil Fines/Costs

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a township civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule:

	Minimum	Maximum
First violation within a 3-year period*	\$50	\$500
Second violation within a 3-year period*	\$125	\$500
Third violation within a 3-year period*	\$250	\$500
Fourth or subsequent violation within a 3-year period* ...	\$400	\$500

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

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$25 or more than \$500 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

SECTION VI

Recording and Accounting

The bureau clerk or other designated township official/employee shall retain a copy of all township 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 VII

Availability of other Enforcement Options

Nothing in this Ordinance shall be deemed to require the township to initiate its township civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a township civil infraction, the township may, at its sole discretion, proceed directly with the issuance of a township civil infraction citation or take such other enforcement action as is authorized by law.

SECTION VIII

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 IX

Repeal

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

SECTION X

Effective Date

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

A motion that said Township Ordinance Violations Bureau Ordinance be enacted was made by Don Baiers and supported by Kurt Weber, at a regular meeting of the Bainbridge Township Board on the 5th day of June, 2000.

The names of the Township Board Members and their votes are as follows:

NAME	YES	NO
Kurt Weber, Trustee	X	
James Lull, Treasurer	X	
Donald Baiers, Trustee	X	
Debra Grieser, Clerk	X	
Leonard C. Smith, Jr., Supervisor	X	

I hereby certify that a summary of the foregoing Ordinance was published in The Tri-City Record, Watervliet, Michigan on June 14, 2000.

Debra Grieser
Bainbridge Township Clerk