

**TOWNSHIP OF HOWELL
ORDINANCE NO. 134
MUNICIPAL ORDINANCE VIOLATIONS BUREAU**

ADOPTED: January 28, 2002
EFFECTIVE: March 15, 2002

HOWELL TOWNSHIP ORDAINS:

Section 1 Title:

The title of this Chapter shall be Municipal Ordinance Violations Bureau.

Section 2 Bureau established.

The Township of Howell hereby establishes a Municipal Ordinance Violations Bureau (a Bureau) as authorized under Section 8396 of the Act No. 236 of the Public Acts of 1961, as amended, to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by Authorized Township Officials, and to collect and retain civil fines and cost as prescribed by this Code or any ordinance.

Section 3 Definitions.

As used in this Chapter:

- A. **“Act”** means Act No. 236 of the Public Acts of 1961, as amended.
- B. **“Authorized Township Official”** means the Township Manager, Building Inspectors, Code Enforcement Officers, Township Police Officers, Township Fire Inspectors, or other personnel of the Township authorized by this Code to issue municipal civil infraction citations or municipal civil infraction violation notices.
- C. **“Bureau”** means the Township of Howell Municipal Ordinance Violations Bureau as established by the Code.
- D. **“Code”** means the Ordinances of the Township of Howell, Michigan.
- E. **“Municipal civil infraction”** means an act or omission that is prohibited by this Code, but which is not a crime under this Code, and for which civil sanctions including without limitation, fines damages, expenses and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A Municipal Civil Infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

- F. **“Municipal civil infraction action”** means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- G. **“Municipal civil infraction citation”** means a written complaint or notice prepared by an Authorized Township Official directing a person to appear in court regarding the occurrence or existence of a municipal civil violation by the person cited.
- H. **“Municipal civil infraction violation notice”** means a written notice prepared by an Authorized Township Official directing a person to appear at the Township of Howell Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township Board, as authorized under Sections 8396 and 8707 of the Act.
- I. **“Repeat Offense”** means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within one (1) year of a violation.
- J. **“Township”** means Howell Township.
- K. **“Violation”** means an act which is prohibited and made or declared to be municipal civil infraction by the Code, including any omission or failure to act where the act is required by this Code.

Section 4 Location; supervision; employee; rules and regulations.

The Bureau shall be located at the offices of the Township of Howell, and shall be under the supervision and control of the Bureau Clerk. The Bureau Clerk, 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. All personnel of the Bureau shall be employees of the Township.

Section 5 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 (as compared with a citation) 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 the Code 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 a 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 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 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 7 Municipal civil infraction violation notices.

Municipal Civil Infraction violation notices shall be issued and served by Authorized Township Officials under the same circumstances and upon the same persons as provided for citations in the Municipal Civil Infraction Ordinance, Ordinance No 132, Adopted on January 28, 2002. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the violation, the time by which the alleged violator must appear at the Bureau for the purposes of admitting or denying responsibility for the violation, the methods by which an appearance may be made, the address and telephone number of the Bureau, the days and hours during which the Bureau is open, the amount of the fines/costs scheduled for the alleged violation, and the consequences for failure to appear and pay the required fines/costs within the required time.

Section 8 Availability of Other Enforcement Options.

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

Section 9 Records and accounting.

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal ordinance violations 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 admission 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 10 Appearance; payment of fines and costs.

An alleged violator receiving a Municipal Civil Infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified

for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

Section 11 Procedure where admission of responsibility not made or fine not paid.

If an Authorized Township Official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, 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 violators last known address. The citation filed with the court does need not comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. The citation shall thereafter be processed in the manner required by law.

Section 12 Schedule of civil 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 shall be as follows:

1) Unless otherwise specifically provided for a particular Municipal Civil Infraction violation by any ordinance, the civil fine for a violation shall be \$100 for each infraction.

2) Increased civil fines shall be imposed for repeated violations by a person of any requirement or provision of any ordinance. As used in this Section, a Repeat Offense means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 12 month period (unless some other period is specifically provided by any ordinance), and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by any ordinance for a particular Municipal Civil Infraction violation, the increased fine for a repeat offense shall be as follows:

A) The fine for any offense which is a first repeat offense shall be \$250.

B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be \$500.

b) A copy of the scheduled of fines shall be posted at the Bureau.

Section 13 Equitable relief.

In an action under this Code, the Township may request the district court to issue and enforce any judgment, writ, or order necessary to enforce the ordinance.

Section 14 Effective date.

This ordinance shall become effective thirty (30) days after publication in a newspaper in general circulation within Howell Township.