

**MUNICIPAL CIVIL INFRACTION ORDINANCE VIOLATIONS BUREAU
COLDSPRINGS TOWNSHIP ORDINANCE NO. 01 OF 2010**

An Ordinance adopted pursuant to Chapter 87 of the Revised Judicature Act of 1961, Public Act 236 of 1961, as amended, Municipal Civil Infractions (MCL 600.8701, et seq.), 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 ordinances or parts of ordinances.

THE TOWNSHIP OF COLDSPRINGS, KALKASKA COUNTY, MICHIGAN
ORDAINS: COLDSPRINGS TOWNSHIP ORDINANCE NO. 1 OF 2010

Section 1: Title

This ordinance shall be known and cited as the Coldsprings Township Municipal Ordinance Violations Bureau Ordinance.

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

A. Establishment. The Coldsprings Township Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Public Act 12 of 1994 (MCL 6008396), as amended, 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 and to include violations for illegally parked or inoperable vehicles, animals unlicensed or animals running at large as well as excessive noise, disorderly conduct, trespassing, loitering and improperly burning or improperly disposing of trash.

B. Location The Bureau shall be located at the Township Hall, 6515 County Road 571, Mancelona, Michigan, Kalkaska County.

C. Personnel. All personnel of the Bureau shall be Township employees. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.

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, admission/denial of responsibility

A. Ordinance Violation Notice Requirements. Municipal civil infraction notices shall be issued and served by authorized Township 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;
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 with 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 municipal 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 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:

- 1st violation within 3-year period*-----\$20.00
- 2nd violation within 3-year period*-----\$50.00
- 3rd violation within 3-year period*-----\$75.00
- 4th or subsequent violation with 3-year period*-----\$100.00

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

In addition to the above-prescribed civil fines, costs in the amount of \$10.00 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 \$20.00 shall be assessed by the Bureau.

Section 6: Records and Accounting

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal 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 with 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 7: Availability of Other Enforcement Options

Nothing in this Ordinance shall be deemed to require the Township 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 Township 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:

This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

Mary Hodges
Coldsprings Township Clerk

At a regular meeting of the Coldsprings Township Board, Kalkaska County, held in the Coldsprings Township Hall, located at 6515 County Road 571, Mancelona, Michigan, on October 11, 2010, at 7:00 p.m.

PRESENT: Neubecker, Hodges, Lambert, Corrado and Bagnell

ABSENT: None

It was moved by Corrado and supported by Lambert that the following Ordinance be adopted:

(See attached Coldsprings Township Violations Bureau Ordinance 1 Of 2010)

Roll Call Vote: Bagnell yes, Lambert yes, Hodges yes, Corrado yes and Neubecker yes.

YES 5

NO 0

ORDINANCE DECLARED ADOPTED

COLDSPRINGS TOWNSHIP

By: Supervisor Neubecker

I, the undersigned, the Clerk of the Township of Coldsprings, Kalkaska County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Coldsprings Township Board of said County at its regular meeting held on October 11, 2010, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the Leader and the

Kalkaskian on October 27, 2010 and was filed with the County Clerk on November 9, 2010.

Dated: November 9, 2010

Mary Hodges, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.