

**VILLAGE OF GRAND BEACH
COUNTY OF BERRIEN
STATE OF MICHIGAN**

Ordinance No. 2010-77

Effective Date: Sept. 11, 2010

MUNICIPAL CIVIL INFRACTIONS BUREAU ORDINANCE

An Ordinance to establish a Municipal Civil Infractions Bureau to accept admission of responsibility for municipal civil infractions, to collect and retain fines and costs, and to proscribe the operations, thereof, all as authorized by Act 12 of P.A. 1994.

THE VILLAGE OF GRAND BEACH ORDAINS

SECTION 1.

Definitions: As used in this Ordinance, the following definitions shall apply:

- A. "Authorized municipal official" means the Zoning Administrator, Police Chief and Police Officers with Chief's approval or other personnel of the Village of Grand Beach authorized by any ordinance of the Village of Grand Beach to issue municipal civil infraction citations or municipal civil infraction violation notices.
- B. "Bureau" means the Village of Grand Beach Municipal Civil Infractions Bureau as established by this Ordinance.
- C. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- D. "Municipal civil infraction citation" means a written complaint or notice prepared by an authorized Village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.
- E. "Municipal civil infraction violation notice" means a written notice prepared by an authorized Village official, directing a person to appear at the Village of Grand Beach Municipal Civil Infractions 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.

SECTION 2.

Municipal Civil Infraction Enforcement: A municipal civil infraction enforcement is commenced when a police officer or other authorized municipal official as designated under the provision of one or more of the ordinances of the Village of Grand Beach issues either a municipal civil infraction citation or municipal civil infraction notice directing an alleged violator to appear at the Village of Grand Beach Municipal Civil Infractions Bureau under the following circumstances or conditions:

- A. An authorized municipal official who witnesses a person violate an ordinance, a violation of which is a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a citation, except as provided in subsection (F).
- B. An authorized municipal official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction. An authorized municipal official may issue a citation to a person, if based upon investigation of a complaint, by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or the Village attorney for the Village of Grand Beach approves, in writing, the issuance of the citation.
- C. Except as otherwise provided under subsection (D), the authorized municipal official shall personally serve the third copy of the citation upon the alleged violator.
- D. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building, or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.
- E. A citation served under subsection (D) for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant pursuant to

subsection (A) or (B).

- F. An authorized municipal official may issue and serve a municipal ordinance violation notice, instead of a citation, under the same circumstances and upon the same persons as provided in this section for the service of a citation. If an authorized municipal 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 ordinance for the violation are not paid at the municipal civil infractions bureau, a citation may be filed with the court described in subsection 4.C and a copy of the citation may be served by first-class mail upon the alleged violator at his or her last known address. The citation filed with the court pursuant to this subsection need not comply in all particulars with Section Three but shall consist of a sworn complaint containing the allegations stated in the municipal civil infractions violation notice and shall fairly inform the defendant how to respond to the citation. A citation issued under this subsection shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (A) or (B).

SECTION 3.

Municipal Civil Infraction Citation contents. Each municipal civil infraction citation shall:

- A. Be numbered consecutively,
- B. Shall consist of the following parts:
 - 1. The original, which is a complaint and notice to appear by the authorized official and shall be filed with the court in which the appearance is to be made.
 - 2. The first copy, which shall be retained by the ordinances enforcement agency.
 - 3. The second copy, which shall be issued to the alleged violator if the violation is a misdemeanor.
 - 4. The third copy, which shall be issued to the alleged violator if the violation is a municipal civil infraction,

- C. A citation for a municipal civil infraction signed by an authorized local official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the authorized local official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."
- D. Shall contain the following:
1. The name of the Plaintiff: Village of Grand Beach,
 2. The name and address of the Defendant: alleged violator,
 3. The municipal infraction alleged,
 4. The place where the Defendant shall appear,
 5. The telephone number of the place to appear,
 6. The time at or by which the appearance must be made,
 7. In addition, the citation shall inform the Defendant:
 - a. That if the defendant desires to admit responsibility "with explanation" in person or by representation, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - b. That if the defendant desires to deny responsibility, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing unless a hearing date is specified on the citation.
 - c. That a hearing shall be an informal hearing unless a formal hearing is requested by the defendant or the plaintiff political subdivision.

- d. That at an informal hearing the defendant must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- e. That at a formal hearing the defendant must appear in person before a judge with the opportunity of being represented by an attorney.
- f. The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the defendant on the municipal civil infraction. Return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs, return of the citation with an admission of responsibility with explanation, or timely application to the court for a scheduled date and time for an appearance or a hearing constitutes a timely appearance.

SECTION 4.

Municipal Civil Infractions Bureau. The Village of Grand Beach hereby established the Municipal Civil Infractions Bureau for the purpose of accepting admissions of responsibility for municipal civil infractions as shall be designated and defined under the Ordinances of the Village of Grand Beach, from time to time and to collect and retain fines and costs, as follows:

- A. Address: The Municipal Civil Infractions Bureau shall maintain its office in the Village Hall of the Village of Grand Beach, 48200 Perkins Boulevard, Grand Beach, Michigan. The mailing address for the Municipal Civil Infractions Bureau is Municipal Civil Infractions Bureau, c/o Village of Grand Beach, 48200 Perkins Boulevard, Grand Beach, Michigan, 49117.
- B. Clerk: The Village clerk shall be responsible for the administration and operation of the Municipal Civil Infractions Bureau. The Village Clerk shall, subject to the approval of the Village Council of the Village of Grand Beach, set policies and procedures and designate employees authorized to accept admissions of responsibility, collect and deposit fines and costs.
- C. Default: Failure to Appear or Pay Fine. In the event the Defendant (alleged

violator) fails to appear by or at the time set forth in the municipal civil infraction citation or municipal civil infraction notice and/or the fine is not paid, the Village Clerk or his or her designee may file the municipal civil infraction citation or municipal civil infraction notice with the Fifth Judicial District Court and shall mail to the Defendant (alleged violator) a copy thereof by first class mail. The filing and mailing shall include a sworn complaint containing the allegation set forth in the municipal civil infraction citation or municipal civil infraction notice.

SECTION 5.

Civil Infraction Fines. Civil infraction fines payable to the Municipal Civil Infractions Bureau shall be proscribed under the terms and conditions of each Ordinance of the Village of Grand Beach for which civil sanctions may be imposed. In the event any Ordinance of the Village of Grand Beach shall not provide for specific civil infraction fines, then the civil infraction fines, any costs, damages, expenses and other sanctions shall be:

- A. The Civil Fine for a first violation shall be one hundred dollars (\$100.00) plus costs.
- B. The Civil Fine for a first repeat violation shall be two hundred fifty (\$250.00) plus costs.
- C. The Civil Fine for a second (or any subsequent) repeat offense shall be five hundred dollars (\$500.00) plus costs.
- D. A repeat offense shall mean a second or subsequent violation of the same provision of a municipal ordinance committed by the same person within any 2 month period (unless some other period is specifically provided by this ordinance or any ordinance).
- E. Each day on which any violation of this ordinance or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- F. In addition to any remedies available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of any Village ordinance.

SECTION 6.

Effective Date

This Ordinance was adopted by the Council of the Village of Grand Beach on the 18th day of August, 2010 and was ordered to be made effective ten (10) days following its publication.

ORDINANCE DECLARED ADOPTED.

JAMES BRACEWELL, President

MARY J. ROBERTSON, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on the 18th day of August, 2010, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

MARY J. ROBERTSON, Clerk

