

**NEW BUFFALO TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

AN ORDINANCE ADOPTED PURSUANT TO ACT 12 OF THE PUBLIC ACTS OF 1994 OF THE STATE OF MICHIGAN TO ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU FOR THE PURPOSE OF ACCEPTING ADMISSIONS OF RESPONSIBILITY FOR ORDINANCE VIOLATIONS DESIGNATED AS MUNICIPAL INFRACTIONS FOR WHICH MUNICIPAL ORDINANCE VIOLATION NOTICES HAVE BEEN ISSUED AND SERVED BY AUTHORIZED OFFICIALS: AND TO COLLECT AND RETAIN CIVIL FINES/COSTS FOR SUCH VIOLATIONS AS PRESCRIBED HEREIN.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE

This ordinance shall be known and cited as the “Municipal Ordinance Violations Bureau Ordinance”.

SECTION 2. ESTABLISHMENT, LOCATION AND PERSONNEL OF MUNICIPAL ORDINANCE VIOLATIONS BUREAU

- a. Establishment. The New Buffalo Township Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Act 12 of the Public Acts of 1994 of the State of Michigan, as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal 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 or such other 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 designate a Bureau Clerk with the duties prescribed herein and as otherwise delegated by the Township Board.

SECTION 3. BUREAU AUTHORITY

The Bureau shall only have authority to accept admission of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain this scheduled civil fines and costs for such violations specified pursuant to this

Ordinance or other applicable ordinance. The Bureau shall not accept payment of fine/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 violation 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 fine/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 and 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 within the designated time period, the Bureau Clerk or other designated Township official or employee shall advise the complainant to issue and file a municipal 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 violators last known address. The citation shall thereafter be processed in the manner required by law.

SECTION 5. SCHEDULE OF CIVIL FINES AND COSTS

- a. Fines. Unless a different schedule of civil fines is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admission of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

1 st violation within a 3 year period*	\$25.00-\$50.00
2 nd violation within a 3 year period*	\$50.00-\$100.00
3 rd violation within a 3 year period*	\$100.00-\$200.00
4 th violation within a 3 year period*	\$250.00-500.00

*determined on the basis of the date of violation or violations.

- b. Costs. In addition to the above-prescribed civil fines, costs in the amount of \$10.00 shall be assessed by the Bureau if the fines and costs are paid within 10 days 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 or 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 within the jurisdiction of the Bureau and the amount of fines and costs collected with respect to such violations. The civil fines and 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 municipal civil infraction citation or take such other enforcement action as is authorized by law.

SECTION 8. SEVERABILITY

The provisions of the 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. REPEALER PROVISION

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

SECTION 10. EFFECTIVE DATE

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

SECTION 11. PUBLICATION

This Ordinance is ordered to be given publication in the manner prescribed by law.

SECTION 12. ADOPTION DATE

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of New Buffalo, Berrien County, Michigan at a regular meeting held on the 19th day of August, A.D., 1996, and is ordered to be given publication in the manner prescribed by law.

MOTION TO ADOPT ORDINANCE

Motion by Kerhoulas and supported by Grim that the foregoing Ordinance be adopted.

Roll Call Vote:

Yes: Rahm, Melendy, Grim, Kerhoulas, Prusa

No: None

Ordinance declared ADOPTED August 19, 1996

AMENDMENT TO ORDINANCE #960819

At a Regular Meeting held by the New Buffalo Township Board on November 20, 2000 at 7:30 p.m. the following amendment to Ordinance #960819 (Municipal Ordinance Violation Bureau Ordinance) was made:

Conway moved, Braden seconded to amend Ordinance #960819, Section 2. C. to read “Personnel: All personnel of the Bureau shall be Township employees or Elected officials. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise delegated by the Township Board.”

Roll Call Vote: Yes: Rahm, Zabicki, Braden, Steinke, Conway
 No: None

Ordinance Amended Effective November 20, 2000.