

The Village of South Range Ordains:

**Ordinance Establishing and Defining Village (municipal)
Civil Infractions, Actions, Citations and Penalties; Creating a Village Ordinance Violations Bureau and Providing for
their Processing and Enforcement.**

A) Definitions. As used in this section:

- 1) **"Act"** means Act 236 of the Public Acts of 1961, as amended
- 2) **"Authorized village official"** means a police officer or other personnel of the village authorized by this or any ordinance or by Law to issue municipal civil infraction citations or municipal ordinance violation notices.
- 3) **"Bureau"** means the Village of South Range Municipal Ordinance Violations Bureau, as established by this chapter.
- 4) **"Council"** means the serving duly elected members of the South Range Village Council.
- 5) **"Municipal civil infraction action"** means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- 6) **"Municipal civil infraction citation"** or **"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.
- 7) **"Municipal ordinance violation notice"** or **"violation notice"** means a written notice, other than a citation, prepared by an authorized village official, directing a person to appear at the village 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 village, as authorized under Section 8396 and 8707(6) of the Act.
- 8) **"Village"** means the Village of South Range, Houghton County, Michigan.

B) Commencement of Municipal Civil Infraction Actions.

A municipal civil infraction action may be commenced upon the issuance by an authorized village official of:

- 1) A municipal civil infraction citation directing the alleged violator to appear in court; or
- 2) A municipal ordinance violation notice directing the alleged violator to appear at the village Municipal Ordinance Violations Bureau.

C) Issuance and Service of Municipal Civil Infraction Citations. Municipal civil infraction citations shall be issued and served by authorized village officials as follows:

- 1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- 2) The place for appearance specified in a citation shall be the 97th district court, Houghton County, Michigan.
- 3) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by Section 8705 of the Act.
- 4) A citation for a municipal civil infraction, signed by an authorized village official shall be treated as if it were made under oath if the violation alleged in the citation occurred in the presence of the 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."
- 5) An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- 6) An authorized village official may issue a citation to a person if:
 - a) Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction;
 - b) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for such an infraction and if the prosecuting attorney or village attorney approved in writing the issuance of the citation.
- 7) Municipal civil infraction citations shall be served by an authorized village official as follows:
 - a) Except as provided by paragraph "C) 7) b)", hereof, an authorized village official shall personally serve a copy of the citation upon the alleged violator.
 - b) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to 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.

D) Contents of Municipal Civil Infraction Citations.

- 1) A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court and the time at or by which the appearance shall be made.
- 2) Further, the citation shall inform the alleged violator that he or she may do one of the following:

- a) Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.
- b) Admit responsibility for the municipal civil infraction "with explanation" by mail, by the time specified for appearance, or in person or by representation.
- c) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (1) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village.
 - (2) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- 3) The citation shall also inform the alleged violator of all of the following:
 - a) That if the alleged violator desires to admit responsibility with explanation" in person or by representation, the alleged violator 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 alleged violator desires to deny responsibility, the alleged violator 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 alleged violator or the village.
 - d) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- 4) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- 5) The citation shall contain a notice in boldfaced type that the failure of the alleged violator 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 alleged violator on the municipal civil infraction.

E) Municipal Ordinance Violations Bureau.

- 1) Establishment. The village establishes a Municipal Ordinance Violations Bureau, as authorized under Section 8396 of the Act, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized village officials, and to collect and retain civil fines and costs as prescribed by this ordinance or any other applicable ordinance.
- 2) Location; supervision, rules and regulations; employees. The Bureau shall be located at village hall and shall be under the supervision and control of the Village Clerk. The Village Clerk, subject to the approval of the council, shall adopt rules and regulations for the operation of the Bureau and may appoint any necessary qualified employees to administer the Bureau, subject to the approval of the Council.

3) 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 ordinance violation notice 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 absent the consent of the village. Nothing in this section shall prevent or restrict the village 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.

4) Scope of authority. 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.

F) Issuance and Service of Municipal Ordinance Violation Notices.

1) Contents. Municipal ordinance violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as are provided for municipal civil infraction citations in paragraph "C) 7)" hereof. In addition to any other information required by these codified ordinances or any other ordinance, the violation notice shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation and the consequences for failure to appear and pay the required fine within the required time.

2) Appearance; payment of fines and costs. An alleged violator receiving a municipal ordinance 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 ordinance violation notice. An appearance may be made by mail, in person or by representation.

3) Procedure where admission of responsibility is not made or fine is not paid. If an authorized village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and/or the civil fine and cost, 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 violator's last known address. The citation filed with the court does not need to 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.

G) Civil Penalties

1) A schedule of civil fines payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The civil fines for the municipal civil infractions are as follows and the following Ordinances are hereby so amended to constitute municipal civil infractions having the respective civil infraction fines. Any such Ordinance so amended which originally made its violation a misdemeanor is hereby amended so as to repeal the misdemeanor penalty provisions and hereafter constitute a municipal civil infraction.

The following Village of South Range ordinances are hereby amended to constitute a civil infraction and the following civil fines are hereby established for the violation thereof:

South Range Village Ordinance No. **1984-5** “prohibiting the damaging, obstructing or interfering with Village sewers, sidewalks, streets or alleys.

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-6** “regulate burning within the village”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-7** “prohibiting the accumulation of snow or discharge of snow or water onto or over sidewalks”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-8** “prohibiting the interference with air rights over village sidewalks”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-10** “regulating the firing of guns and explosives”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-11** “regulating animals at large”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-12** “regulate nuisances within the village”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-13** “prohibiting the obstruction of sidewalks and public ways by loitering”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-15** “prohibiting and setting penalties for the interference with village officers”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-16** “requiring the obtaining of licenses by peddlers and transient merchants, and providing procedures and fees therefore and penalties for violation.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-17** “licensing of circuses and certain amusement stands and vendors, setting license fees and imposing penalties for violations.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-18** “operation of motor vehicles for hire and requiring the obtaining of a license therefor.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-19** “regulating the parking of vehicles on village streets during the winter months.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-20** “regulating the keeping, barking and control of dogs and prescribing penalties for the violation.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-21** “regulating the collection and disposition of garbage” and **1988-21A** “amending **1984-21** “concerning the regulation, collection and disposition of garbage and the imposition and collection of charges therefor”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-22** “Basic Building Code, 7th Edition of 1978 and all supplements thereto, of the Building Officials Conference of America, Inc.; providing penalties for violations thereof.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-25** “relative to school buses.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-26** “regulate the parking and storage of automobiles and to establish penalties for violations.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-29** “regulate the operation and use of trailer coaches”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-31** “relative to the water supply and the rates therefor and to provide a penalty for violation therefor.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1984-32** “regulating sewers, sewage connections, privacy vaults and cesspools”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

South Range Village Ordinance No. **1996-1** “control and regulation of “Junk”.”

Fines: First offense: \$100.00, Second offense within a year: \$250.00

2) A copy of the schedule of fines, as amended from time to time, shall be posted at the Municipal Ordinance Violations Bureau.

3) A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues, unless otherwise provided and a separate fine shall be assessed for each day the violation or noncompliance continues.

Effective Date

This ordinance shall take effect on : , 2017.