

**VILLAGE OF EDWARDSBURG
COUNTY OF CASS, STATE OF MICHIGAN
ORDINANCE NO. 2007-02
ADOPTED: January 21, 2008
EFFECTIVE: May 17, 2008**

**VILLAGE OF EDWARDSBURG
MUNICIPAL VIOLATIONS BUREAU ORDINANCE NO: _____**

An Ordinance adopted pursuant to 1994 Public Act No. 12 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 VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN

ORDAINS:

**SECTION 1
TITLE**

This ordinance shall be known and cited as the Village of Edwardsburg Municipal Ordinance Violations Bureau Ordinance.

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

- A. Establishment. The Village of Edwardsburg Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to 1994 Public Act 12 (MCL 600.8396), as it may be amended from time to time, 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.
- B. Location. The Bureau shall be located at the Village Hall/Office or such other location in the Village as may be designated by the Village of Edwardsburg Board.
- C. Personnel. All personnel of the Bureau shall be Village employees. The Village Board may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the Village 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 has

been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or another 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 violation notices shall be issued and served by authorized Village 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 within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated Village employee(s) shall promptly report the same to the appropriate ordinance enforcement personnel of the Village. The ordinance enforcement personnel shall thereafter proceed as authorized to issue and file a municipal civil infraction citation for such violation with the Cass County District Court having jurisdiction of the matter. The citation shall be on a form designated by the State Court Administrator's Office for the State of Michigan, shall be filed with the Court within three (3) days of issuance and 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:

1 st violation within 3-year period	\$ 25.00
2nd violation within 3-year period	\$50.00
3rd violation within 3-year period	\$75.00
4th or subsequent violation within 3-year period*	\$100.00 or
* May issue State of Michigan Uniform Civil Infraction Citation for a hearing in the 4 th District Court, Cass County, Michigan, or implement Violations: Optional Procedure.	

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 Village official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Village Board once a month or at such other intervals as the Village 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/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Village 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 Village 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 Village 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 inconsistent or in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but only to the extent of such conflict or inconsistency.

SECTION 10 - EFFECTIVE DATE

Provisions of this amendment ordinance shall take effect and be in force 30 days after publication.

SECTION 11 - CERTIFICATION

I, Bernadine Tilbury, Clerk of the Village of Edwardsburg, Cass County, Michigan do hereby certify that the above Ordinance Amendment was passed on the 21st day of January 2008 and the vote thereon was as follows: Moved by-----

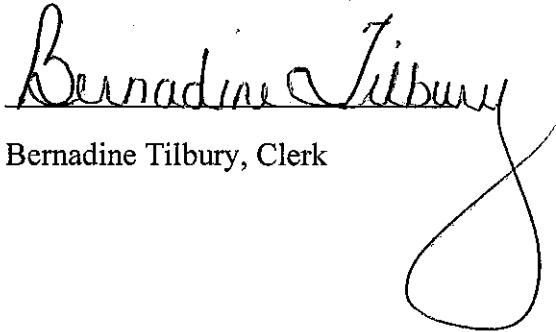
ROLL CALL VOTE:

YES: Scott Mackling, Nancy Stoner, Sherry Dannenberg, Jacque Tighe

NO: None

ABSENT: William Rauch, Bruce Campbell

I do further certify that the foregoing Ordinance Amendment was published in the Edwardsburg Argus, a newspaper circulated in the Village of Edwardsburg, Cass County, Michigan on the 17th Day of April 2008.

A handwritten signature in cursive script that reads "Bernadine Tilbury". The signature is written in dark ink and is positioned above the printed name of the signatory.

Bernadine Tilbury, Clerk