

ORDINANCE NUMBER 01-08 AN ORDINANCE TO PROVIDE FOR MUNICIPAL CIVIL INFRACTIONS,
ESTABLISH A MUNICIPAL CIVIL INFRACTIONS BUREAU AND ADOPT A SCHEDULE OF FINES.

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (a) "Act" means Act No. 236 of the Public Acts of Michigan of 1961, as amended.
- (b) "Authorized Village Official" means a police officer or Village President.
- (c) "Bureau" means the Village of Morley Municipal Ordinance Violations Bureau as established by this ordinance.
- (d) "Municipal Civil Infraction" means an act or omission that is prohibited by any ordinance of the Village, and for which civil sanctions including, without limitations, fines, damages, expenses and costs may be ordered.
- (e) "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- (f) "Municipal Civil Infraction Citation" means a written complaint or notice prepared by an authorized Village official, directing a person, firm, corporation, trust, partnership or other legal entity to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the persons cited.
- (g) "Municipal Civil Infraction Violation Notice" means a written notice prepared by an authorized Village official, directing a person, firm, corporation, trust, partnership, or other legal entity to appear at the Bureau and to pay the fine(s) and cost(s), if any, prescribed for the violation by the schedule of fines adopted by the Village, as authorized under Sections 8396 and 8707(6) of the Act.
- (h) "Subsequent Violation" means a repeat municipal civil infraction violation of the same requirement or provision of an ordinance committed by a person, firm, corporation, trust, partnership, or other legal entity and for which the person admits responsibility or is determined to be responsible.

SECTION 2. COMMENCEMENT OF A MUNICIPAL CIVIL INFRACTION ACTION

A municipal civil infraction action may be commenced upon the issuance, by an authorized Village official, of (a) a municipal civil infraction citation directing the alleged violator to appear in court; or (b) a municipal civil infraction violation notice directing the alleged violator to the Bureau. If upon receiving the municipal civil infraction notice an admission of responsibility is not made and the civil fine and costs prescribed by the ordinance for the violation are not paid to the Bureau, a citation may be filed with the court and a copy of the citation may be served by first class mail upon the alleged violator at his or her last known address.

SECTION 3. MUNICIPAL ORDINANCE VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION 8396 OF THE ACT.

The Bureau is hereby established to accept admissions of responsibility for the municipal civil infractions and to collect and retain civil fines and costs as prescribed. The Bureau shall consist of the Village Clerk, Village Treasurer, and Village Police.

SECTION 4. MUNICIPAL ORDINANCE VIOLATIONS BUREAU; LOCATION AND EMPLOYEES.

The Village Clerk shall, subject to the approval of the Village Board, establish a convenient location for the Bureau; and will adopt rules and regulations for its operation.

SECTION 5. MUNICIPAL ORDINANCE VIOLATIONS BUREAU; 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 civil infraction 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. Nothing in this Ordinance 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 competent jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice a person or in any way diminish the person's rights, privileges, and protection accorded to that person by law.

ORDINANCE NUMBER 01-08 AN ORDINANCE TO PROVIDE FOR MUNICIPAL CIVIL INFRACTIONS,
ESTABLISH A MUNICIPAL CIVIL INFRACTIONS BUREAU AND ADOPT A SCHEDULE OF FINES.

THE VILLAGE OF MORLEY ORDAINS:

SECTION 1. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (a) "Act" means Act No. 236 of the Public Acts of Michigan of 1961, as amended.
- (b) "Authorized Village Official" means a police officer or Village President.
- (c) "Bureau" means the Village of Morley Municipal Ordinance Violations Bureau as established by this ordinance.
- (d) "Municipal Civil Infraction" means an act or omission that is prohibited by any ordinance of the Village, and for which civil sanctions including, without limitations, fines, damages, expenses and costs may be ordered.
- (e) "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- (f) "Municipal Civil Infraction Citation" means a written complaint or notice prepared by an authorized Village official, directing a person, firm, corporation, trust, partnership or other legal entity to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the persons cited.
- (g) "Municipal Civil Infraction Violation Notice" means a written notice prepared by an authorized Village official, directing a person, firm, corporation, trust, partnership, or other legal entity to appear at the Bureau and to pay the fine(s) and cost(s), if any, prescribed for the violation by the schedule of fines adopted by the Village, as authorized under Sections 8396 and 8707(6) of the Act.
- (h) "Subsequent Violation" means a repeat municipal civil infraction violation of the same requirement or provision of an ordinance committed by a person, firm, corporation, trust, partnership, or other legal entity and for which the person admits responsibility or is determined to be responsible.

SECTION 2. COMMENCEMENT OF A MUNICIPAL CIVIL INFRACTION ACTION

A municipal civil infraction action may be commenced upon the issuance, by an authorized Village official, of (a) a municipal civil infraction citation directing the alleged violator to appear in court; or (b) a municipal civil infraction violation notice directing the alleged violator to the Bureau. If upon receiving the municipal civil infraction notice an admission of responsibility is not made and the civil fine and costs prescribed by the ordinance for the violation are not paid to the Bureau, a citation may be filed with the court and a copy of the citation may be served by first class mail upon the alleged violator at his or her last known address.

SECTION 3. MUNICIPAL ORDINANCE VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION 8396 OF THE ACT.

The Bureau is hereby established to accept admissions of responsibility for the municipal civil infractions and to collect and retain civil fines and costs as prescribed. The Bureau shall consist of the Village Clerk, Village Treasurer, and Village Police.

SECTION 4. MUNICIPAL ORDINANCE VIOLATIONS BUREAU; LOCATION AND EMPLOYEES.

The Village Clerk shall, subject to the approval of the Village Board, establish a convenient location for the Bureau; and will adopt rules and regulations for its operation.

SECTION 5. MUNICIPAL ORDINANCE VIOLATIONS BUREAU; 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 civil infraction 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. Nothing in this Ordinance 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 competent jurisdiction. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice a person or in any way diminish the person's rights, privileges, and protection accorded to that person by law.

SECTION 6. BUREAU LIMITED TO ACCEPTING ADMISSIONS OF RESPONSIBILITY.

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.

SECTION 7. MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES.

Municipal civil infraction violation notices shall specify the time 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 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.

SECTION 8. SCHEDULE OF FINES ESTABLISHED.

(A) A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows:

| Ordinance Number | Reference | Fine for 1 st Violation | Fine for 2 nd Violation | Fine for 3 rd Violation |
|------------------|-----------------|------------------------------------|------------------------------------|------------------------------------|
| 04-2001 | Burning | \$100 | \$100 | \$100 |
| 03-2002 | Animals/Pets | \$50 | \$100 | \$250 |
| 05-2002 | Curfews | \$50 | \$100 | \$250 |
| 06-2002 | Fouling of Prop | \$50 | \$75 | \$100 |
| 09-2002 | Junk | \$100 | \$250 | \$500 |
| 11-02 | Parking | \$25 | \$40 | \$60 |
| 13-04 | Wheel Devices | \$25 | \$50 | \$75 |
| 37 | Trash | \$25 | \$50 | \$100 |
| 44 | Alcohol | \$100 | \$150 | \$200 |
| 02-08 | Grass/Weeds | \$25 | \$50 | \$100 |

(B) Copies of the schedule of fines shall be posted as required by law.

SECTION 9. PROCEDURE WHERE ADMISSION OF RESPONSIBILITY IS NOT MADE OR FINE IS NOT PAID.

If an alleged violator who is served with a municipal civil infraction violation notice does not appear at the Bureau, admit responsibility and pay civil fine and costs prescribed by the schedule of fines for the violation within the time specified in the notice, 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 need not comply with all form and content requirements of Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal civil infractions violation notice and shall fairly inform the alleged violator how to respond to the citation.

SECTION 10. GENERAL PENALTY FOR MUNICIPAL CIVIL INFRACTION.

- (A) Unless another penalty is expressly provided, any person, firm, corporation, trust, partnership, or other legal entity determined responsible for a violation of a Village Ordinance which has been designated as a municipal civil infraction shall be punished by a civil fine according to established schedule of fines, and shall be liable for payment. Each act of violation and every day upon which any such violation shall occur or continue shall constitute a separate offense, and shall make the violator liable for the imposition of a fine each day.
- (B) In addition to the penalties provided by the schedule of fines, the district court shall have jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision of a Village Ordinance, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or granting any injunctive relief. In addition, the court may impose the total amount of the civil fine, costs, or both as a lien upon the property where the violation occurred.

SECTION 11. SEVERABILITY.

The various parts, sections, and clauses of this Ordinance are declared to be severable. If any part, section, or clause is determined to be unlawful by a court of competent jurisdiction the remainder of the Ordinance shall not be affected.

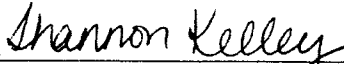
SECTION 12. EFFECTIVE DATE.

This ordinance shall take effect twenty (20) days after it's adoption or upon the publication of a synopsis of this ordinance, whichever occurs first.


ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

I hereby certify to the adoption of this ordinance at the October 13, 2008 regular board meeting and cause the same to be published as required by law. Yeas: 5 Nays: 0 Absent: 2 Ordinance declared adopted

Published: Oct. 17, 2008 Effective Date: Oct. 17, 2008



Shannon Kelley, Village Clerk



Henry Petersen, President