

TOWNSHIP OF BOIS BLANC  
COUNTY OF MACKINAC, STATE OF MICHIGAN  
TOWNSHIP ORDINANCE NO.38

ADOPTED: December 11, 2002

EFFECTIVE: February 5, 2003

MUNICIPAL ORDINANCE VIOLATION BUREAU ORDINANCE

An ordinance adopted pursuant to Public Act 12 of 1994 (Appendix K) 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.

SECTION 1: Title

This ordinance shall be known and cited as the Bois Blanc Township Municipal Ordinance Violations Bureau Ordinance.

SECTION 2:

Establishment, Location and Personnel of Municipal Ordinance Violations Bureau.

- A. Establishment. The Bois Blanc Township Municipal Ordinance Violations Bureau (hereinafter "Bureau") is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396) (Appendix M) as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designed 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 township hall/office or other such 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 may be delegated by the Township Board.

SECTION 3: Ordinance Violation Notice Requirement

- A. Ordinance Violation Notice Requirements. Municipal civil infraction notices shall be issued and served by authorized township officials as provided by law. A municipal ordinance 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 fine/costs or contact the Bureau within the required time;
  6. The address and telephone number of the Bureau, and
  7. The days and hours that the Bureau is open.
- B. Denial of Responsibility. When a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau, and pay the required civil fine/costs with the designated time period, the Bureau clerk or other designated township employee(s) shall timely inform the appropriate ordinance enforcement officer(s) of such status, who may then issue and file a municipal civil 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 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 or the alleged violator's last know 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 admission of responsibility by persons served with municipal ordinance notices shall be determined pursuant to the following schedule:

Sanctions for Violations: any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule:

Minimum/Maximum

First violation within a 3 year period*	\$50 - \$500
Second violation within a 3 year period*	\$125 - \$500
Third violation within a 3 year period*	\$250 - \$500
Fourth violation within a 3 year period*	\$400 - \$500

\* determined on the basis of the date of the violation(s)

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. a violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

In addition the above-prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within ten days of the date of the service of the municipal ordinance notice. Otherwise, cost of \$20 shall be assessed by the Bureau.

SECTION 6: Record and Accounting

The Bureau clerk or other designated township official/employee shall retain a copy of all municipal ordinance 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 responsibilities 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 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 a municipal civil infraction 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 in conflict with this ordinance are hereby repealed.

SECTION 10: Effective Date

This ordinance shall become effective 30 days after publication as required by law following adoption by the Township Board.

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CLERK'S CERTIFICATE

Joan E. Schroka, Bois Blanc Township Clerk, does hereby certify that the foregoing Ordinance as adopted at a regular meeting of the Bois Blanc Township Board on December 11, 2002, and the same was caused to be published in the Cheboygan Tribune, on February 5, 2003, and also, the fact that complete copies of the Code are available at the office of the Clerk for inspection by and distribution to the public a all times.

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Joan E. Schroka, Bois Blanc Township Clerk