

THE CHARTER TOWNSHIP OF GARFIELD

AMENDMENT NO. 1 TO ORDINANCE NO. 37

**GARFIELD CHARTER TOWNSHIP MUNICIPAL ORDINANCE
VIOLATIONS BUREAU ORDINANCE**

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 notice have been issued and served by duly authorized Township 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 CHARTER TOWNSHIP OF GARFIELD
GRAND TRAVERSE COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as the Garfield Charter Township Municipal Ordinance Violations Bureau Ordinance.

SECTION 2

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

- A. **Establishment.** The Garfield Charter Township 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 provided by law. A municipal civil infraction and to collect and retain civil fines/costs for such violations as prescribed herein.
- B. **Location.** The Bureau shall be located within the Township Offices or such other locations within 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 designated by the Township Board.

SECTION 3
BUREAU AUTHORITY

The Bureau shall have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violations notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinance(s). The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violations 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 OF REQUIREMENTS
ADMISSION/DENIAL OF RESPONSIBILITY

- A. **Ordinance Violation Notice Requirements.** A municipal civil infraction violation notice shall be issued and served by duly authorized Township officials as provided by law. A municipal civil infraction violation notice shall include, at a minimum, all of the following:
1. A description of the violation, including reference to applicable Township ordinance section,
 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, and
 7. The days and hours the Bureau is open.
- B. **Denial of Responsibility.** Where a person fails to admit responsibility (without explanation) 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 Township employee(s) shall advise the complainant to 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 civil infraction 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 fines is provided for by an applicable ordinance or resolution, the civil fines payable by persons served with municipal ordinance violations notices or civil infraction citations shall be determined pursuant to the following schedule:

1 st violation within 3-year period*	\$ 125.00
2 nd violation within 3-year period*	250.00
3 rd violation within 3-year period*	500.00
4 th or subsequent violation within 3-year period*	1,000.00

* determined based on 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. If the fine and costs are not paid within 10 days of the date of service of the municipal ordinance violation notice, costs of \$20.00 shall be assessed by the Bureau. Additional fines and costs may be assessed by the courts having jurisdiction for municipal ordinance civil infraction citations in addition to the above-prescribed civil fines.

SECTION 6
RECORDS AND ACCOUNTING

The Bureau Clerk or other designated Township official/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/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 REMEDIES

Nothing in the 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 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 in conflict with the Ordinance are hereby repealed.

SECTION 10
EFFECTIVE DATE

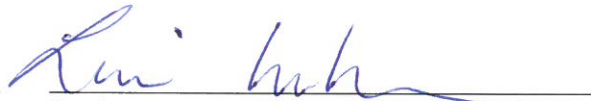
This Ordinance shall take effect seven (7) days after publication as required by law following adoption by the Township Board. Effective Date: November 22, 2020.

CHUCK KORN, Supervisor
LANIE MCMANUS, Clerk
Garfield Township Board
3848 Veterans Drive
Traverse City, MI 49684

CERTIFICATE

I, Lanie McManus, Clerk of the Charter Township of Garfield, do hereby certify that the above is a true and correct copy of Amendment No. 1 of Garfield Township Ordinance No. 37, which was adopted by the Township Board of the Charter Township of Garfield on the 10th day of November, 2020. Garfield Township Ordinance No. 37 Amendment No. 1 shall take effect seven (7) days following publication.

Dated: 11-11-2020



Lanie McManus, Clerk
Charter Township of Garfield

Introduced: October 27, 2020
Adopted: November 10, 2020
Published: November 15, 2020
Effective: November 22, 2020