

## **Acme Township Municipal Civil Infractions Ordinance #2008-2**

The purposes of this ordinance are: 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 and costs for those violations; and to repeal all conflicting ordinances or parts of ordinances.

THE TOWNSHIP OF ACME, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

### **Section 1. Title**

This ordinance shall be known and cited as the Acme Township Civil Infractions Ordinance.

### **Section 2. Municipal Ordinance Violations Bureau**

- a. **Establishment.** The Acme Township Municipal Ordinance Violations Bureau ("Bureau") is established for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines and/or costs for those violations.
- b. **Location.** The Bureau shall be located at the Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690.
- c. **Personnel.** All personnel of the Bureau shall be Township employees. The Township Board may by resolution designate a Bureau Clerk, who shall have the duties described below as well as any other duties delegated to him or her by the Township Board.

### **Section 3. Bureau Authority**

The Bureau may 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 fines and/or costs for those violations. The Bureau may not accept payment of fines and/or costs from any person who denies having committed the alleged violation, or who admits responsibility only with explanation.

### **Section 4. Violation Notices**

- a. Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Township 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 fines and/or costs for the violation;
  - (4) The methods by which the violation may be admitted or denied;
  - (5) The consequences of failing to either (a) pay the required amounts, or (b) 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. When a person does not both (a) admit responsibility (without explanation) for a violation, and (b) pay the required amounts 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 that violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing the allegations stated in the 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 his or her last known address. The citation shall be processed in the manner required by law.

**Section 5. Schedule of Civil Fines and Costs**

Unless a different amount is provided for by an applicable ordinance, the civil fines payable to the Bureau upon admissions of responsibility by persons served with violation notices shall be determined according to the following schedule:

1st violation within 3-year period -----	\$ 50.00
2nd violation within 3-year period -----	\$125.00
3rd violation within 3-year period-----	\$250.00
4th or subsequent violation within 3-year period -----	\$400.00

Three-year periods shall be determined based on the dates of the violations.

In addition to fines, costs in the amount of \$10.00 shall be assessed by the Bureau if the required amount is 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 Township official shall retain a copy of all municipal ordinance violation notices, and shall account to the Township Board quarterly (or at such other intervals as the Township Board may decide) concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines and costs collected. The amounts 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 interpreted 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 citation or take such other enforcement action as is authorized bylaw. Nothing in this ordinance shall be interpreted to limit the Township's ability to take any other enforcement action provided by law in addition to, or instead of, enforcement under this ordinance.

**Section 8. Severability**

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect.

**Section 9. Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are repealed. This section shall not apply to the setting of fines and/or costs in another ordinance that are different from the fines and costs specified in this ordinance.

**Section 10. Effective Date**

This ordinance shall take effect 30 days after it is published following its adoption by the Township Board.

This ordinance was adopted at a regular meeting of the Acme Township Board of Trustees on October 14, 2008. A Notice of Adoption for this ordinance was published in the Traverse City Record Eagle on November 15, 2008 and this ordinance became effective 30 days later, on December 15, 2008

ACME TOWNSHIP

Wayne K. Kladder  
Wayne Kladder, Supervisor

Dorothy Dunville  
Dorothy Dunville, Clerk

ACME TOWNSHIP

Resolution of the Township Board of Trustees  
To Establish Location of Municipal Infractions Violations Bureau,  
Designate Enforcing Officials, and Designate Bureau Clerk

Resolution # 2008-29

At a regular meeting of the Acme Township Board of Trustees held on October 14, 2008, the Township Board adopts the following resolution. This resolution is based upon the following findings:

- A. The Township Board of Trustees has adopted the Municipal Civil Infractions Ordinance ("ordinance").
- B. The ordinance creates a Municipal Ordinance Violations Bureau ("Bureau").
- C. The ordinance requires the Township to designate the location of the Bureau and a Bureau Clerk. The ordinance allows the Township to designate authorized officials who will enforce the ordinance.

For these reasons, the Township Board resolves that:

- 1. The Bureau shall be located at the Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690.
- 2. Leahly Dunville shall be the Bureau Clerk.
- 3. The enforcement officials for this ordinance shall be:

Name	Title
	Zoning Administrator
	Supervisor
	Township Manager Deputy (Sheriff)

4. In addition, any person who is authorized to enforce any other ordinance that contains a civil infractions provision shall be designated an enforcement official for purposes of the ordinance(s) that authorize(s) him or her.

Yes: 7

No: 0

Abstain: 0

ACME TOWNSHIP

Wayne J. Kladder  
Wayne Kladder, Supervisor

Dorothy Dunville  
Dorothy Dunville, Clerk

# AFFIDAVIT OF PUBLICATION

## LEGAL NOTICE

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b. Location. The Bureau shall be located at the Acme Township Hall, 6042 Acme Road, Williamsburg, MI 49690.

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ACME TOWNSHIP  
6042 Acme Road  
Williamsburg MI 49690  
www.acmetownship.org  
(231) 938-1350

STATE OF MICHIGAN  
County of Grand Traverse

Mike Casuscelli being duly sworn deposes and says the annexed printed copy of notice was taken from the Traverse City RECORD EAGLE, a newspaper printed and circulated in said State and County, and that said notice was published in said newspaper on the following dates:

11/15/2008

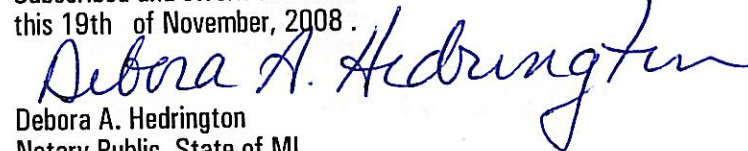
11/16/2008

11/17/2008

that he or she is the agent of the printers of said newspaper, and knows well the facts stated herein



Subscribed and sworn to before  
this 19th of November, 2008.



Debora A. Hedington  
Notary Public, State of MI  
County of Grand Traverse  
My Commission Expires November 22, 2012  
Acting in County of Grand Traverse