ORDINANCE NO. 143

MUNICIPAL CIVIL INFRACTIONS

VILLAGE OF LAURIUM

The Village of Laurium Ordains:

Article 1. In General

Section 1-1. Definitions

As used in this Chapter:

"Act" means Act No. 236 of the Public Acts of 1961, as amended.

"Authorized Village Official" means a police officer or other personnel of the village authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

"Bureau" means the Village of Laurium Municipal Ordinance Violations Bureau as established by this Chapter.

"Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

"Municipal civil infraction citation" means a written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

"Municipal civil infraction violation notice" means a written notice prepared by an authorized village official, directing a person to appear at the Village of Laurium Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the village as authorized under Sections 8396 and 8707 (6) of the Act.

Article II. Administration

Division 1. Generally

Section 1-1. Commencement

A municipal civil infraction action may be commenced upon the issuance by an authorized village official of (1) a municipal civil infraction citation directing the alleged violation to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the Village of Laurium Municipal Ordinance Violations Bureau.

Municipal civil infraction citations shall be issued and served by authorized village officials as follows:

(a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(b) The place for appearance specified in a citation shall be the district court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by Section 8705 of the Act.

(d) A citation for a municipal civil infraction signed by an authorized village official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

(e) An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(f) An authorized village official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or village attorney approves in writing the issuance of the citation.

(g) Municipal civil infraction citations shall be served by an authorized village official as follows:

(1) Except as provided by Section 6-3(g)(2), an authorized village official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the

citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building, or structure by posting the copy of the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

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A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

Further, the citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "With explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

A. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village.

B. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

The citation shall also inform the alleged violator of all of the following:

(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for appearance.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time

specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village.

(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in bold faced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgement against the alleged violator on the municipal civil infraction.

Section 1-4. Violations bureau.

(a) Bureau established. The village hereby establishes a Municipal Ordinance Violations Bureau ("Bureau") as authorized under Section 8396 of the Act to accept admissions of responsibility for the municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized village officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

(b) Location; supervision; employees; rules and regulations. The Bureau shall be located at the Laurium Village Hall and shall be under the supervision and control of the Village Clerk, subject to the approval of the Village Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified village employees to administer the Bureau.

(c) 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 (as compared with a citation) 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 Chapter 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 appropriate jurisdiction. The unwillingness of any

person to dispose of any violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges, and protection accorded by law.

(d) 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 retaining to an alleged violation.

(e) Municipal civil infraction violation notices. Municipal civil infraction violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as provided for citations as provided in Sections 6-3(f) and (g) of this Chapter. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by 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 during 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.

(f) Appearance; payment of fines and costs. An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

(g) Procedure where admission of responsibility not made or fine not paid. If an authorized village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, 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 filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

Section 1-5. Civil infractions and related fines.

(a) Violation of the provisions of the following Ordinances or Chapters of the Village of Laurium Code shall be deemed to constitute civil infractions and the fines for violation of the provisions of said Chapters shall be as follows:

Failure to comply with any provision of:

	OFFENSE	FINE
Ordinance 111	Disorderly Conduct	$100.00
Chapter 7059	Peddlers & Solicitors	$100.00
Chapter 7120	Taxicab Violations	$100.00
Chapter 9016-(M)	Destruction of Property	$100.00
Chapter 9016-(N)	Offense Against Person	$100.00
Chapter 9016-(R)	Loiter in a Public Place	$100.00
Chapter 9016-(S)	Obstruct Street or Walkway	$100.00
Chapter 9016-(Y)	Noise Offense	$100.00
Chapter 9016-(Z)	Allow Offense Against Peace	$100.00
Chapter 9016-(CC)	Trespass Violation	$100.00
Chapter 9027	Violation Open Fires	$100.00
Ordinance 120	Animal Violation	$100.00
Ordinance 122	Park Violation	$100.00
Ordinance 127	Deposit Snow on Roadway	$100.00
Ordinance 128	ORV & Snowmobile Violation	$100.00
Ordinance 132	Deposit Garbage Violation	$100.00
Ordinance 139	Junk Car Violation	$100.00
Ordinance 140	Yard Maintenance Violation	$100.00
Ordinance 141	Fence Violation	$100.00
Ordinance 142	Building Violation	$100.00
	Second Offense	$200.00

(b) Any provision contained within the Code that purports to make the violation of any of the above-stated provisions of the Code a misdemeanor is hereby repealed.

(c) The aforesaid fines shall be payable to the Municipal Ordinance Violation Bureau located in the Laurium Village Hall, 310 Hecla Street, Laurium, Michigan 49913-0627.

(d) A copy of this schedule, as amended from time to time, shall be posted at the Municipal Ordinance Violation Bureau.

Section 1-6. Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

This Ordinance was adopted by the Village Council of the Village of Laurium, Houghton County, Michigan on the 19th day of November, 2002.

This Ordinance shall take effect twenty (20) days from the date of adoption.

Patricia M. Golus, Clerk
Village of Laurium

Mark L. Bonenfant, President
Village of Laurium

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Laurium, County of Houghton, State of Michigan, on the 19th day of November, 2002, and that public notices of said meeting was given pursuant to and in compliance with Act Number 267, Public Acts of Michigan, 1976.

Patricia M. Golus, Clerk
Village of Laurium