

**CARROLLTON TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

ORDINANCE NO. 2017-01

The Board of Trustees of Carrollton Township, Saginaw County, Michigan ordains that the Carrollton Township Code of Ordinances be amended as follows:

SECTION I: PURPOSE.

CHAPTER 2, ADMINISTRATION, ADDING ARTICLE VI. MUNICIPAL CIVIL INFRACTION ORDINANCE VIOLATIONS BUREAU OF THE CARROLLTON TOWNSHIP CODE OF ORDINANCES is hereby created to read as follows:

ARTICLE VI. – MUNICIPAL CIVIL INFRACTION ORDINANCE VIOLATIONS BUREAU

Sec. 2-131. – Establishment, Location and Personnel.

- (a) *Establishment.* The Carrollton Township Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as amended, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations.
- (b) *Location.* The Bureau shall be located at the Carrollton Township Office or such other 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.

Sec. 2-132. – Bureau Authority to Accept Admissions of Responsibility Without Explanation.

The Bureau shall only have authority to 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 scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation 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.

Sec. 2-133. – Ordinance Violation Notice Requirements, Admission/Denial of Responsibility.

- (a) *Ordinance 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 of 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;
 - (7) The days and hours that the Bureau is open;
- (b) *Denial of Responsibility.* Where a person fails to admit responsibility without explanation for a 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 ordinance 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.

Sec. 2-134. – Schedule of Civil Fines/Costs.

Unless a different schedule of civil fines is provided for by Motion of the Township Board, the civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be determined pursuant to the following schedule:

1 st violation within 3-year period*	-----\$75.00
2 nd violation within 3-year period*	-----\$150.00
3 rd violation within 3-year period*	-----\$225.00

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

Sec. 2-135. – 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 finds/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.

Sec. 2-136 – 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 citation or take such other enforcement action as is authorized by law.

Sec. 2-137 – 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 II: REPEAL AND SAVINGS CLAUSE

All other ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.

SECTION III: PUBLICATION

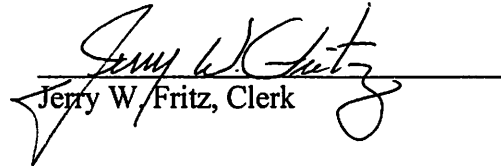
This Ordinance shall be published in a newspaper circulated within the Township of Carrollton within ten (10) days following the adoption thereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Adopted: January 9, 2017
Published: January 20, 2017
Effective: February 20, 2017

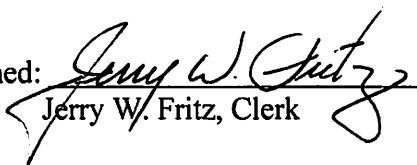

Phillip E. Abney, Supervisor


Jerry W. Fritz, Clerk

CERTIFICATION

STATE OF MICHIGAN
COUNTY OF SAGINAW

I, Jerry W. Fritz, the duly elected Clerk of Carrollton Township, do hereby declare that the foregoing is a complete and true copy of Ordinance No. 2017-01, which was adopted at a regular meeting of the Carrollton Township Board held January 9, 2017, the original of which proceedings is on file in my office. Public notice of said meeting was given to and in compliance with Act 267, Public acts of Michigan, 1976.

Signed: 
Jerry W. Fritz, Clerk

Date: January 9, 2017