

TOWNSHIP OF PIERSON
COUNTY OF MONTCALM, MICHIGAN

At a regular meeting of the Township Board of the Township of Pierson, held in the Township Hall, 21156 W. Cannonsville Road, within the Township, on the 11th day of June, 2019, at 7:00 p.m.

PRESENT: Gould, Hymns, Scheuerman, VanTil, Burkholder

ABSENT: Ø

The following ordinance was offered by Hymns and supported by VanTil.

ORDINANCE NO. 2019-01

AN ORDINANCE TO AMEND THE REGULATORY ORDINANCES OF THE TOWNSHIP OF PIERSON

THE TOWNSHIP OF PIERSON, MONTCALM COUNTY, MICHIGAN ORDAINS:

Section 1. **Municipal Ordinance Violations Bureau Ordinance.** The Regulatory Ordinances of the Township of Pierson are hereby amended by the addition of Ordinance 19-1 thereto, which shall read in its entirety as follows:

MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

AN ORDINANCE adopted pursuant to Public Act 12 of 1994 (MCL 600.8701, *et seq.*) 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 such violations as prescribed herein and to repeal all conflicting ordinance or parts of ordinances.

Section 1. Title.

This Ordinance shall be known and cited as the Pierson Township Municipal Ordinance Violations Bureau Ordinance.

Section 2. Penalties.

- A. Unless penalty is provided by a separate Township Ordinance for violation of that Ordinance, the penalty for violation of an ordinance which is designated as a municipal civil infraction shall be as follows:
 - 1. \$150 for the first violation.
 - 2. \$300 for a second violation within a three year period of the first violation.
 - 3. \$500 for a third and subsequent violations within a three year period of the first violation.
- B. For purposes of this section, an "offense" is considered to be subsequent to a prior offense if a violation for which same person admitted responsibility or was adjudicated to be responsible was committed by the same person within the stated time of a prior violation of the same provision,
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. As an additional penalty, the violator shall be responsible for all costs, damages, expenses and actual reasonable attorney fees incurred by the Township, and shall be subject to all other remedies provided to the Township by law.

Section 3. Establishment, Location and Personnel of Municipal Ordinance Violations Bureau.

- A. **Establishment.** The Pierson Township Municipal Ordinance Violations Bureau (hereafter, the "Bureau") is hereby established pursuant to Public Act 12 of 1994 (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 civil infractions and to collect and retain civil fines and costs for such violations as prescribed herein.
- B. **Location.** The Bureau shall be located at the Township hall 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 motion or resolution designate a bureau clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.

Section 4. Bureau Authority.

The Bureau shall only 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 and costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines and 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.

Section 5. Ordinance Violation Notice Requirements.

A. **Ordinance Violation Notice Requirements.** When there is reasonable cause to believe that a violation of this Code has occurred, 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 the scheduled fines and 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 and costs or otherwise contacting 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) for a violation within the jurisdiction of the bureau and pay the required civil fines and costs within the designated time period, the bureau clerk or other designated Township employees 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.

Section 6. Record and Accounting.

The bureau clerk or other designated township official or 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 and costs collected with respect to such violations. The civil fines and 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 citation or take such other enforcement action as is authorized by law.

Section 8. Severability.

The provisions of this Ordinance are 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 repealed.

Section 10. Lien for Unpaid Penalties.

If any fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted by the court for such payment or satisfaction, in case of a violation involving the use or occupancy of a land or building or other structure, the Township may obtain a lien against the land, building or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs and assessments with the Montcalm County Register of Deeds. Such lien may be enforced and discharged by the Township in the manner provided by law.

Section 2. **Repeal of Misdemeanor Classification: 90-1.** Section III, "Penalties," of Ordinance 90-1 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 3. **Repeal of Misdemeanor Classification: 90-2.** The paragraph entitled "Penalties," of Ordinance 90-2 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 4. **Repeal of Misdemeanor Classification: 91-3.** Section 10, "Penalties," of Ordinance 91-3 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.


Section 5. **Repeal of Misdemeanor Classification: 96-1.** Section 6, "Penalties," of Ordinance 96-1 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 6. **Repeal of Misdemeanor Classification: 97-13.** Section 8, "Penalties and Other Remedies," of Ordinance 97-13 of the Regulatory Ordinances of the Township of Pierson is hereby repealed.

Section 7. **Publication and Effective Date.** A summary of this Ordinance shall be published in a newspaper of general circulation within the Township, as provided by law. This Ordinance shall take effect thirty (30) days after publication.


AYES: Members: Gould, Hyns, Scheuermann, Van Til, Burkholder
NAYS: Members: Ø

ORDINANCE DECLARED ADOPTED.



Sara Burkholder, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Pierson at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Sara Burkholder, Township Clerk