

PUBLIC NOTICE

At a regular meeting of the Otsego County Board of Commissioners held on the 10th day of August 2004, the following Ordinance was adopted:

COUNTY OF OTSEGO STATE OF MICHIGAN

ORDINANCE NO. 2004-2

MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE

An Ordinance to amend the Otsego County Municipal Civil Infractions Ordinance by adopting pursuant to Chapter 87 of Act Number 236 of the Public Acts of 1961 as amended (MCLA 600.8701 et seq.) 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/costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts of ordinances.

SECTION 1

Section 2.3 "Definitions" of the Otsego County Municipal Civil Infractions Ordinance shall be amended by adding Section 2.3.5 "Otsego County Municipal Ordinance Violations Bureau" to read as follows:

2.3.5 "*Municipal Ordinance Violations Bureau*" means a designation of a department or agency of Otsego County that has been designated by the County Board of Commissioners 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/costs for such violations.

SECTION 2

The Otsego County Municipal Civil Infractions Ordinance shall be amended by adding Article 2A "MUNICIPAL ORDINANCE VIOLATIONS BUREAU" to read as follows:

ARTICLE 2A MUNICIPAL ORDINANCE VIOLATIONS BUREAU

Section 2A.1 ESTABLISHMENT, LOCATION AND PERSONNEL

A. Establishment. The Otsego County 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 civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

B. Location. The Bureau shall be located at the County Treasurer's Office; located in the County Building at 225 W. Main Street; Gaylord, Michigan or such other location in the County as may be designated by the County Board of Commissioners.

C. Personnel. All personnel of the Bureau shall be County employees. The County Board of Commissioners may by resolution designate a Bureau Clerk with the duties prescribed herein and as otherwise may be delegated by the County Commissioners.

Section 2A.2 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 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.

Section 2A.3 NOTICE REQUIREMENTS, ADMISSION or DENIAL OF RESPONSIBILITY

A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized County 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/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 County 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 2A.4 SCHEDULE OF CIVIL FINES/COSTS: The civil fines payable to the Bureau upon admissions of responsibility by persons served with municipal ordinance violation notices shall be as set forth in Section 3.4 of this ordinance.

Section 2A.5 RECORDS AND ACCOUNTING: The Bureau Clerk or other designated County official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the County Board of Commissioners once a month or at such other intervals as the County Board of Commissioners 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 County Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the County.

Section 2A.6 AVAILABILITY OF OTHER ENFORCEMENT OPTIONS: Nothing in this Ordinance shall be deemed to require the County 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 County 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 3

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 4

REPEAL: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5

EFFECTIVE DATE: This Ordinance shall take effect immediately upon publication as required by law following adoption by the County Board of Commissioners.

COUNTY OF OTSEGO

By: _____
Lee Olsen, Chairman

By: _____
Evelyn Pratt, County Clerk