

**VILLAGE OF FARWELL
CLARE COUNTY, MI
CIVIL INFRACTION ORDINANCE
NO. 2007-01**

Short Title: VILLAGE OF FARWELL-CIVIL INFRACTION ORDINANCE

Section 1. Title.

This Ordinance shall be known and cited as the Village of Farwell Civil Infraction and Municipal Ordinance Violations Bureau Ordinance.

Section 2. Bureau Established and Empowered.

The Village hereby establishes a municipal ordinance violations bureau pursuant to 1994 Public Act 12, being Michigan Compiled Laws 600.8396, as it may be amended from time to time. The municipal ordinance violations bureau is empowered to accept admissions or responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials, and to collect and retain civil fines for such admissions as prescribed in this ordinance.

Section 3. Bureau location, supervision, rule making authority.

The bureau is located at Village Hall and shall be under the supervision and control of the Village Clerk. The Village Clerk, subject to the approval of the Village Council, shall make such rules and regulations as are advisable and necessary to govern the operations of the bureau and appoint any necessary employees to administer the bureau.

Section 4. Ordinance violation notice requirement and admission of responsibility.

An action for a violation of a municipal ordinance may be commenced by issuance of a municipal ordinance violation notice. Any person receiving any municipal ordinance violation notice shall be advised on the notice as to all matters required by law including, at a minimum:

- a. The offense;
- b. The time within which the person must contact the municipal ordinance violations bureau for purposes of admitting or denying responsibility;
- c. The consequences for failure to pay the required fine or failure to contact the bureau within the required time.

A person receiving a municipal ordinance violation notice may admit responsibility for such violation before the municipal ordinance violation bureau clerk or the clerk's designee. Upon accepting an admission of responsibility the clerk shall collect from the person the civil fine for such violation as provided in this ordinance. The clerk and employees (if any) of the bureau shall be village employees and shall be appointed to the bureau by resolution of the Village Council.

Section 5. Citation.

- a. An action for a violation of a municipal ordinance may be commenced by issuance of a citation.
- b. If commenced by a municipal ordinance violation notice an action for violation of a municipal ordinance may be removed from the bureau to the District Court by issuance of

a citation. With respect to any person who fails to admit responsibility and pay the required civil fine within the designated time period, the clerk shall advise the complainant to issue and file a municipal civil infraction citation for the violation with the applicable District Court. The citation need not comply with all particulars with the requirements of citations as provided by 1994 Public Act 12, being MCL 600.8705-600.8709 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. A copy of the citation shall be served by the first class mail on the alleged violator at the alleged violator's last known address. The violation shall thereafter be processed as a municipal civil infraction as provided by law.

- c. Municipal civil infraction citations shall be issued and served in conformity with applicable sections of 1994 Public Act 12, being MCL 600.8705, 600.8707 and 600.8709

Section 6. Accounting of civil fines.

The municipal ordinance violations bureau clerk shall retain all municipal ordinance violation notices. The clerk shall account to the Village Council on a quarterly basis concerning the number of admissions and denials of responsibility made concerning municipal civil infractions and the sum of fines collected. The amounts collected in civil fines shall be turned over to the township treasurer to be credited to the general fund of the village.

Section 7. Availability of other enforcement remedies.

Nothing in this chapter shall be deemed to obligate the Village to initiate its ordinance enforcement activity through the issuance of a municipal ordinance violation notice. The Village shall have the right to proceed directly with the issuance of a municipal civil infraction citation for any municipal civil infraction or to take other enforcement action as is authorized by law.

Section 8. Municipal civil infractions designated, Village Code Sections affected:

Violations of the following Village Code Chapters and Sections shall be punishable as municipal civil infractions.

Section 9. Schedule of Fines.

Unless a difference schedule of fines is provided for by any ordinance, the following schedule of civil fines payable to the municipal ordinance violations bureau for admissions of responsibility by persons served with municipal ordinance violation notices shall apply:

- First offense within a three year period \$75.00
- Second offense within a three year period \$150.00
- Third offense within a three year period \$325.00
- Fourth or more offense within a three year period \$500.00

Whether a subsequent offense occurs within a three year period shall be determined based on the date of the commission of the offense.

Section 10. Other Ordinances Amended:

1. **Ordinance No. 2** is hereby amended. Section 7.0 Penalty for Violation is rescinded as previously ordained and replaced with the following provision:

- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, as note in paragraph (a) above for a second time within a three year period shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. The owner or owners of any building or premises of part thereof, where anything in violation of this Ordinance shall be placed or shall exist, any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as provided in this ordinance.
 - e. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 2. Ordinance No. 3** is hereby amended. Section 6.0 is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, as noted in paragraph (a) above for a second time within a three year period shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 3. Ordinance No. 5** is hereby amended. Section V is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be

liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.

- b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, as noted in paragraph (a) above for a second time within a three year period shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes and immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 4. Ordinance No. 6** is hereby amended. Section 5.0 is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a manner within the sole discretion of the Village Code Enforcement Office.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes and immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 5. Ordinance No. 54** is hereby amended. Section V is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an

immediate threat to the public health, safety, and welfare shall be a manner within the sole discretion of the Village Code Enforcement Office.

- c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 6. Ordinance No. 72** is hereby amended. Section 109, 118, and 128 are repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a manner within the sole discretion of the Village Code Enforcement Office.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 7. Ordinance No. 76** is hereby amended. Section “Penalty” is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a manner within the sole discretion of the Village Code Enforcement Office.

- c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 8. Ordinance No. 79** is hereby amended. Paragraph 2 “violation or failure to comply” section is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a manner within the sole discretion of the Village Code Enforcement Office.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.
 - d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.
- 9. Ordinance No. 80** is hereby amended. Paragraph 2 “violation of failure to comply” section is repealed and replaced as follows:
- a. First Offense. Any person who shall violate any of the provisions of this Ordinance or fail to comply therewith, shall be guilty of a civil infraction and be liable of a civil fine up to the sum of \$500, in accordance with the schedule of fines set by the Village, along with any costs and expenses permitted by law.
 - b. Second Offense. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a manner within the sole discretion of the Village Code Enforcement Office.
 - c. Each day that a violation continues to exist shall be deemed a separate offense.

- d. Immediate threats to public health, safety, and welfare. Any person who shall violate any of the provisions of this Ordinance, in such a way as to create an immediate threat to the public health, safety, and welfare shall be guilty of a misdemeanor and shall be liable for a criminal fine of not more than \$500 and/or up to 90 days incarceration in the county jail. Whether a particular violation of this Ordinance constitutes an immediate threat to the public health, safety, and welfare shall be a matter within the sole discretion of the Village Code Enforcement Officer.

Adopted by the Council of the Village of Farwell this 4th day of June, 2007.

Sharon Crabtree, Village Clerk