

ORDINANCE #702
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 30 – LAW ENFORCEMENT, IN ORDER TO
CLARIFY THE PROCESSES FOR HANDLING CIVIL
INFRACTION VIOLATIONS

INTENT

The purpose of this ordinance is to amend several sections of Chapter 30, Article II of the Marquette City Code in order to clarify and expand the list of City officials authorized to issue municipal civil infraction citations and violation notices and to repeal portions of the Code that are handled separately by City Commission resolution or that are redundant with state law.

The City of Marquette Ordains:

SECTION 1. That Section 30-19 be hereby amended in its entirety to read as follows:

Sec. 30-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means Public Act No. 236 of 1961 (MCL 600.101 et seq.).

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

Bureau means the city municipal ordinance violations bureau as established by this article.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized city 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 city official, directing a person to appear at the bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city, as authorized by sections 8396 and 8707(6) of the Act.

SECTION 2. That Sections 30-20 through 30-25 be hereby repealed.

SECTION 3. That new Sections 30-20 through 30-22 be hereby adopted, to read as follows:

Sec. 30-20. Municipal ordinance violations bureau; violation notices.

- (a) *Established.* The city hereby establishes a municipal ordinance violations bureau, as authorized under section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any city ordinance.
- (b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at city hall, and shall be under the supervision and control of the city treasurer. The city treasurer, subject to the approval of the city commission, shall adopt rules and regulations for the operation of the bureau and appoint any necessary, qualified city 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 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 section or article shall prevent or restrict the city 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 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 afforded by law.
- (d) *Limitation on 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 relating to an alleged violation.
- (e) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in the Act. In addition to any other information required by this Code or other city ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the method 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 city official issues and serves a municipal civil infraction violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by a schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be filed with the district court, pursuant to the Act, 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 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.

Sec. 30-21. Authorized city officials.

- (a) The following personnel of the city have the authority to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this article:
 - (1) City manager.
 - (2) Police chief.
 - (3) Police officers.
 - (4) Fire chief.
 - (5) Fire marshal.
 - (6) Fire officers.
 - (7) Rental inspector.
 - (8) Zoning administrator or zoning officials.
 - (9) Code enforcement officer.
 - (10) Community services director
 - (11) Other individuals designated as authorized officials by the city manager, police chief, or fire chief.
- (b) The city manager may establish an appropriate training program to instruct each public servant authorized to issue an appearance ticket.

Sec. 30-22. Fines, repeat offenses.

- (a) A schedule of fines shall be adopted by the city commission as part of the annual fee schedule and fines stated therein shall be payable to the bureau for admissions of responsibility by persons served with municipal civil infraction violation notices.
- (b) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of any ordinance. As used in this section, the term "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person within any one-year period, unless some other period is specifically provided by ordinance,

and for which the person admits responsibility or is determined to be responsible.
Unless otherwise specifically provided by any ordinance.

SECTION 4. That this ordinance shall take effect ten days after adoption but not before publication.

Cody O. Mayer, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____