

CHAPTER 11: MUNICIPAL CIVIL INFRACTIONS

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11.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUREAU. The Village of Parma Violation Bureau that consists of the Clerk, Treasurer and Zoning Official.

MUNICIPAL CIVIL INFRACTION ACTION. A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION or **CITATION.** A written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

MUNICIPAL ORDINANCE VIOLATION NOTICE or **VIOLATION NOTICE.** A written notice, other than a citation, prepared by an authorized village official, directing a person to appear at the county office and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the village.
(Ord. 99, passed 6-13-2005)

11.02 COMMENCEMENT OF MUNICIPAL CIVIL INFRACTION ACTIONS.

A municipal civil infraction action may be commenced upon the issuance by an authorized village official of:

- (A) A municipal civil infraction citation directing the alleged violator to appear in court; and/or
- (B) A municipal ordinance violation notice directing the alleged violator to appear at the county

courthouse.

(Ord. 99, passed 6-13-2005)

' 11.03 ISSUANCE AND SERVICE OF MUNICIPAL CIVIL INFRACTION CITATIONS.

Municipal civil infraction citations shall be issued and served by authorized village officials as follows.

(A) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(B) The place for appearance specified in a citation shall be the District Court.

(C) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by this chapter.

(D) A citation for a municipal civil infraction signed by an authorized village official shall be treated as if it were made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official:

AI declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief.@

(E) An authorized village official who witnesses a person committing a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(F) An authorized village official may issue a citation to a person if:

(1) Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; and/or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for such an infraction and if the prosecuting attorney or village attorney approves in writing the issuance of the citation.

(G) Municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does, not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be

sent by first class mail to the owner of the land, building or structure at the owner=s last known address.

(Ord. 99, passed 6-13-2005)

11.04 CONTENTS OF CITATIONS.

(A) A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court and the time at or by which the appearance shall be made.

(B) Further, the citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance;

(2) Admit responsibility for the municipal civil infraction *with explanation* by mail, by the time specified for appearance, or in person or by representation; or

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(a) Appearing in person for an informal hearing before a judge or District Court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the village; or

(b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(C) The citation shall also inform the alleged violator of all of the following:

(1) If the alleged violator desires to admit responsibility *with explanation* in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance;

(2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation;

(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village;

(4) That at an informal hearing the alleged violator must appear in person before a judge or District Court magistrate, without the opportunity of being represented by an attorney; and

(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(D) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgement against the alleged violator on the municipal civil infraction.

(Ord. 99, passed 6-13-2005)

' 11.05 MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

The village hereby establishes the Village Violation Bureau and they will accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized village officials. The county will collect and retain civil fines and costs as prescribed by these codified ordinances or any ordinance. The Bureau will not accept payment or fines from any person who denies having committed the offense or admits responsibility only with explanation and in no event shall the Bureau office determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(Ord. 99, passed 6-13-2005)

' 11.06 ISSUANCE AND SERVICE OF VIOLATION NOTICES.

(A) *Contents.* Municipal ordinance violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as are provided for municipal civil infraction citations in ' 11.03 above. In addition to any other information required by these codified ordinances or any other ordinance, the violation notice shall indicate the time by which the alleged violator must appear at the county courthouse, the methods by which an appearance may be made, the address and telephone number of the office, the hours during which the magistrate/county courthouse may be seen, 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.

(B) *Appearances; payments of fines and costs.* An alleged violator receiving a municipal ordinance violation notice shall appear at the county office and pay the specified fine and costs at or by the time specified for appearance in the municipal ordinance violation notice. An appearance may be made by mail, in person or by representation.

(C) *Procedure where admission of responsibility is not made or fine is not paid.* If an authorized village official issues and serves a municipal ordinance violation notice and if admission of responsibility is not made and the civil fine and cost, if any, prescribed by the schedule of fines for the violation are not paid, a municipal civil infraction citation may be filed with the District Court 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 citation as provided by ' ' 8705 and 8709 of Public Act 236 of 1961, being M.C.L.A. ' ' 600.8701 and 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.

(Ord. 99, passed 6-13-2005)

' 11.99 CIVIL PENALTIES.

(A) A schedule of civil fines payable to the county office for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the classes of municipal civil infractions are as follows:

<i>Schedule of Municipal Civil Infraction Fines</i>			
<i>Class</i>	<i>First Offense</i>	<i>Second Offense (Within One Year)</i>	<i>Third Offense (Within One Year)</i>
A	\$10	\$20	\$40
B	\$25	\$50	\$100
C	\$50	\$100	\$200
D	\$100	\$200	\$400
E	\$200	\$400	\$800
F	\$500	\$1,000	\$2,000

(B) A copy of the schedule, as amended from time to time, shall be posted at the village office. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(Ord. 99, passed 6-13-2005)