

ORDINANCE #09-2017

ORDINANCE TO AMEND “CHAPTER 44 – MUNICIPAL CIVIL INFRACTIONS” OF THE CITY OF MARLETTE CODE OF ORDINANCES

WHEREAS, the City of Marlette has completed a thorough review of its Code of Ordinances in pursuit of publishing a comprehensive update of the Code of Ordinances book; and

WHEREAS, the following amendments are necessary to complete the update.

THE CITY OF MARLETTE ORDAINS

Section 1. That Section 44-1 of Chapter 44 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Section 44-1. Definitions.

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

Act means the Michigan Revised Judicature Act, 1961 PA 236 as amended.

Authorized city official means a police officer or other personnel of the city authorized by this code or any 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 action means ~~a~~ the process for determining a defendant’s responsibility for alleged violation of an ordinance.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized city official, direction 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, direction a person to appear at the city municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines under section 2.500, as authorized under sections 8396 and 8707(6) of the RJA.

Repeat offense means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision committed by a person, ~~within any six-month period, unless some other period is specifically provided by this Code or any ordinance, and~~ for which the person admits responsibility or is determined to be responsible.

Section 2. That subsection (b) of Section 44-4 of Chapter 44 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Section 44-4. Issuance; service of citations.

(b) *Service of citations.* Municipal civil infraction citations shall be served by an authorized city official as follows:

- (1) Except as provided by sections (b)(2) below, all authorized city official shall personally serve a copy of the citation upon the alleged violator.
- (2) If the 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 of 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.

(3) As otherwise allowed for Municipal Civil Infractions under Chapter 87 of the Revised Judicature Act of 1961.

Section 3. That Section 44-38 of Chapter 44 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Section 44-38. Schedule of civil fines established.

(a) A schedule of civil fines payable to the bureau is hereby established. The fines for the violations listed below shall be as follows:

<i>Offense Grade</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>	<i>4th Offense</i>
A	\$25.00	\$50.00	\$100.00	\$250.00
B	50.00	100.00	250.00	500.00
C	100.00	250.00	500.00	750.00
D	250.00	500.00	750.00	1000.00

(b) Unless otherwise specifically designated, offenses designated as civil infractions in the city ordinances shall be considered as Grade A violations.

(c) Each and every day that a violation continues unabated is deemed a separate offense. ~~However, correction of the violation and payment of the fine within seven days of issuance shall be considered a single day violation.~~

(d) A copy of the schedule, as amended from time to time, shall be posted at the bureau.

(e) In addition to the penalties as a notice of violation payable at the bureau, the City of Marlette may file this matter directly to any court of competent jurisdiction. A municipal civil infraction penalty shall be a civil fine with penalties up to the maximum amount as authorized for Municipal Civil Infractions under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

Section 4. This Ordinance is declared necessary for the peace, health and safety of the residents of the City of Marlette and shall become effective upon twenty five days after enactment and publication.

Mayor

City Clerk

Approved as to form:

City Attorney

First Reading: _____

Second Reading: _____

Published: _____

The foregoing ordinance was offered by Council Member ____ and supported by Council Member _____:

AYES:

NAYS:

ABSENT:

The Clerk declared the ordinance adopted.

I, Sandra Cargill, the duly qualified and acting Clerk of the City of Marlette, Sanilac County, Michigan do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council at a regular meeting held on Monday, _____, 2017, the original of which is on file in the City Office.

Sandra Cargill, City Clerk

