

## ADMINISTRATION

An ordinance to provide for the exercise of certain municipal powers of the Village of Waldron, Michigan and for the health, safety, and welfare of persons and property in the Village, and to provide penalties for the violation of the provisions thereof

The Village of Waldron ordains:

- 1.1 Contents of Code: This code contains all ordinances of a general and permanent nature of the Village of Waldron and includes ordinances dealing with the matters specified herein excluding ordinances granting franchises and special privileges, establishing sewer and other public improvements districts, providing for the construction of particular sewers, or for the improvement thereof and for the construction and improvement of public works authorizing the borrowing of money or the issuance of bonds. The adoption of this code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any of the Village in effect on the date of adoption of this code. All ordinances of a general and permanent nature in effect on the effective date of this code (except those ordinances saved from repeal herein) are hereby repealed except as to such provisions of any such ordinances as are also contained herein, provided, however, that any sections or parts of any such ordinances which are not permanent and general in nature as herein defined and which are severable from the remainder of such ordinances are saved from repeal. All resolutions adopted by the Village Council shall remain in full force and effect until specifically repealed by action of the Village Council, except as the same may conflict with the provisions of this code or amendments thereto. Ordinances hereafter adopted shall be numbered consecutively, authenticated, published and recorded in the book of the ordinances, and prepared for inspection of this code.
- 1.2 Short Title: This ordinance shall be known and cited as the "Village of Waldron Code".
- 1.3 Responsibility: Whenever any act is prohibited by this code, by an amendment thereof, or by any rule or regulation adopted there under, such prohibition shall extend to and include the causing, securing, aiding, and abetting of another person to do said act.
- 1.4 Tense: Except as otherwise specifically provided or indicated by the content, all words used in this Code indicated the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the happening of any act, event or requirements for which provision made therein, either as a power, immunity requirement or provision.
- 1.5 Notice: Any notice required to be given by this code shall be served:

- 1) By delivering the notice to the owner personally or by leaving the same at his residents, office or place of business with some person suitable age and discretion, or
- 2) By mailing the said notice by certified or registered mail to such owner at his last known address, or
- 3) If the owner is unknown, by posting said notice in some conspicuous place on the premises for five (5) DAYS.

No person shall interfere with, obstruct, mutilate, conceal, or tear down and official notice or placard posted by any Village officer, unless permission is given by said officer to remove said notice.

- 4) In addition to any other information required by this code or other ordinance. The notice of violation shall indicate the time by which the alleged violator must appear at the Village Office. The method by which an appearance may be made, the address and the telephone number of the Village Office, the hours during which the Office is open, the amount of the fine scheduled for the alleged violation, and the consequences for the failure to appear and pay the required fine within the required time.

1.6 Appearance: Payment of fines and costs and alleged violator receiving civil infraction violation notice shall appear at the Village Office and pay the specified fine and costs at or by the time specified for appearance in the civil infraction violation notice. An appearance may be made by mail, in person or by representation.

1.7 Procedures where admission of responsibility not made or fine not paid: If an authorized Village Official issues and serves a civil infraction violation notice and if an admission of responsibility is not made and the civil fine and costs if any prescribed, by the schedule of fines for the violation are not paid at the Village Office. A 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 violators last known address. The citation filed with the Court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the act but shall consist of a sworn complaint containing the allegations stated in the Village civil infraction violation notice and shall fairly inform the alleged violator how to respond to the citation.

1.8 Disposition of Violations: The Village Office may dispose only of civil infraction violations for which a civil infraction violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a person disposed of the violation at the Village Office nothing shall prevent or restrict the Village from issuing a civil infraction citation for any violation or from prosecuting and violation in a Court of competent Jurisdiction.

1.9 Civil Fines: A schedule of civil fines payable to the Village Office on admission of responsibility by persons or entitled served with violation notice or that are to be

assessed by the District Court on a finding of responsibility (exclusive of court costs and other cost as are assessed by the Court pursuant to MCL 600.8727 and as otherwise provided by law) is hereby established as follows:

OFFENSE VIOLATION	FINE
FIRST OFFENSE	\$40.00
FIRST REPEAT	\$80.00
SECOND AND ANY SUBSEQUENT REPEAT OFFENSE	\$100.00

- 2.0 Posting of schedule of fines: A copy of the schedule of fines, as amended from time to time shall be posted at the Village Office.
- 2.1 Issuance of Citations: \*State law references: Similar provisions MCL 600.8703 et seq.
- 2.2 Issuance and service of Village Civil Infraction Citations: Village Civil Infraction Citations shall be issued and served by Authorized Village Officials as set out in this division.
- 2.3 Time and Appearance: The time for appearance specified in a civil infraction citation shall be within a reasonable time after the citation is issued.
- 2.4 Place for Appearance: The place for appearance specified in the Village infraction citation shall be the District Court.
- 2.5 Form: Numbering: Filing: Copies: Each civil infraction shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original civil infraction citation shall be filed with the District Court. Copies of the civil infraction shall be retained by the Village and issued to the alleged violator as provided by section 8705 of the act (MCL 600.8705).
- 2.6 Citation treated as made under oath requirements: A civil infraction signed by an authorized Village Official shall be treated as 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 "I declare under the penalties of perjury that the statement above are true to the best of my information, knowledge and belief:.
- 2.7 Circumstances under which citations may be issued: An authorized Village Official may issue a civil infraction citation to a person if:
- 1) Based upon investigation the Official has reasonable cause to believe that the person is responsible for a civil infraction: or

- 2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a civil infraction, the Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or Village attorney approves in writing the assurance of the citation.
- 2.8 Manner of service of citations: Civil infraction citation shall contain the name and address of the alleged violator, the 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.
- 2.9 Information regarding manner of responsibility to citation: The civil infraction citation shall inform the alleged violator that he or she may do one of these following:
- 1) Admit responsibility for the civil infraction by mail, or by representation at or by the time specified for appearance.
  - 2) Admit responsibility for the civil infraction “with explanation” by mail by the time specified for appearance, or in person, or by representation.
    - A. Deny responsibility for the civil infraction hearing before the Judge or District Court, Magistrate, without the opportunity of being represented by an attorney unless a formal hearing before the Judge is requested by the Village.
    - B. Appearing in Court for a formal hearing before a Judge, with the opportunity of being represented by an attorney.
- 3.0 Penalty: Unless another penalty is expressly provided by this Code for any particular provision or section, every person convicted of violation of any provisions of this Code or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine or not more than one hundred (\$100.00) dollars and costs of prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each act of violation and everyday upon which any such violation shall occur constitutes a separate offense. The penalty is re-enacted by the amendatory ordinance.
- 3.1 Severability: It is the legislation intent of the Village Council in adopting this Code, That all provisions and sections of this ordinance be liberally construed to protect and  
and  
Preserve the peace, health, safety and welfare if the inhabitants of the Village of Waldron and should and provision or section of this ordinance be held  
Unconstitutional or invalid, such holding shall not be construed as affecting the  
Validity of any remaining provisions or sections, it being the intent that this  
ordinance  
Shall stand notwithstanding that invalidity or any provision or section thereof. The  
Provisions of this section shall apply to the amendment of any section of this Code  
whether or not the wording of this section is set forth in the amendatory ordinance.

3.2 Effective Date: This ordinance shall take effect upon publication in a local newspaper.