

ORDINANCE NO. 350

CIVIL INFRACTION ORDINANCE

THE CITY OF BESSEMER, MICHIGAN, ORDAINS:

Article I Definitions.

As used in this Ordinance:

Authorized City Official means the City Manager or designee or other personnel of the City authorized by this or any other ordinance to issue city civil infraction citations or city civil infraction violation notices.

Violations Resolved with the Manager means with the City of Bessemer Manager as set forth in this ordinance.

Administrative Review Panel means the City Council

City civil infraction action means a civil action in which the defendant is alleged to be responsible for a city civil infraction.

City civil infraction citation means a written complaint or notice prepared by an authorized city official, directing a person to either pay the fine or appear before the Administrative Review Panel regarding the occurrence or existence of a city civil infraction violation by the person cited.

City civil infraction violation notice means a written notice prepared by an authorized city official, directing a person to appear at the City Manager's Office 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 under relevant city ordinances.

ARTICLE II. ADMINISTRATION

Commencement

A city civil infraction action may be commenced upon the issuance by an authorized city official of (1) a City civil infraction citation directing the alleged violator to appear before the Administrative Review Panel; or (2) a City civil infraction violation notice directing the alleged violator to appear at the City Manager's Office.

Issuance and Service

City civil infraction citations shall be issued and served by authorized city officials as follows:

(a) Each citation shall be numbered consecutively. The original citation shall be filed with the members of the Administrative Review Panel. Copies of the citation shall be retained by the city and issued to the alleged violator.

(b) An authorized city official who witnesses a person commit a city civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(c) An authorized city official may issue a citation to a person if:

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

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a city civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction.

(d) City civil infraction citations shall be served by an authorized city official as follows:

(1) Except as provided by (g)(2), an authorized city official shall personally serve a copy of the citation upon the alleged violator.

(2) If the city civil infraction action involves the use or occupancy of land, a building or other structure, 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.

(e) Each day that a City Civil Infraction continues shall be deemed to constitute a separate City Civil Infraction for which a separate City Civil Infraction Violation Notice and City Civil Infraction Citation may be issued, for which civil fines may be levied in accordance with the schedule of civil fines set forth below in this ordinance relating to repeat offenses.

Contents.

(a) A city ordinance citation shall contain the name and address of the alleged violator, the city civil infraction alleged, the place where the alleged violator can appear before the Administrative Review Panel, the telephone number of the city, and the time at or by which the ticket shall be paid or contested.

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

(1) Admit responsibility for the city civil infraction and pay the fine by mail, in person, or by representation, at or by the time specified for payment.

(2) Deny responsibility for the city civil infraction by doing either of the following:

A. Appearing in person for an informal hearing before the Administrative Review Panel, without the opportunity of being represented by an attorney.

B. Appearing before the Administrative Review Panel for a formal hearing, with the opportunity of being represented by an attorney.

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

(1) That if the alleged violator desires to admit responsibility with explanation in person or by representation, the alleged violator must apply to the City Manager in person, by mail, by telephone, or by representation within the time specified for payment and obtain a scheduled date and time to schedule a meeting with the Manager. At this meeting, the alleged violator will provide explanation and payment.

(2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the City Manager in person, by mail, by telephone, or by representation within the time specified for payment and the City Manager will set a scheduled date and time to appear for a hearing before the Administrative Review Panel.

(3) That at the hearing the alleged violator must appear in person before the Administrative Review Panel with the opportunity of being represented by an attorney.

(d) Failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing, the violation will then be turned over to the District Court for action.

Violations resolved with the Manager

(a) Role of Manager. The City Manager may accept admissions of responsibility for city civil infractions in response to city civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this or any other ordinance.

(b) Location. The Manager shall be located at the City Hall.

(c) Disposition of violations. The Manager may dispose only of city civil infraction violations for which a fine has been scheduled and for which a city civil infraction violation notice (as compared with a citation) 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 City Hall. Nothing in this Chapter shall prevent or restrict the city from issuing a city 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 city civil

infraction violation at the City Hall and may have the violation processed before the Administrative Review Panel. The unwillingness of any person to dispose of any violation with the Manager shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

(d) Manager limited to accepting admissions of responsibility. The scope of the Manager's authority shall be limited to accepting admissions of responsibility for city civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The Manager 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 Manager determine, or attempt to determine, the truth or falsity of any fact or matter retaining to an alleged violation.

(e) City civil infraction violation notices. City 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 Sections 6-3(f) and (g) of this Chapter. In addition to any other information required by this ordinance or other ordinances, the notice of violation shall indicate the time by which the alleged violator must appear before the Manager, the methods by which an appearance may be made, the address and telephone number of the Manager's Office, the hours during which the Manager's Office 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 city civil infraction violation notice shall appear before the Manager and pay the specified fine and costs at or by the time specified for appearance in the city civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

Civil infractions and related fines.

(a) Violation of the provisions of the following Bessemer City Ordinances shall be deemed to constitute civil infractions and the fines for violation of the provisions of said ordinances shall be as follows:

Failure to comply with provisions of the following:

Ordinance xxx –Property Maintenance Code - \$100.00

Ordinance xxx – Noise Ordinance - \$100.00

First Repeat Offense 2 times the initial fine

Second (or any subsequent) Offense 2 times the repeat offense fine

(b) Any provision contained within the Code that purports to make the violation of any of the above-stated provisions of the Code a misdemeanor is hereby repealed.

(c) The aforesaid fines shall be payable to City of Bessemer located at 411 S. Sophie, Bessemer, MI 49911.

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

Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

ARTICLE III. EFFECTIVE DATE

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer
this 15th day of May, 2017

First Reading: May 1, 2017

Public Hearing: May 15, 2017

Second Reading: May 15, 2017

Published: May 20, 2017

ATTEST:

James K. Trudgeon, City Clerk