

Chapter 2

ADMINISTRATION*

* **Cross References:** Any administrative ordinance saved from repeal, § 1-6(15); utilities, ch. 28; administration and enforcement of sewer regulations, § 28-111 et seq.; administration of zoning regulations, § 30-66 et seq.

State Law References: Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.; standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.

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ARTICLE I.

IN GENERAL

- Sec. 2-1. Downtown Development Authority TIF Plan.**
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ARTICLE II.

VILLAGE COUNCIL*

* **State Law References:** Village council, MCL 65.1 et seq., MSA 5.1264 et seq.; open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.; standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.

Sec. 2-31. Compensation.

- (a) The president of the village shall receive the sum of \$80.00 for each council meeting attended or missed due to council business, payable at the end of each calendar quarter.
- (b) The trustees of the village shall receive the sum of \$75.00 for each council meeting attended or

missed due to council business, payable at the end of each calendar quarter.
(Ord. No. 94-2, § 2, 3-2-1994; Ord. No. 2000-07, § 2, 10-2-2000)

State Law References: Compensation of village officers, MCL 64.21, MSA 5.1263.

Sec. 2-32. Health care insurance.

(a) Elected officials of the village may purchase health care insurance through the village's provider. The elected officials must pay for this insurance by the first of each month, if they so desire the coverage.

(b) Upon an elected official being employed by the village for a six-year period or more, which does not have to be consecutive years of service, the elected officials, upon retiring from village service may continue to purchase the health care insurance, as provided in subsection (a) of this section, if they so desire to continue the coverage.

(Ord. No. 91-13, §§ 1, 2, 11-18-1991)

Sec. 2-33. Next Election.

The next regular election for the Village of Capac is November 7, 2006.

(Ord. No. 2005-03, § 2, 2005)

Sec. 2-34. Terms of Office.

- a. Three of the village trustees shall be elected at each biennial village election commencing on November 7th, 2006, for the term of four years, and until their successors are qualified.
- b. Three village trustees shall be elected for an initial term of two years commencing on November 7th, 2006 and thereafter shall be elected at each biennial election commencing on November 4th, 2008 for the term of four years and until their successors are qualified.
- c. The village president shall be elected at each biennial village election commencing on November 7th, 2006 for the term of four years and until his/her successor is qualified.

(Ord. No. 2005-03, § 2, 2005)

Sec. 2-35. Extension of Terms.

The terms of the incumbents shall be extended as indicated:

- a. Terms of Trustees Joe Nemecek, Mark Klug and Dan Donnellon due to expire March 31, 2005, shall be extended to November 7, 2006.
- b. Terms of Trustees Bryan Black, Greg Heiden and Jack Burk due to expire March 31, 2006, shall be extended to November 7, 2006.
- c. Term of President Bruce Lawrence due to expire March 31, 2006 shall be extended to November 7th, 2006.

(Ord. No. 2005-03, § 2, 2005)

Sec. 2-36. Compensation for Meetings Attended.

1. Commencing November 20, 2006, the President of the Village of Capac shall receive the sum of fifty-five (\$55.00) dollars for each Council meeting attended or missed due to Council Business, payable at the end of each calendar quarter.
2. Commencing November 20, 2006, the Trustees of the Village of Capac shall receive the sum of fifty (\$50.00) dollars for each council meeting attended or missed due to Council Business, payable at the end of each calendar quarter.

(Ord. No. 2007-01, § 2, 01-17-2007)

Secs. 2-37--2-65. Reserved.

ARTICLE III.

OFFICERS AND EMPLOYEES*

* **Cross References:** Any ordinance relating to regulations pertaining to personnel saved from repeal, § 1-6(13); zoning administrator, § 30-66.

State Law References: Village officers, MCL 62.1 et seq., MSA 5.1215 et seq.; duties of officers, MCL 64.1 et seq., MSA 5.1243 et seq.; standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.

DIVISION 1.

GENERALLY

Secs. 2-66--2-80. Reserved.

DIVISION 2.

CLERK

Sec. 2-81. Purpose.

The purpose of this division is to provide for the appointment of the village clerk pursuant to Public Act No. 255 of 1998 (MCL 62.1(3), (4), MSA 5.1215, (3), (4)).

(Ord. No. 2000-03, § 1, 3-20-2000; Ord. No. 2005-04, § 2, 8-24-2005)

Sec. 2-82. Appointment.

- a. The Clerk shall be considered an “at will” employee who is appointed by the Village President and

may be terminated at any time with or without cause by the Village Council. The Council may enter into a contract with the Village Clerk not to exceed six (6) years.

(Ord. No. 2000-03, § 2, 3-20-2000; Ord. No. 2005-04, § 2, 8-24-2005)

Sec. 2-83. Compensation.

- a. Pursuant to the duties of the Village Manager, the Village Manager shall recommend to the Council the salary or wages to be paid to the Village Clerk. In absence of a Village Manager, the recommendation would come from the Village President or Village Council.

(Ord. No. 2000-03, § 3, 3-20-2000; Ord. No. 2005-04, § 2, 8-24-2005)

Sec. 2-84. Duties.

The functions of the Village Clerk are outlined per the job description:

- a. Position Summary:

The Village employs the clerk to direct, manage, supervise and coordinate the programs and activities of the Village Clerk's Office; to plan, organize and coordinate the maintenance and recording of official Village documents; to serve as Clerk of the Village Council; and to perform a variety of other duties related to assigned area of responsibility.

- b. Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties, which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Assume management responsibility for all services and activities of the Village Clerk's Office; develop and implement records management procedures for Village agencies and authorities. Also supervises the Deputy Clerk.
2. Manage and participate in the development and implementation of goals, objectives, policies and priorities for assigned programs; recommend and administer policies and procedures.
3. Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within Village policy, appropriate service and staffing levels.
4. Maintain custody of official records and archives of the Village including ordinances, resolutions, contracts, agreements, deeds, bond documents and minutes; approve and administer Village-wide records retention schedules and management programs including microfilming, archiving and destruction.
5. Attend Village Council, Committee, Planning Commission (as necessary) and DDA meetings; review all official correspondence of the Village Council and minutes of proceedings.

6. Coordinate Village-wide municipal elections; ensure compliance with state laws related to municipal elections; instruct candidates concerning campaign financing requirements; respond to request from the media and general public.
7. Develop and administer the budget for the Village Clerk's Office; direct the forecast of funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement adjustments.
8. Serve as liaison for the Village Clerk's Office with other Village departments, divisions and outside agencies; provide guidance and direction to other departments in the development of reports, resolutions and other materials for submittal to the Village Council.
9. Provide responsible staff assistance to the Village Manager.
10. Perform related duties and responsibilities as required.
11. Compiles payroll data such as hours worked, sales or piecework, taxes, insurance, and union dues to be withheld, and employee identification number.
12. Prepares computer input forms, enters data into computer files, or computes wages and deductions and posts to payroll records.
13. Prepares periodic reports of earnings, taxes, and deductions.
14. Prepares and issues paychecks.
15. Checks and approves all accounts payable (AP) for payment.
16. Also prepares invoice deduction notices, as necessary.
17. Answers all vendor inquiries.
18. Prints all accounts payable reports and maintains all accounts payable files.
19. Assists with accounts receivable and special projects, as necessary.
20. Prints and mails Village utility billings and mailings.
21. Report to the Village President and the Village Council.

(Ord. No. 2000-03, § 4, 3-20-2000; Ord. No. 2005-04, § 2, 8-24-2005)

Secs. 2-85--2-110. Reserved.

DIVISION 3.

TREASURER

Sec. 2-111. Purpose.

The purpose of this division is to provide for the appointment of the village treasurer pursuant to Public Act No. 255 of 1998 (MCL 62.1(3), (4), MSA 5.1215, (3), (4)).

(Ord. No. 2000-03, § 1, 3-20-2000; Ord. No. 2005-01, § 2, 2-2-2005)

Sec. 2-112. Appointment.

- a. The Treasurer shall be considered an “at will” employee who is appointed by the Village Manager (or in the absence of a Manager, by the Village President) with Council approval and may be terminated at any time with or without just cause by the Village Manager (or in the absence of a Manager, by the Village President) with Council approval.

(Ord. No. 2000-03, § 2, 3-20-2000; Ord. No. 2005-01, § 2, 2-2-2005; Ord. No. 2005-05, § 2, 1-11-2006)

Sec. 2-113. Compensation.

- a. Pursuant to the duties of the Village Manager, the Village Manager (or in the absence of a Manager, the Village President) shall recommend to the Council the salary or wages to be paid to the Village Treasurer.

(Ord. No. 2000-03, § 3, 3-20-2000; Ord. No. 2005-01, § 2, 2-2-2005, Ord. No. 2005-05, § 2, 1-11-2006)

Sec. 2-114. Duties.

The functions of the Village Treasurer are outlined in the job description:

- a. Position Summary:

Under the general supervision of the Village Manager (or in the absence of a Manager, the Village President), oversees the financial accounting and treasury functions of the Village. Ensures accurate accounting of all Village funds, monitors expenditures, collects taxes and other receivables and oversees accounts payable and payroll. Administers cash management and investments and coordinates the annual audit.

- b. Essential Job Functions:

An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Oversees all financial records of the Village. Organizes and administers the financial activities of the Village in accordance with accepted fiscal practices, and federal, state and local

regulations.

2. May assist with the development and administration of the Village budget.
3. Oversees all financial records and monitors all accounts of the Village. Prepares and submits required reports in accordance with accepted fiscal practices as well as federal, state and local regulations.
4. Performs cash and debt management functions including investment of municipal funds. Oversees the balancing of all funds and reconciliation of internal accounts and bank accounts. Investigates and examines various investment options in order to achieve the best possible rate of return. Responsible for making deposits and bank transfers.
5. Prepares and balances the annual tax roll including TIFA and IFT. Supervises the preparation and issuance of the tax bills and the collection of taxes. Oversees the disbursement of taxes to other local units of government.
6. Supervises the Treasurer's department.
7. Monitors payroll in accordance with Village procedures, generally accepted accounting principles and other applicable laws.
8. Maintains special assessment district billings, receivables and bond payments.
9. May calculate and records all equipment rental charges for the Village.
10. Oversees the year-end closing of financial records including all year-end adjustments and schedules. Works closely with auditors to ensure accuracy of financial reporting. Provides documentation and information needed for the annual audit.
11. May assist with the processing of grants.
12. Assists the Village Manager (or in the absence of a Manager, the Village President) and the Village Council at public budget sessions, with special projects and meetings as required. Provides research, information and technical knowledge regarding municipal accounting and financial systems.
13. Keeps abreast of new administrative techniques and current issues through continued education and professional growth. Evaluates financial trends and prepares periodic reports and recommendations for the Village Manager (or in the absence of a Manager, the Village President) and Village Council. Attends conferences, workshops, and seminars as appropriate.
14. Performs related work as required.

(Ord. No. 2000-03, § 4, 3-20-2000; Ord. No. 2005-01, § 2, 2-2-2005; Ord. No. 2005-05, § 2, 1-11-2006)

Secs. 2-115--2-120. Reserved.

DIVISION 4.

VILLAGE MANAGER

Sec. 2-121. Purpose.

The purpose of this Ordinance is to establish the office of Village Manager; providing for the appointment, compensation and discharge of such official; specifying the branches of the Village Government and activities under the manager's control and defining the rights, powers and liabilities of the Village Manager.

(Ord. No. 2006-03, § 1, 9-27-2006)

Sec. 2-122. Establishment of Office.

In accordance with the authority for the appointment of a village manager granted to the Village in Section 2 of Chapter II and Section 8 of Chapter V or 1895 PA 3 as amended, the office of village manager is established.

(Ord. No. 2006-03, § 2, 9-27-2006)

Sec. 2-123. Appointment of Village Manager.

The president shall, with the concurrence of a majority of the council, appoint a village manager. The council may enter into an employment contract with a village manager for a period extending beyond the terms of the members of council but not exceeding six years. An employment contract with a manager shall be in writing and shall specify the compensation to be paid to the manager, any procedure for changing compensation, any fringe benefits and any other conditions of employment. The contract shall state that the manager serves at the pleasure of the council. The contract may provide for severance pay or other benefits in the event the employment of the manager is terminated by the council.

The manager shall serve at the pleasure of the council and may be removed by a majority of the council.

The manager shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience.

(Ord. No. 2006-03, § 3, 9-27-2006)

Sec. 2-124. Compensation.

The village manager shall receive such compensation as the council shall determine by resolution or ordinance.

(Ord. No. 2006-03, § 4, 9-27-2006)

VILLAGE OF CAPAC

ORDINANCE NO. 2022-01

AN ORDINANCE TO AMEND CHAPTER 2
OF THE VILLAGE OF CAPAC CODE OF ORDINANCE TO ASSIGN CERTAIN DUTIES
RELATED TO EMPLOYEES TO THE VILLAGE MANAGER

THE VILLAGE OF CAPAC ORDAINS:

SECTION 1. Section 2.125(2)(a,b) of the Village of Capac Code of Ordinance is rescinded and replaced with the following:

2. Be responsible for personnel management and shall issue, subject to council approval, personnel rules applicable to all village employees. The manager shall have the following responsibilities:
 - a. To appoint employees and appointed officials of the Village of Capac, except for department heads, and to make a recommendation to the Village Council concerning the salary or wage for the same.
 - b. To appoint department heads of the Village of Capac, upon the approval of the Village of Capac Council, and to make a recommendation to the Village Council concerning the salary or wage for the same.
 - c. To suspend or terminate, at his/her discretion, employees and appointed officials of the Village of Capac, except for department heads.
 - d. To suspend or terminate department heads upon approval of the Village of Capac Council.

SECTION 2. No Other Amendment.

Except as amended above, this Ordinance does not amend any other provision of the Village of Capac Ordinances, including the other subsections of Section 2.125.

SECTION 3. Severability

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section, or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion thereof other than the part declared void or inoperable.

SECTION 4. Effective Date and Publication of Notice

Pursuant to MCL 65.8, this Ordinance shall become effective 45 days after the date of adoption. Provided, if a petition signed by not less than 10% of the registered electors of the Village is filed with the Village Clerk within the 45 days, the Ordinance shall not become effective until after the Ordinance is approved at an election held on the question.

Notice of the delayed effect of this Ordinance and the right of petition shall be published separately, but at the same time, within 15 days after adoption, the Village Clerk shall publish this Ordinance in a newspaper circulated in the Village.

Certification

I, Lisa M Lulis, Clerk of the Village of Capac do hereby certify that Ordinance No. 2022-01 was adopted by the Village of Capac council at a regular meeting held on the 30th day of June 2022 and was published as provided by law. I further certify that notice of the delayed effect of the Ordinance and the right of the petition were published separately from the Ordinance in the same publication on the 30th day of June 2022

The vote on this Ordinance, 6 members being present, was as follows:

AYES: Joe Herrington, Lynne Mandeville, Mary Klug, Debbie Hlubic, Samantha Ramirez, Joe Nemecek

NAYS: None

ABSENT: John Grzyb

This Ordinance is hereby authenticated.

Lisa M Lulis, Clerk
Village of Capac

Sec. 2-125. Duties.

The village manager shall be chief administrative officer of the Village and shall be responsible to the council for the efficient administration of all affairs of the Village and shall exercise management supervision over all departments and over all public property belonging to the Village.

The manager shall have the following functions and duties:

1. Attend and participate in all meetings of the village council and committees but shall not have a vote on such council or committees.
2. Be responsible for personnel management and shall issue, subject to council approval, personnel rules applicable to all village employees. The manager shall have the following responsibilities:
 - a. To appoint, suspend or remove all appointed administrative officers and department heads, subject to council approval. The manager shall recommend to the council the salary or wage for such official.
 - b. To suspend all other employees of the village. To appoint or remove all other employees, only with council approval. The manager shall recommend the salary for each such employee.
3. Exercise supervisory control over all departments including the police department, the department of public works and the fire department.
4. Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the village clerk and village treasurer.
5. Shall be authorized to attend all meetings of village boards and commissions including the village planning commission with the right to take part but shall not have a vote.
6. Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, and any village ordinance that may be adopted.
7. Be the purchasing agent of the village.
8. Prepare and maintain written policies and procedures defining the duties and functions of the several officers and departments of the village, subject to approval by the council.
9. Investigate all complaints concerning the administration of the village, and shall have authority at all times to inspect the books, records and papers of any agent, employee or officer of the village.
10. Make recommendations to the council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the village; and

11. Perform other duties required from time to time by the village council.

(Ord. No. 2006-03, § 5, 9-27-2006)

Sec. 2-126. Purchasing Responsibilities.

The village manager shall act as purchasing agent for all village offices and departments. The manager may delegate some or all of the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the manager of the responsibility for the proper conduct of those duties.

The manager shall oversee and authorize all purchases by department heads, by the use of a purchase order system as described in the Capac village policies and procedures manual. The village manager shall have the authority to purchase any product or service the cost of which does not exceed \$1,500.00 provided that the funds have been appropriated. The purchasing amount may be adjusted at any time as deemed appropriate by a majority vote of the village council. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Any product or service the cost of which exceeds the above dollar amount shall be purchased only if prior approval of the village council has been obtained. The village manager may promulgate rules governing the purchase of products or services.

The village manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. Emergency condition is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a village service which is essential to the public health or safety.

(Ord. No. 2006-03, § 6, 9-27-2006)

Sec. 2-127. Dealing with Employees.

Neither the council nor the village president shall attempt to influence the employment of any person by the village manager or in any way interfere in the management of the departments under the jurisdiction of the manager. Except for the purpose of inquiry, the president and council and its members shall deal with departments under the jurisdiction of the village manager through the manager.

(Ord. No. 2006-03, § 7, 9-27-2006)

Secs. 2-128—2-140. Reserved.

ARTICLE IV.

ENFORCEMENT

DIVISION 1.

GENERALLY

Secs. 2-141--2-160. Reserved.

DIVISION 2.

ISSUANCE AND SERVICE OF DISTRICT COURT APPEARANCE TICKETS

Sec. 2-161. Building, plumbing, mechanical or electrical codes.

The village building inspector, plumbing inspector, mechanical inspector and electrical inspector or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for violations of any provisions of the village building code, plumbing code, mechanical code or electrical code. (Ord. No. 89-3, § 1, 6-5-1989)

Sec. 2-162. Zoning, signs and subdivisions.

The village zoning administrator or the person designated by resolution of the council is authorized to issue and serve district court appearance tickets for any violation of the Village Zoning chapter 30, sign ordinance article VIII, subdivision chapter and condominium chapter. (Ord. No. 89-3, § 2, 6-5-1989; Ord. No. 2003-06, § 2, 10-29-2003)

Sec. 2-163. Dangerous buildings and waterway blockage.

The village building inspector or the person designated by resolution of the council is authorized to issue and serve district court appearance tickets for any violation of the village dangerous buildings ordinance, article III, chapter 6, and the waterway blockage ordinance, section 20-1. (Ord. No. 89-3, § 3, 6-5-1989)

Sec. 2-164. Water supply cross connection.

The village plumbing inspector or the person designated by resolution of the council is authorized to issue and serve district court appearance tickets for any violation of the village water supply cross connection ordinance, section 28-50. (Ord. No. 89-3, § 4, 6-5-1989)

Sec. 2-165. Certain provisions.

The village police department or the person designated by resolution of the council is authorized to issue and service district court appearance tickets for any violation of the village antilittering ordinance, section 20-5; disorderly conduct ordinance, section 16-2; dog ordinance, article II, chapter 4; hawkers/peddlers ordinance, article II, chapter 8; loitering, prowling, unlawful assembly, curfew ordinance, sections 16-2, 16-3, 16-4, 16-7; defacing of property (graffiti), section 16-6; open house parties, use of alcoholic beverages and drugs ordinance, section 16-42; parking ordinance, division 1, article IV, chapter 26; parks, closing at night ordinance, section 18-1; snowmobiles ordinance, article V, chapter 26; streets ordinance, section 24-142 and the Michigan Vehicle Code. (Ord. No. 89-3, § 5, 6-5-1989)

Sec. 2-166. Village culverts.

The department of public works or the person designated by resolution of the council is authorized to issue and serve district court appearance tickets for any violation of the village culverts ordinance, section 22-3. (Ord. No. 89-3, § 6, 6-5-1989)

Sec. 2-167. Game devices and arcades.

The village building inspector and zoning administrator or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for any violation of the game devices and arcades ordinance, article III, chapter 8.

(Ord. No. 89-3, § 7, 6-5-1989)

Sec. 2-168. Water discharge and water supply system.

The village building inspector and plumbing inspector or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for any violation of the water discharge ordinance and the water supply system ordinance, article II, chapter 28.

(Ord. No. 89-3, § 8, 6-5-1989)

Sec. 2-169. Additional provisions.

The village zoning administrator and police department or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for any violation of the village blight ordinance, division 2, article II, chapter 12; motor vehicles, dismantled or inoperable ordinance, section 12-51; noise, excessive ordinance, article III, chapter 12; snow removal sidewalks ordinance, section 22-1; snow removal sidewalks in central business district ordinance, section 22-2; and trash pickup ordinance, section 20-2. (Ord. No. 89-3, § 9, 6-5-1989)

Sec. 2-170. Brush pickup.

The village police department and department of public works or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for any violation of the village brush pickup ordinance, section 20-4.

(Ord. No. 89-3, § 10, 6-5-1989)

Sec. 2-171. Village burning rubbish, paper, etc.

The village police department and fire department or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for any violation of the village burning rubbish, paper, etc., ordinance, section 14-1.

(Ord. No. 89-3, § 11, 6-5-1989)

Sec. 2-172. Village construction on village-owned right-of-way.

The village building inspector and department of public works or the person designated by resolution of

the council are authorized to issue and serve district court appearance tickets for any violation of the village construction on village-owned right-of-way ordinance, section 22-5.
(Ord. No. 89-3, § 12, 6-5-1989)

Sec. 2-173. Village sewer use.

The village plumbing inspector and department of public works or the person designated by resolution of the council are authorized to issue and serve district court appearance tickets for any violation of the village sewer use ordinance, division 4, article 3, ch. 28.
(Ord. No. 89-3, § 13, 6-5-1989)

Secs. 2-174--2-195. Reserved.

DIVISION 3.

CIVIL INFRACTIONS BUREAU

Sec. 2-196. Purpose of division.

The purpose of this division is to provide a village civil infraction bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as civil infractions for which village ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed in this division; and to repeal all conflicting ordinances or parts of ordinances.
(Ord. No. 95-6, § 1, 12-18-1995)

Sec. 2-197. Established; location; supervision; authority to issue and serve citations; scope of authority.

- (a) Pursuant to MCL 600.8396, MSA 27A.8396, a village civil infraction bureau, referred to in this division as "bureau," is hereby established to accept civil infraction admissions for such violation cases as prescribed by the village ordinances.
- (b) The bureau shall be located at the village office or such other location in the village as may be designated by the village council.
- (c) The bureau shall be under the supervision of the president, clerk and treasurer of the village.
- (d) A person authorized by the village council may issue and serve a citation for a violation of this division.
- (e) The bureau shall only have the authority to accept admissions of responsibility, without explanation, for civil infractions for which a village ordinance violation notice, as compared to a citation, has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this division or other applicable ordinances.
- (f) The bureau shall refuse payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The bureau shall not determine or

attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation. (Ord. No. 95-6, § 2(20.420), 12-18-1995)

Sec. 2-198. Ordinance violation notice requirements.

- (a) Village ordinance violation notices shall be issued and served by authorized village officials.
- (b) The village ordinance or violation notice shall include, at a minimum, all of the following:
 - (1) The violation;
 - (2) The time within which the person must contact the bureau for purposes of admitting or denying responsibility for the violation;
 - (3) The amount of the scheduled fines/costs for the violation;
 - (4) The methods by which the violation may be admitted or denied;
 - (5) The consequences of failing to pay the required fines/costs or contact the bureau within the required time;
 - (6) The address and telephone number of the bureau; and
 - (7) The days and hours that the bureau is open.

(c) Where a person fails to admit responsibility, without explanation, for a violation within the jurisdiction of the bureau and pay the required civil fines/costs within the designated time period, a person authorized by the village council shall advise the complainant to issue and file a village ordinance violation citation for such violation with the court having jurisdiction of the matter. The citation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the village ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. 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 shall thereafter be processed in the manner required by law.

(Ord. No. 95-6, § 2(20.421), 12-18-1995)

Sec. 2-199. Schedule of civil infraction fines/costs.

(a) Unless otherwise provided for by an applicable ordinance, the civil fines payable to the bureau upon admissions of responsibility by persons served with village ordinance violation notices shall be determined pursuant to the following schedule:

- First violation \$ 50.00
- Second violation within three-year period 125.00
- Third violation within three-year period 250.00

Fourth or subsequent violation 500.00

(b) The time period for determining subsequent violations is based on the date of the first violation.

(c) In addition to the civil fines prescribed in subsection (a) of this section, costs in the amount of \$15.00 shall be assessed by the bureau if the fines and costs are paid within ten days of the date of service of the village ordinance violation notice. Otherwise, costs of \$25.00 shall be assessed by the bureau.
(Ord. No. 95-6, § 2(20.422), 12-18-1995)

Sec. 2-200. Records and accounting.

A person authorized by the village council shall retain a copy of all village ordinance violation notices, and shall account to the village council once a month or at such other intervals as the village council may require concerning the number of admission and denials of responsibility for ordinance violations within the jurisdiction of the bureau, and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the village treasurer at such intervals as the treasurer shall require, and shall be deposited in the general fund of the village.
(Ord. No. 95-6, § 2(20.423), 12-18-1995)

Sec. 2-201. Availability of other enforcement options.

Nothing in this division shall be deemed to require the village to initiate its village ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a village civil infraction, the village may, at its sole discretion, proceed directly with the issuance of a village ordinance violation citation, or take such other enforcement action as is authorized by law.
(Ord. No. 95-6, § 2(20.424), 12-18-1995)