

## Chapter 2

### **ADMINISTRATION\***

#### **Article I. In General**

Sec. 2-1—2-30. Reserved

#### **Article II. Village Council**

Sec. 2-31. Compensation of president.

Sec. 2-32. Compensation of trustees.

Secs. 2-33—2-60. Reserved.

#### **Article III. Officers and Employees**

##### Division 1. Generally

Secs. 2-61—2-80. Reserved.

##### Division 2. Village Clerk

Sec. 2-81. Nomination and appointment.

Sec. 2-82.. Term of office.

Secs. 2-83—2-100. Reserved.

##### Division 3. Village Treasurer

Sec. 2-101. Nomination and appointment.

Sec. 2-102. Term of office.

Secs. 2-103—2-130. Reserved.

#### **Article IV. Boards and Commissions**

Sec. 2-131. Establishment of planning commission.

Sec. 2-132. Membership.

Sec. 2-133. Organization and procedures.

Sec. 2-134. Conflict of interest.

Sec. 2-135. Duties and powers.

Sec. 2-136. Amendments to the Michigan Planning Enabling Act.

Sec. 2-137. Employees, expenditures and contracts.

Sec. 2-138. Education and gifts.

Sec. 2-139. Repeal of inconsistent ordinances or resolutions.

Sec. 2-140. Effective date.

Secs. 2-141—2-160. Reserved.

## UNIONVILLE CODE OF ORDINANCES

### **Article V. Finance**

#### Division 1. Generally

Secs. 2-161—2-180. Reserved.

#### Division 2. Purchasing, Contracting and Selling Procedure

- Sec. 2-181. Purchasing agent; rules.
- Sec. 2-182. Purchase or contracts less than \$20,000.00.
- Sec. 2-183. Policy for sealed competitive bidding for contracts.
- Sec. 2-184. Sale of property.
- Sec. 2-185. Sale of real estate.

Secs. 2-186—2-200. Reserved.

### **Article VI. Municipal Civil Infractions**

- Sec. 2-201. Purpose of article.
- Sec. 2-202. Definitions.
- Sec. 2-203. Persons authorized to serve citations and notices.
- Sec. 2-204. Municipal civil infraction action commencement.
- Sec. 2-205. Citation's issuance and service.
- Sec. 2-206. Citation's contents.
- Sec. 2-207. Municipal ordinance violations bureau.
- Sec. 2-208. Civil penalties.

**\*State law references**—Incorporation of village, MCL 61.1 et seq.; open meetings act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

**ARTICLE I. IN GENERAL****Secs. 2-1—2-30. Reserved.****ARTICLE II. VILLAGE COUNCIL\*****Sec. 2-31. Compensation of president.**

The village president shall receive the current pay scale for each meeting attended, either regular or special, during the fiscal year, and shall receive no other compensation for services performed for and on behalf of the village during his term of office.

(Code 1959, § 12.101)

**State law reference**—Compensation of village officers, MCL 64.21.

**Sec. 2-32. Compensation of trustees.**

The village trustees shall receive the current pay scale for each meeting attended, either regular or special, during the fiscal year and shall receive no other compensation for services performed for and on behalf of the village during their term of office.

(Code 1959, § 12.102)

**State law reference**—Compensation of village officers, MCL 64.21.

**Secs. 2-33—2-60. Reserved.****ARTICLE III. OFFICERS AND EMPLOYEES†****DIVISION 1. GENERALLY****Secs. 2-61—2-80. Reserved.****DIVISION 2. VILLAGE CLERK‡****Sec. 2-81. Nomination and appointment.**

As authorized by Chapter II, Section 1(3) and (4) of the General Law Village Act, being Public Act No. 3 of 1895 (MCL 62.1) and Public Act No. 255 of 1998 (MCL 62.1), the village clerk shall be chosen by nomination by the village president and appointed by the village council.

(Ord. No. 143, § 1, 2-21-2000)

---

\***State law references**—Village council, MCL 65.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.; open meeting act, MCL 15.261 et seq.; freedom of information act, MCL 15.231 et seq.

†**State law references**—Village officers, MCL 62.1 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

‡**State law reference**—Clerk, MCL 64.5 et seq.

**Sec. 2-82. Term of office.**

The term of office of the village clerk shall be two years from the second Monday of March of each even numbered year and until a successor is appointed. The person first appointed as village clerk under the ordinance from which this section is derived shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by law, but such term of office shall commence not earlier than the second Monday of March 2000.

(Ord. No. 143, § 2, 2-21-2000)

**Secs. 2-83—2-100. Reserved.****DIVISION 3. VILLAGE TREASURER\*****Sec. 2-101. Nomination and appointment.**

As authorized by Chapter II, Section 1(3) and (4) of the General Law Village Act, being Public Act No. 3 of 1895 (MCL 62.1), and Public Act No. 255 of 1998 (MCL 62.1), the village treasurer shall be chosen by nomination by the village president and appointed by the village council.

(Ord. No. 144, § 1, 11-10-2003)

**Sec. 2-102. Term of office.**

The term of office of the village treasurer shall be two years from the second Monday of March of each even numbered year and until a successor is appointed. The person first appointed as village treasurer under the ordinance from which this section is derived shall have an initial term of office commencing as of the date such person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by law, but such term of office shall commence not earlier than the second Monday of March 2004.

(Ord. No. 144, § 2, 11-10-2003)

**Secs. 2-103—2-130. Reserved.****ARTICLE IV. BOARDS AND COMMISSIONS****Sec. 2-131. Establishment of planning commission.**

Pursuant of Public Act No. 33 of 2008 (MCL 125.3801, et. seq.) the village planning commission is hereby created and granted all powers and duties provided in this division.

(Ord. No. 150, § 2, 10-17-2011)

**\*State law reference**—Treasurer, MCL 64.9 et seq.

**†State law references**—Revised municipal finance act, MCL 141.2101 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

**Sec. 2-132. Membership.**

- a) *Number of members.* The planning commission shall consist of five members, one of whom shall be a member of the village council to serve as a member ex-officio, all of whom shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the village, in accordance with the major interests as they exist in the village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall, to the extent practical, also be representative of the entire geography of the village.
- b) *Terms of members.* Members of the planning commission, other than the ex-officio member, shall be appointed by the village president subject to approval of the village council by a majority vote. The term of each appointed member shall be three (3) years, except that the respective term of one (1) of the members first appointed shall be for one(1) year, one (1) for two (2) years, and two (2) for three (3) years. Each member shall hold office until his or her successor is appointed.
- c) *Vacancy.* If a vacancy occurs on the planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- d) *Qualified electors.* Members of the planning commission shall be qualified electors of the village, except that two of the planning commission members may be individuals who are not qualified electors of the village.
- e) *Ex-Officio member.* The planning commission may have a member who is an ex-officio member. The person eligible to serve as an ex-officio member and the term of an ex-officio member shall be as authorized and/or required by section 15 of the Michigan Planning Enabling Act.
- f) *Removal.* The village council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon writing charges and after a public hearing.
- g) *Compensation.* All members of the planning commission may be compensated at a rate as may be determined from time to time by resolution of the Village Council.  
(Ord. No. 150, § 2, 10-17-2011)

**Sec. 2-133. Organization and procedures.**

- a) *Officers.* The planning commission shall elect a chairperson and secretary from its members and fill other offices as it considers advisable. An ex-officio member is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in the planning commission's bylaws.
- b) *Advisory committees.* The planning commission may appoint advisory committees whose members are not members of the planning commission.
- c) *Bylaws.* The planning commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- d) *Annual Report.* The planning commission shall make an annual written report to the village council concerning its operations and the status of planning activities, including recommendations regarding actions by the village council related to planning and development.

- e) *Meetings.* The planning commission shall hold not less than 4 regular meetings each year. The time and place of the meetings shall be established by resolution. Unless the bylaws provided otherwise, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provided otherwise, the secretary shall send written notice of a special meeting to planning commission members not less than 48 hours before the meeting.
- f) *Open meetings act.* The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- g) *Freedom of information act.* A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976, PA 442, MCL 15. 231 to 15.246.

(Ord. No. 150, § 2, 10-17-2011)

#### **Sec. 2-134. Conflict of interest.**

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. The member is disqualified from voting on a matter if so provided by the bylaws or by a majority vote of the remaining members of the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance and the Michigan Planning Enabling Act constitutes malfeasance in office. Unless the village council, by ordinance, defines conflict of interest for the purposes of this ordinance, the planning commission may do so in its bylaws.

(Ord. No. 144, § 2, 11-10-2003)

#### **Sec. 2-135. Duties of powers.**

- a) *Master plan.* The planning commission may make and approve a master plan as a guide for development within the village and may adopt same in accordance with the requirements of sections 31 through 51 of the Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008. The proposed master plan shall be submitted to the Village council for final approval pursuant to section 41(3) of the Michigan Planning Enabling Act.
- b) *Capital improvements.* No street, square, park, playground, public way, ground, or other open space; or public building or other structure shall be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of same has been submitted to the planning commission for approval in the manner provided for in section 61 and 63 of the Michigan Planning Enabling Act.
- c) *Rescission of prior approval.* The village council shall not rescind its authorization of the acquisition or enlargement of any square, park, playground, or other open space previously approved unless the matter has been submitted to the planning commission for review. The review by the planning commission and any rescission by the village council shall be in accordance with section 63 of the Michigan Planning Enabling Act.

- d) *Capital improvements program.* Unless exempted from doing so by charter or otherwise, to further the desirable future development of the village under the master plan, the planning commission, after adoption of a master plan, may annually prepare a capital improvements program of public structures and improvements. All procedures in the preparation and processing of such capital improvements plan shall be in accordance with sections 65 and 67 of the Michigan Planning Enabling Act.
- e) *Subdivision regulations and plat removal.* The planning commission may recommend to the village council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, and shall review and make recommendations on plats before action thereon by the village council under section 112 of the land division act, 1967 PA 288, MCL 560.112, all in accordance with the provisions of section 71 of the Michigan Planning Enabling Act.
- f) *Zoning commission.* The planning commission shall have all the powers and duties of a zoning commission under the Michigan Zoning Enabling Act PA 110 of 2006 (MCL 125.3101 et. seq.)
- g) *Education and consultation.* To promote public interest in and understanding of the master plan, the planning commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education. The planning commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan.

(Ord. No. 150, § 2, 10-17-2011)

#### **Sec. 2-136. Amendments to the Michigan Planning Enabling Act.**

Any amendments made to the Michigan Planning Enabling Act, Public Act 33 of 2008, shall be hereby declared to automatically control the activities and functions of the planning commission.

(Ord. No. 144, § 2, 11-10-2003)

#### **Sec. 2-137. Employees, expenditures and contracts.**

The planning commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other village employees. The planning commission may contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated by the village council, which shall provide the funds, equipment and accommodations necessary for the commission's work.

(Ord. No. 144, § 2, 11-10-2003)

#### **Sec. 2-138. Education and gifts.**

The planning commission shall have the power to promote public interest and understanding of the planning commission activities and to that end may publish and distribute copies of any plan. The planning commission shall have the right to accept and use gifts for the exercise of its functions.

(Ord. No. 144, § 2, 11-10-2003)

#### **Sec. 2-139. Repeal of inconsistent ordinances or resolutions.**

Any prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly any ordinance or resolution establishing the planning commission under any other public act of the state, are hereby repealed.

(Ord. No. 144, § 2, 11-10-2003)

**Sec. 2-140. Effective date.**

This ordinance shall be effective upon publication and expiration of time prescribed by law, adopted October 17, 2011.

(Ord. No. 144, § 2, 11-10-2003)

**Secs. 2-141—2-160. Reserved.**

**ARTICLE V. FINANCE†**

**DIVISION 1. GENERALLY**

**Secs. 2-161—2-180. Reserved.**

**DIVISION 2. PURCHASING, CONTRACTING AND SELLING PROCEDURE**

**Sec. 2-181. Purchasing agent; rules.**

The village clerk shall act as purchasing agent of the village, unless another officer or employee shall be designated to act as purchasing agent by the president in writing filed with the clerk. The purchasing agent, with the approval of the president, shall adopt any necessary rules respecting requisitions and purchase orders.

(Code 1959, § 12.001)

**Sec. 2-182. Purchases or contracts less than \$20,000.00.**

Purchases of supplies, materials or equipment, the cost of which is less than \$20,000.00, may be made in the open market but such purchases shall, except when the president shall determine that no advantage to the village would result, be based on at least three competitive bids and shall be awarded to the lowest responsible bidder meeting specifications. The purchasing agent may solicit bids verbally or by telephone, or may contact prospective bidders by written communication. A record shall be kept of all open market orders and the bids submitted thereon, which records shall be available for public inspection. Any or all bids may be rejected.

(Code 1959, § 12.002)

**Sec. 2-183. Policy for sealed competitive bidding for contracts.**

a) The village council shall solicit sealed bids for all contracts for which the village council anticipates a total village obligation of \$20,000.00 or more. The requirements for sealed bids shall not, unless the village council determines otherwise by motion of resolution, apply to intergovernmental contracts, contracts for professional services or emergency repairs, or for the following:

(1) Contracts for employments.

(2) Assessment or property appraisal service.

b) When sealed bids are required, a request for bids shall be developed by the department head responsible for the purchase or such other person designated by the village council, which request for bids shall be approved by the village president and/or the village council. The request for bids shall require interested bidders to provide the following information as appropriate:



- (1) Description of services or goods desired.
- (2) Desired delivery date or commencement date.
- (3) Desired termination date.
- (4) Bidder's qualifications.
- (5) Warranties.
- (6) References.
- (7) Performance bond (where required).
- (8) Acquisition cost, fees, or other village financial obligations.
- (9) The requests for bids shall also indicate the following information:
- (10) Deadline to submit bids.
- (11) Date, time and place that bids will be opened.
- (12) Address to which bids are to be submitted.

c) All requests for bids shall include a statement that the village council reserves the right to accept or reject any or all bids, to waive information or errors in the bidding process, and to accept any bid deemed to be in the best interest of the village, including bids that are not for the lowest amount.

(Code 1959, § 12.160)

#### **Sec. 2-184. Sale of property.**

Whenever any personal property belonging to the village is no longer needed for corporate or public purposes, the same may be offered for sale on approval by the council. Personal property not exceeding \$1,000.00 in value may be sold for cash by the purchasing agent upon approval of the president, after receiving quotations or competitive bids therefor for the best price obtainable. Personal property with a value in excess of \$1,000.00 may be sold after advertising and receiving competitive bids, as provided in section 2-183 and after approval of the sale has been given by the council. In the purchase of automotive equipment, bidders may include in their bid, a trade-in allowance for old equipment and such equipment may be disposed of in trade without further bidding requirements.

(Code 1959, § 12.005)

#### **Sec. 2-185. Sale of real estate.**

Real estate may be purchased or sold or leased when not required for corporate purposes, upon the affirmative vote of two-thirds of the members elect of the council. Sales of real estate shall be subject to the requirements of this division. The notice inviting bids shall contain a brief description of the property.

(Code 1959, § 12.006)

**State law reference**—Public buildings, grounds and parks, MCL 67.4 et seq.

#### **Secs. 2-186—2-200. Reserved.**

**ARTICLE VI. MUNICIPAL CIVIL INFRACTIONS****Sec. 2-201. Purpose of article.**

The purpose of this article is to create a civil infraction violation bureau, establish a civil infraction fine schedule and authorize village personnel to issue civil infraction citations and notices.

(Ord. No. 155-2022, 05-16-2022)

**Sec. 2-202. Definitions.**

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

*Act* means Act No. 236 of the Public Acts of Michigan of 1961, as amended, being MCLA 600.101 et seq., MSA 27A.101 et seq.

*Authorized village official* means police officer or other personnel of the village authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal ordinance violation notices.

*Bureau* means the village municipal ordinance violations bureau as established by this article.

*Municipal civil infraction* means an act or omission that is prohibited by any ordinance or code of the village, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered as authorized by chapter 87 of Act No. 236 of the Public Acts of Michigan of 1961, as amended. Unless a violation of any ordinance or code of the village is specifically designated in the ordinance or code as a municipal civil infraction, the violation shall be deemed a misdemeanor. A municipal civil infraction is not a lesser included offense of an ordinance violation or a code violation that is a criminal offense.

*Municipal civil infraction action* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

*Municipal civil infraction citation or citation* means a written complaint or notice to appear in court upon which an authorized village official records the occurrence or existence of one or more civil infractions by the person cited.

*Municipal ordinance violation notice or violation notice* means a written notice, other than a citation, prepared by an authorized village official, directing a person to appear at the village municipal ordinance violations bureau and to pay the fine and costs, if any, for the violation as prescribed by the schedule of civil fines adopted by the village, as authorized under section 8396 and 8727(6) of the act.

(Ord. No. 155-2022, 05-16-2022)

**Sec. 2-203. Persons authorized to serve citations and notices.**

In addition to police officers, the following village personnel, as provided by Act No. 12 of the Public Acts of Michigan of 1994 (MCLA 600.8701 et seq.), as amended, are local officials legally authorized to issue and serve municipal civil infraction citations and municipal ordinance violation notices in conformance with chapter 87 of the Revised Judicature Act, Act No. 236 of the Public Acts of Michigan of 1961, as amended:

- 1) Code enforcement officer.
- 2) Nuisance inspector.
- 3) Fire chief.
- 4) Fire inspector.
- 5) Building official.

(Ord. No. 155-2022, 05-16-2022)

**Sec. 2-204. Municipal civil infraction action commencement.**

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

- 1) A municipal civil infraction citation directing the alleged violator to appear in court; or
- 2) A municipal ordinance violation notice directing the alleged violator to appear at the village municipal ordinance violations bureau.

(Ord. No. 155-2022, 05-16-2022)

**Sec. 2-205. Citation's issuance and service.**

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

- 1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- 2) The place for appearance specified in a citation shall be the district court.
- 3) 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 citations shall be retained by the village and issued to the alleged violator as provided by section 8705 of the act.
- 4) A citation for a municipal 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 statements above are true to the best of my information, knowledge and belief."
- 5) 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, any original and required copies of a citation.
- 6) An authorized village official may issue a citation to a person if, based on the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or, 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 an infraction and if the village attorney approves in writing the issuance of the citation.
- 7) Except as otherwise provided under subsection (8) of this section, municipal civil infraction citations shall be served by an authorized village official who shall personally serve a copy of the citation upon the alleged violator.
- 8) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation need not be personally served upon the alleged violator, but may be served upon the 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 record of the land, building or structure at the owner's last known address.

(Ord. No. 155-2022, 05-16-2022)

**Sec. 2-206. Citation's contents.**

- 1) 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. The citation shall inform the alleged violator that he may do one of the following:
  - a) Admit responsibility for the municipal civil infraction by mail, in person, or by representation at or by the time specified for appearance.
  - b) Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance, or in person, or by representation.
  - c) Deny responsibility for the municipal civil infraction by either 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 by appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.
- 2) The citation shall also inform the alleged violator of all the following:
  - a) That 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 telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
  - b) That 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.
  - c) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the village.
  - d) 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.
  - e) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- 3) The citation shall contain a notice in bold-faced 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 judgment against the alleged violator on the municipal civil infraction.

(Ord. No. 155-2022, 05-16-2022)

**Sec. 2-207. Municipal ordinance violations bureau.**

- 1) The village hereby establishes the municipal ordinance violations bureau ("bureau") as authorized under section 8396 of the act to accept admissions of responsibility for a municipal civil infraction in response to municipal ordinance violation notices issued and served by authorized village officials, and to collect and retain civil fines and costs as prescribed by this code or any other ordinance.

- 2) The bureau shall be located in the village hall and shall be under the supervision and control of the village treasurer. The village treasurer, subject to the approval of the village council, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified village employees to administer the bureau.
- 3) The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal ordinance violation notice 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 bureau. Nothing in this chapter shall prevent or restrict the village from issuing a municipal 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 municipal civil infraction violation at the bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- 4) The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions.
- 5) Municipal ordinance violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as provided for citations as provided in subsections 2-425(7) and (8). In addition to any other information required by this Code or other ordinance, the violation notice shall indicate the date and time at which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address of the bureau, the telephone number of the bureau should date or time conflicts occur, the amount of the fine scheduled for the alleged violation and the consequences for failure to appear and pay the required fine at the designated date and time.
- 6) An alleged violator receiving a municipal ordinance violation notice shall appear at the bureau 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.
- 7) If an authorized village official issues and serves a municipal ordinance violation notice and if an 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 at the bureau, 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 citations as provided by sections 8705 and 8709 of the act, 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. No. 155-2022, 05-16-2022)

#### **Sec. 2-208. Civil penalties.**

A schedule of civil fines payable to the bureau 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:

## SCHEDULE OF MUNICIPAL CIVIL INFRACTION FINES

Class	First Offense	Second Repeat Offense Within Three Years	Third and Subsequent Repeat Offenses Within Three Years
A	\$10.00	\$20.00	\$40.00
B	\$25.00	\$50.00	\$100.00
C	\$35.00	\$70.00	\$140.00
D	\$50.00	\$100.00	\$200.00
E	\$75.00	\$150.00	\$300.00
F	\$100.00	\$200.00	\$400.00
G	\$150.00	\$300.00	\$500.00
H	\$200.00	\$400.00	\$500.00
I	\$300.00	\$500.00	\$500.00
J	\$1,000.00	\$1,200.00	\$1,200.00
Special as set by specific section	Specific amount	1st offense × 2	1st offense × 4

A copy of the schedule, as amended, shall be posted at the municipal ordinance violations bureau. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(Ord. No. 155-2022, 05-16-2022)