

TITLE I: GENERAL PROVISIONS

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CHAPTER 10: GENERAL PROVISIONS

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Definitions and general provisions, see Charter Chapter II

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Ordinance enforcement, see Chapter 35 of this code

§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the municipality of Bangor shall be designated as the Code of Bangor and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Terms defined.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of Bangor, Michigan.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNCIL. The Mayor and City Council of the city.

COUNTY. Van Buren County, Michigan.

MAILING. As mailed from the U.S postal facility at Bangor, Michigan.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *SWEAR* and *SWORN* shall be equivalent to the words *AFFIRM* and *AFFIRMED*.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. Includes but shall not be limited to the Mayor, the members of the Council, and, as provided in the charter, the administrative officers, deputy administrative officers, and members of the City boards and commissions created by or pursuant to this Charter or code of ordinances.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, or receiver, and bodies politic. Whenever used in any clause prescribing and imposing a penalty, the terms *PERSON* or *WHOEVER* as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

PRINTED or PRINTING. Engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method.

PUBLIC UTILITY. All common carriers in the public streets; water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, garbage collection and disposal, refuse collection and disposal and reduction plants, transportation, and such other and different enterprises as the Council may, from time to time, determine or designate.

PUBLISH or PUBLISHED. Publications of any matter, required to be published, in the manner provided by law or, where there is no applicable law, in one or more newspapers of general circulation in the City, qualified by law for the publication of legal notices, or, as an alternate therefor, shall be posted in at least three public places in each election precinct.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of Michigan.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise, including hand written script, printing, typewriting, and teletype and telegraphic communications.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) *AND or OR.* Either conjunction shall include the other as if written "and/or," if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Cross-reference:

Definitions and interpretations, see Charter Section 2.2

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state or federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (M.C.L.A. §§ 15.231 et seq.) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information.

Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see Public Act 442 of 1976, being M.C.L.A. §§ 15.231 through 15.246

§ 10.99 GENERAL PENALTY.

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or imprisonment for not more than 90 days, or both fine and imprisonment. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Statutory reference:

Violation of ordinances, maximum penalty authorized, see M.C.L.A. § 117.4i(k)

Cross-reference:

Authority of Council to provide punishment for violations, see Charter Section 8.5

CHAPTER 11: SCHEDULE OF RATES AND FEES

Section

- 11.01 Title
- 11.02 Interpretation
- 11.03 Severability
- 11.04 Reference to other sections
- 11.05 General provisions
- 11.06 Payment of rates and fees
- 11.07 Schedule of rates and fees to be published

§ 11.01 TITLE.

This chapter shall be titled "Schedule of Rates and Fees."
(Ord. 252, passed 8-21-00)

§ 11.02 INTERPRETATION.

This chapter shall be constructed as Chapter 11 under Title I, General Provisions of the City of Bangor, Michigan Code of Ordinances. This chapter shall control the establishment of various rates and fees for services; permits; penalties; payments; rates and fees for utilities, building and construction; offenses against city ordinances; and, other rates and fees as may, from time to time, be decided by majority vote of the City Council.
(Ord. 252, passed 8-21-00)

§ 11.03 SEVERABILITY.

If any provision or section of this chapter may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.
(Ord. 252, passed 8-21-00)

§ 11.04 REFERENCE TO OTHER SECTIONS.

This chapter, sections of this chapter, or any of the individual rates or fees as properly established by the City Council from time to time take precedence over other sections of this code. The City Council automatically amends affected sections of this code upon proper adoption, from time to time, of subsequent Schedule of Rates and Fees.

(Ord. 252, passed 8-21-00)

§ 11.05 GENERAL PROVISION.

(A) As permitted under the City Charter, § 3.1 General Powers of the City Council, the City Council is hereby authorized to establish various rates and fees for services; permits; penalties; payments; rates and fees for utilities, building and construction; offenses against city ordinances; and, other rates and fees as may, from time to time, be decided by majority vote of the City Council.

(B) The schedule of rates and fees may be amended individually or collectively by simple Council action brought by motion, supported and approved by majority vote of the City Council at any regularly scheduled meeting of the Council.

(C) The City Council, from time to time, may, in the same way as the schedule of rates and fees is amended, add additional rates and fees or categories with rates and fees as it may deem necessary and appropriate.

(Ord. 252, passed 8-21-00)

§ 11.06 PAYMENT OF RATES AND FEES.

(A) This chapter does not change to whom payments of rates and fees are made. Such direction is currently provided by the City Code of Ordinances or is a continuation of current practice and procedure. Further, this chapter does not change the time frame for payments as already established elsewhere in this Code of Ordinances or as is a continuation of existing practice or procedure.

(B) Non-payment of the full amount of rates and fees as established by the City Council shall carry its own offense and penalty in addition to the original rate or fee.

(C) Non-payment of the rate or fee within the prescribed time frame shall be assessed an additional delinquent payment fee. In all cases except where specifically covered by the water or sewer ordinances, the delinquent fee shall be established as part of the schedule and fees. Continued non-payment may result in the amount due, plus delinquencies and other charges, being placed as a lien against the offender's premises or property. The city may also seek remedy for non-payment or delinquent payments through legal action before the appropriate courts.

(D) Nothing in this section and chapter shall eliminate the authority of other sections of the Code of Ordinances for the city or Public Acts of the state to make delinquent payments a lien against the property or premises on which the rates or fees are assessed.

(Ord. 252, passed 8-21-00)

§ 11.07 SCHEDULE OF RATES AND FEES TO BE PUBLISHED.

Upon request, the city shall publish and make available to any resident person or resident business one copy of the adopted schedule for rates and fees without charge. The schedule shall be kept current and contain subsequent changes as properly adopted by the City Council.

(Ord. 252, passed 8-21-00)

**CHAPTER 12: MUNICIPAL CIVIL INFRACTION ACTIONS AND CITATIONS,
MUNICIPAL ORDINANCE VIOLATIONS BUREAU**

Section

- 12.01 Title
- 12.02 Interpretation
- 12.03 Severability
- 12.04 Reference to other sections
- 12.05 Definitions and terms
- 12.06 General provisions
- 12.07 Provisions to be published

§ 12.01 TITLE.

This chapter shall be titled "Municipal Civil Infraction Actions and Citations, Municipal Ordinance Violations Bureau."
(Ord. 257, passed 2-5-01)

§ 12.02 INTERPRETATION.

This chapter shall be constructed as Chapter 12 under Title I, General Provisions of the City of Bangor, Michigan Code of Ordinances. This chapter shall provide the establishment of general penalties and sanctions for violations of the code of ordinances for the city, continuing violations, injunctive relief, and the establishment of a municipal ordinance violations bureau.
(Ord. 257, passed 2-5-01)

§ 12.03 SEVERABILITY.

If any provision or section of this chapter may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.
(Ord. 257, passed 2-5-01)

§ 12.04 REFERENCE TO OTHER SECTIONS.

This chapter, sections of this chapter, or any of the individual rates, fines or fees as properly established herein shall be the rates, fines and fees as established by the City Council from time to time amending and taking precedence over other sections of this code. The City Council automatically amends any affected sections of other ordinances and this code upon the proper adoption of this chapter. The proper adoption of this chapter specifically adds two subsections to the City Code of Ordinances under Title XIII, Chapter 130 "General Offenses Against the City." They are 130.01(B)(3)(9) and (10) naming public urination and the riding of snowmobiles on public streets as offenses covered as municipal civil infractions and provides penalties and sanctions for same.
(Ord. 257, passed 2-5-01)

§ 12.05 DEFINITIONS AND TERMS.

As used in this chapter:

ACT. Public Act 236 of 1961, as amended.

AUTHORIZED CITY OFFICIAL. A police officer, Code Enforcement Officer, Building Official or other personnel of the city authorized by these codified ordinances or any ordinances to issue municipal civil infraction citations or municipal ordinance violation notices.

BUREAU. The City of Bangor Municipal Ordinance Violations Bureau, as established by this chapter. Interchangeable with Municipal Civil Infractions Bureau.

CITY. The City of Bangor, a municipal corporation in Van Buren County in the State of Michigan.

MUNICIPAL CIVIL INFRACTION ACTION. A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

MUNICIPAL CIVIL INFRACTION CITATION or CITATION. A written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

MUNICIPAL ORDINANCE VIOLATION NOTICE or VIOLATION NOTICE. A written notice, other than a citation, prepared by an authorized city official, directing 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 adopted by the city, as authorized under §§ 8396 and 8707(6) of the Act.
(Ord. 257, passed 2-5-01)

§ 12.06 GENERAL PROVISIONS.

(A) *Commencement of municipal civil infraction actions.* A municipal civil infraction action may be commenced upon the issuance by an authorized city official of:

(1) A municipal civil infraction citation directing the alleged violator to appear in court; or

(2) Municipal ordinance violations notice directing the alleged violator to appear at the City Municipal Ordinance Violations Bureau.

(B) *Issuance and service of municipal civil infraction citations.* Municipal civil infraction citations shall be issued and served by authorized city 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 location of the Municipal Ordinance Violations Bureau as identified in division (A)(2) of this section or a district court as identified in division (A)(1) of this section.

(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 Bureau or district court depending upon the direction provided in the citation. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by § 8705 of the Act.

(4) A citation for a municipal civil infraction, signed by an authorized city official shall be treated as if it were made under oath and as if the violation alleged in the citation occurred in the presence of the official signing the complaint. The citation shall contain the following statement immediately above the date and signature of the official issuing the citation "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 city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copy of a citation.

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

(a) Based upon the investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction.

(b) 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 such an infraction and if the Prosecuting Attorney or City Attorney approved in writing the issuance of the citation.

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

(a) Except as provided below by division (B)(7)(b)1. and 2., hereof, an authorized city official shall personally serve a copy of the citation upon the alleged violator.

(b) If the municipal civil infraction action involves:

1. 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 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 the land, building or structure at the owner's last known address; or

2. A vehicle or vehicles located on a parcel within the corporate limits and is improperly stored, junked or abandoned, improperly parked, is in an inoperable condition, without required tags or certification, or is otherwise in violation of a municipal civil infraction, 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 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 the land, building or structure at the owner's last known address.

(8) Sworn police officers of the city shall have general discretion as to whether or not to cite violations herein described and listed under this chapter or under the penal code. Non-sworn officials of the city shall cite such violations as a municipal civil infraction.

(C) Contents of municipal civil infraction citations.

(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 at the bureau or in court, the telephone number of the court and the time at or by which the appearance shall be made.

(2) Further, the citation shall inform the alleged violator that he or she 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 doing one of the following:

1. Deny responsibility for the municipal civil infraction before the Municipal Ordinance Violations Bureau, by mail, by representation, at or by time specified for appearance, or in person or by representation, requesting/resulting in the municipal civil infraction citation being forwarded as a misdemeanor before a court of competent jurisdiction.

a. Once a denial has been entered with the Municipal Ordinance Violations Bureau, the alleged violator must appear 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 city.

2. Appear in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) 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 bureau or court in person, by mail, 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 bureau or 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 city.

(d) That at an informal hearing the alleged violator must appear in person before the bureau or a judge or district court magistrate, without the opportunity of being represented by an attorney.

(4) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(5) The citation shall contain a notice in boldfaced 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 doubles the amount of the fine and/or is a misdemeanor and will result in entry of a default judgement against the alleged violator on the municipal civil infraction.

(D) Municipal Ordinance Violations Bureau.

(1) *Establishment.* The city establishes a Municipal Ordinance Violations Bureau, as authorized under § 8396 of the Act, to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by these codified ordinances or any ordinance.

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(2) *Location, supervision, rules and regulations, employees.* The Bureau shall be located at city hall and shall be under the supervision and control of the Treasurer. The Treasurer, subject to the approval of the commission/council, shall adopt rules and regulations for the operation of the Bureau.

(a) In the absence of the Treasurer, the City Manager, City Clerk or the Ordinance Enforcement Officer shall have the authority to accept admissions of responsibility for municipal civil infractions in response to municipal ordinance violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by these codified ordinances or any ordinance.

(b) The Treasurer shall apply the last adopted schedule of penalties and sanctions in effect at the time the municipal civil infraction notice was issued.

(3) *Disposition of violations.* 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 section shall prevent or restrict the city 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) *Scope of authority.* 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. The Bureau shall not accept payment of a fine from any person who denies having committed the offense and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(E) *Issuance and service of municipal ordinance violation notices.*

(1) *Contents.* Municipal ordinance violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as are provided for municipal civil infraction citations in division (B)(7)(b)1. and 2. of this section. In addition to any other information required by these codified ordinances or any other ordinance, the violation notice shall indicate the time by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine schedule for the alleged violation and the consequences for failure to appear and pay the required fine within the required time

(2) *Appearance, payment of fines and costs.* 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.

(3) *Procedure where admission of responsibility is not made or fine is not paid.* If an authorized city 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 §§ 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.

(F) *Civil penalties.*

(1) A schedule of civil fines payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established by Charter and by ordinances of the City Code of Ordinances. The fines for the classes of municipal civil infractions are as follows:

Schedule of Municipal Civil Infraction Fines

(a) Municipal Civil Infraction as adopted by various ordinances in the City Code of Ordinances and Ordinance 252, Schedule of Rates and Fees, as herein amended and as published herein under division (F)(1)(g) below.

(b) A copy of the schedule, as amended from time to time, shall be posted at the Municipal Ordinance Violations Bureau.

(c) A separate offense shall be deemed committed each day or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(d) Continuation of a violation shall be determined if the second repeat offense is committed within one year of the date of the first offense, a third repeat offense is committed within one year of the date of the second offense, and fourth repeat offense is committed within one year of the third offense.

(e) Payment/non-payment of any of the penalties and sanctions identified by this chapter within seven days (168 hours) or as specified in the citation shall increase by twice the amount the original penalty. Continued non-payment after an additional 168 hours shall constitute a misdemeanor authorizing the Police Department to obtain a warrant for arrest of the violating party.

(f) The fourth repeat offense as described in division (F)(1)(d) above is a misdemeanor punished by a fine in which, in addition to court costs charged, shall not exceed \$500 or imprisonment of not more than 93 days or both such fine and imprisonment, in discretion of the court.

(g) As published herein below, penalties and sanctions at time of adoption are:

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Property Maintenance	Offense	1st Offense	2nd Offense	3rd Offense
	Burning Leaves	Warning	\$35	\$90
	Grass/Weeds Mowing	\$75	\$100	\$125
	Snow removal (Businesses)	\$75	\$100	\$125
	Clean-up of Debris	\$75 + actual costs of removal + 10%	\$100 + actual costs of removal + 10%	\$125 + actual costs of removal + 10%

Working Without A Permit	Building, Electrical and Mechanical	
	1st Offense	\$35
	2nd Offense	\$65
	3rd Offense	\$100
Yard Sale	Failure to get permit	\$10 each offense
Miscellaneous Traffic Citations	Handicap Parking Violation	\$50-Local/\$125-State
	Failure to Display Permit	\$5 1st Offense \$10 2nd Offense \$15 3rd Offense
	Parking in Clearview Parking Over Sidewalk Parking Wrong Side of Street	1st Offense \$35 2nd Offense \$65 3rd Offense \$100
	Parking on Front Lawn Parking in a Non-space Semi-Tractor on Local Street/Alley Obstructing/Impeding flow of Traffic	
City Code of Ordinances Chapter 71 § 71.39 for additional fines not affected by Ordinance #252 See below for § 71.39 penalties and sanctions	Riding of Bikes and Skateboards in the downtown district	1st- \$20 2nd- Confiscate/Par. Call 3rd- Confiscate/Keep

<i>Uniform Traffic Code, Michigan Vehicle Code and as Established in the City Code of Ordinances Title VII and Chapter 74 and Ordinance 253</i>			
<i>Offense</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
Parking too far from curb	\$25	\$50	\$75
Prohibited Parking (no signs necessary)			
a. In front of a drive	\$25	\$50	\$75
b. In an intersection	\$25	\$50	\$75
c. Within 15 feet of a fire hydrant	\$35	\$65	\$100

<i>Uniform Traffic Code, Michigan Vehicle Code and as Established in the City Code of Ordinances Title VII and Chapter 74 and Ordinance 253</i>			
<i>Offense</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
d. On or over a painted crosswalk	\$25	\$50	\$75
e. Within 20 feet of a painted crosswalk	\$25	\$50	\$75
f. Within 30 feet of a traffic sign or signal	\$25	\$50	\$75
g. Within 50 feet of railroad crossing	\$25	\$50	\$75
h. Double parking	\$25	\$50	\$75
i. On a bridge	\$25	\$50	\$75
j. Within 300 feet of an accident	\$25	\$50	\$75
k. Blocking an emergency exit	\$25	\$50	\$75
l. Blocking a fire escape	\$25	\$50	\$75
In any signed zone prohibiting or limited parking	\$25	\$50	\$75
In any alley way	\$25	\$50	\$75
Parking for a prohibited purpose:			
a. Displaying a vehicle for sale	\$25	\$50	\$75
b. Working or repairing a vehicle	\$25	\$50	\$75
c. Displaying or advertising	\$25	\$50	\$75
Loading zone violation	\$25	\$50	\$75
Bicycle parking violation	\$5	\$10	\$15
Abandoned vehicle (plus towing storage and other actual costs) or vehicle without current tags and certification	\$25	\$50	\$75
Disabled/Junk Vehicles, failure to remove (plus towing, storage and other actual costs) or vehicle without current tags and certification	\$25	\$50	\$75
Parking in a Tow Away Zone	\$25	\$50	\$75
Parking overnight on/in restricted streets and lots	\$25	\$50	\$75
Parking in other prohibited zones	\$25	\$50	\$75
Between sidewalk and curb where driveway exists	\$25	\$50	\$75

Bangor - General Provisions

Loud Music, Car Radios Noise—General Offenses	Violations of Ord. 94 - Noise	1st Offense - \$45 2nd Offense - \$90 3rd Offense - \$135
Violations of Ordinance 130 Offenses Against City Regulations (As herein amended) 130.00 has been herein amended to add 130.01(B)(9) and (10) (9) Urinating in Public Place or Public View as defined under 130.01 (A) Definitions (10) Riding of Snow Mobiles on City Streets and Alleys other than Center to Charles to Walnut Streets Police Officer shall have the authority to determine whether offense may be cited as a Municipal Civil Infraction or as a violation of the Criminal Code Ordinance Officer and other authorized City Officials may only cite violations under the Municipal Civil Infraction	Offense contained in 130.01(B)3-10 May be cited as MCI or Criminal Code (3) Damaging Property (4) Disturbances, Fighting (5) Rough Crowding (6) General Trespass (7) Unlawful Assembly (8) Unlawful Standing, Congregating (9) Urinating in Public (10) Use of Snow Mobiles Offenses Contained in 130.02 May be cited as MCI or Criminal Code * Discharging Firearm Offense Contained in 130.03 May be cited as MCI or Criminal Code * Loitering Offense Contained in 130.04 May be cited as MCI or Criminal Code * Curfew Offense Contained in 130.05 May be cited as MCI or Criminal Code * Parental Responsibility	In addition to any amount for restitution or actual costs assessed for repair of damages and the fine defined below 1st Offense - \$45 2nd Offense - \$90 3rd Offense - \$135
Animals—General Offenses Barking Dogs, Nuisances	Violations of Ord. 90 - Animals	1st Offense - \$45 2nd Offense - \$90 3rd Offense - \$135
Processing Fee	Placement of delinquencies and nonpayments	\$25

Itinerant/Temporary Business - Hawkers and Peddlers Permits - Amending Title XI, Chapter 111 to establish classifications, fees, penalties and sanctions		
Locale of Requesting Party	Permit Limits and Fee	Offense/Violation
Local (49013 Zip Code) Local Charitable Organizations 501c3 or 501c6 Local Civic Service Organizations	1-10 days/\$5/day 10+ days \$500 total May be reduced/waived by Clerk	1st Offense - \$50 2nd Offense - \$75 3rd Offense - \$100
Non-Local (Non 49013 Zip Code) Door-to-Door Residential or Commercial Peddling Civic/Service/Charitable Organizations	1-5 days - \$25/person/day 6 or more days - \$5/day/person May be reduced by half by Clerk	1st Offense - \$50 2nd Offense - \$75 3rd Offense - \$100

(G) *General code penalty; complicity.*

(1) *Application of section.* Unless a violation of these codified ordinances or any ordinance of the city is specifically designated in these codified ordinances or such ordinances as a municipal civil infraction, this section shall apply.

(2) *General penalty.* Whenever, in these codified ordinances, in any technical or other code adopted by reference in these codified ordinances, in any rule, regulation or order promulgated or made under authority of any provision of these codified ordinances, or under authority of any technical or other code adopted by reference in these codified ordinances, or under authority of state law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whosoever violates or fails to comply with any such provision shall be fined not more than \$500 or imprisoned not more than 93 days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.

(3) *Surcharges, equitable remedies.* The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these codified ordinances, a provision of a technical or other code adopted by reference in these codified ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of state law, and shall be in addition to any equitable remedy provided by a provision of these codified ordinances, a provision of a technical or other code adopted by reference in these codified ordinances, or a rule, regulation or order promulgated or made under authority of either, or provided by state law, or a rule, regulation or order promulgated or made under authority of state law, including the enforced removal of prohibited conditions.

(4) *Complicity.* Every person concerned in the commission of an offense under these codified ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted and tried and, on conviction, shall be punished as if he or she had directly committed such offense.

(Ord. 257, passed 2-5-01)

§ 12.07 PROVISIONS TO BE PUBLISHED.

Upon request, the city shall publish and make available to any resident person or resident business one copy of the adopted penalties and sanctions as established by the City Charter, Ordinance 252 and other ordinances as adopted or may be adopted from time to time without charge. The penalties and sanctions shall be kept current and contain subsequent changes as properly adopted.

(Ord. 257, passed 2-5-01)

