

The Croswell City Council met in Regular Session August 17, 2105, at the Croswell Community Center, 124 N. Howard Ave., Croswell, MI. Mayor McMillan called the meeting to order at 7:30 P.M.

Present: Michael McMillan, Mary Willis, Cindy Fockler, John Geiger (late)

Absent: Rob Butler

Administration: City Administrator Sam Moore, City Clerk Suzanne Dobson

Guests: Denise Slone, Sara & Sal Hernandez, James & Doreen Galbraith, Vicki Tavora, Lyle Clarkson, Sally Baker

I. **PLEDGE OF ALLEGIANCE:**

II. **APPROVAL OF MINUTES** from the Regular Council Meeting of August 3, 2015  
Willis moved to approve the minutes of August 3, 2015 as presented, second by McMillan.  
Motion Carried.

III. **PUBLIC COMMENTS:**

Vicki Tavora, 157 N. Howard - commend city workers on quick response of water line/electrical problem on August 14, 2015.

IV. **APPROVAL OF AGENDA:**

Fockler moved to approve the agenda as presented, second by Willis. Motion Carried.

V. **PUBLIC HEARINGS:**

a. Municipal Civil Infractions - Ordinance 331:

b. Inoperable Motor Vehicle Penalty - Ordinance 332:

Public Hearing regarding proposed Ordinances #331 Municipal Civil Infractions and #332 Inoperable Motor Vehicle Penalty.

Councilmember Geiger arrived.

Lyle Clarkson - Has the city issued any citations for these ordinances? Ans: These are ordinances that will begin the citation issuance.

Vicki Tavora - Is there only one person that will be issuing citations or is it any employee that can issue the citation? Ans: "Authorized City Official" can issue the citations which the definition is "City Manager or designee, the Police Chief, or other personnel of the City authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices". The initial complaints will be given to the City Manager and/or the Police Chief.

Sally Baker - Who decides the problem? Ans: The complaint is given to the City Manager and/or Police Chief then it is determined if it is a violation.

Responsibility of the landlord or renter? Ans: Citation will be given to renter and the landlord will be notified.

Problem with cars parking on front lawns.

Mayor McMillan read the fines for Ordinance #331 and the fines for Ordinance #332.

Sal Hernandez - Time frame between steps? Ans: At the Ordinance meeting the Police Chief stated 10 days.

Mayor McMillan asked any further questions or comments. Public Hearing will be held open.

VI. **CORRESPONDENCE:**

None

VII. **ADMINISTRATOR'S REPORT:**

- Demo Sludge Press
- N. Howard Construction project - still Labor Day completion date

VIII. **COUNCIL MEMBER REPORT:**

- A. McMillan: No report
- B. Willis: Bad bump at Harrington & N. Howard at construction site.
- C. Geiger: No report
- D. Butler: Absent
- E. Fockler: Good job on river bank cleanup; Railroad Tracks; Center line of road painting when project completed; Another festival coming, possibility of washing store fronts; Agenda on Facebook page and more festival information on Facebook page; Electric lines buried behind stores; Percentage of the electric lines buried; river banks cleaned up regularly.

IX. **UNFINISHED BUSINESS:**

None

X. **NEW BUSINESS:**

- a. Close Public Hearings:

Mayor McMillan asked if there were any further questions or comments.

Geiger moved to close the Public Hearings for proposed Ordinances #331 and #332 at 8:08 p.m., second by Willis. Motion Carried.

1. Municipal Civil Infractions - Ordinance 331:

Willis moved to adopt Ordinance #331 An Ordinance to amend Chapter 10 General Provisions to add a New Section 10.99.1 to Adopt Procedures for use of Municipal Civil Infractions for the City of Croswell, Sanilac County, Michigan, second by Fockler.

Roll Call Vote: Willis, yes; Fockler, yes; Geiger, yes; McMillan, yes. 4 yeas, 0 nays, 1 absent. Motion Carried.

ORDINANCE NO. 331  
MUNICIPAL CIVIL INFRACTIONS  
CITY OF CROSWELL, STATE OF MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 10 GENERAL PROVISIONS TO ADD A NEW SECTION 10.99.1 TO ADOPT PROCEDURES FOR USE OF MUNICIPAL CIVIL INFRACTIONS FOR THE CITY OF CROSWELL, SANILAC COUNTY MICHIGAN.

THE CITY OF CROSWELL ORDAINS:

**§ 10.99.1 MUNICIPAL CIVIL INFRACTIONS**

**(A) Purpose**

The purpose of this Ordinance is to adopt procedures for Municipal Civil Infractions for enforcement of the City of Croswell Ordinances as allowed under the Revised Judicature Act of 1961, Act 236 of 1961; Chapter 87, Municipal Civil Infractions.

**(B) Definitions**

As used in this Article:

- a) “*Act*” means the Michigan Revised Judicature Act, 1961 PA 236 as amended.
- b) “*Authorized city official*” means the City Manager or designee, the Police Chief, or other personnel of the City authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.
- c) “*Bureau*” means the City of Croswell Municipal Ordinance Violations Bureau as established by this Article.
- d) “*Municipal civil infraction action*” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- e) “*Uniform Law citation*” means 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.
- f) “*Uniform Municipal civil infraction citation*” means a written notice prepared by an authorized city official, directing a person to appear at the City of Croswell 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 Sections 8396 and 8707(6) of the Act.

**(C) Municipal Civil Infraction Action and Notice of Violation Commencement**

A municipal civil infraction action may be commenced upon the issuance by an *Authorized city official* of:

- a) A uniform municipal civil infraction *citation* directing the alleged violator to appear in court; or
- b) A notice of violation directing the alleged violator to appear at the City of Croswell Municipal Ordinance Violations Bureau located at the City’s principal office.

**(D) Municipal Civil Infraction Citations and Notice of Violation Issuance and Service**

Municipal civil infraction citations and notice of violations shall be issued and served by *authorized city officials* as provided by the Revised Judicature Act of 1961, Act 236 of 1961, Chapter 87, Municipal Civil Infractions (“the Act”) which is adopted by reference. Any provision of this Ordinance in conflict or interpretation, the Act shall prevail.

**(E) Municipal Ordinance Violations Bureau**

**(1) Bureau Established.** The City of Croswell establishes a Municipal Ordinance Violations Bureau (“Bureau”) as authorized under the Act to accept admissions of responsibility for municipal civil infractions/Notices of Violation in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

**(2) Location, Supervision, Employees, Rules and Regulations.** The Bureau shall be located at the City of Croswell City Hall and shall be under the supervision and control of the Treasurer of the City of Croswell. The Treasurer, subject to the approval of the Council, shall adopt rules and regulations for the operation of the Bureau and appoint any necessary qualified employees to administer the Bureau.

**(3) Disposition of Violations.** The City Manager or Chief of Police may dispose of municipal civil infraction citations or notice of violations for which a fine has been scheduled and for which a municipal civil infraction has been issued. Nothing in this Article shall prevent or restrict an official of the City of Croswell from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction.

The Bureau shall only have the authority to accept admissions of responsibility for civil infractions/notice violations of a City Ordinance violation and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinances.

**(F) Sanctions, Costs and Fees.**

Any *Authorized city official* may issue a notice of violation or municipal civil infraction citation as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended and other applicable laws.

Unless otherwise provided by a specific Ordinance, the fines, costs and fees are as follows:

Notice Violation: The sanction for a notice violation designated as a Municipal Civil Infraction shall be payable at the Violation Bureau.

- (1) The fine for any notice offense which is a first offense shall be \$50.00.
- (2) The fine for any offense which is a second offense shall be \$100.00.
- (3) The fine for a third or subsequent offense shall be \$500.00

Municipal Civil Infraction: The sanction for a municipal civil infraction shall be payable at the Court. Notice shall be provided pursuant to the Municipal Civil Infraction Statute Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

(1) The sanction for a municipal civil infraction fine shall be up to \$500 pursuant to the Court's schedule of fines, plus costs, damages, expenses and other sanctions and injunctive relief, as authorized under the Municipal Civil Infraction Statute Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

Nothing in this section shall require any *authorized city official* to first issue a Notice of Violation or Municipal Civil Citation. Nothing in this section shall prevent the enforcing officer or the City Attorney from filing an action in a court of proper jurisdiction for damages or equitable relief as allowed by law.

**(G) 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.

**(H) Effective Date**

The City of Croswell Clerk shall certify the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect fifteen (15) days after its enactment and upon publication, as required by law and City of Croswell Charter.

**(I) Code of Ordinances**

The provision of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Croswell, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

CERTIFICATION:

I, Suzanne Dobson, Clerk of the City of Croswell, do hereby certify that Ordinance No. 331 was adopted by the City of Croswell Council at a Regular meeting of the City Council held at the Croswell Community Center on the 17th day of August, 2015.

Vote on this ordinance, 4 members being present, was as follows:

AYES: Willis, Fockler, Geiger, McMillan

ABSENT: Butler

NAYS: \_\_\_\_\_

Further certify that said Ordinance No. 331 adopted by the City of Croswell Council on the 17th day of August, 2015, was published once in The Jeffersonian, a paper published in Sanilac County and circulated in the City of Croswell, on the 28th day of August, 2015, this being the first and final day of publication of this ordinance.

\_\_\_\_\_  
Suzanne Dobson, CMMC  
Croswell City Clerk

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Michael McMillan, Mayor

2. Inoperable Motor Vehicle Penalty - Ordinance 332:

Fockler moved to adopt Ordinance #332 An Ordinance to amend Chapter 93, Section 93.99 of Inoperable Motor Vehicles Penalty, second by Willis.

Roll Call Vote: Fockler, yes; Willis, yes; Geiger, yes; McMillan, yes. 4 yeas, 0 nays, 1 absent.  
Motion Carried.

CITY OF CROSWELL  
ORDINANCE #332  
INOPERABLE MOTOR VEHICLES PENALTY

An Ordinance to amend Chapter 93, Section 93.99 of the Croswell, Michigan Code of Ordinances

THE CITY OF CROSWELL AMENDS TITLE IX: GENERAL REGULATIONS / CHAPTER 93:  
INOPERABLE MOTOR VEHICLES, SECTION 93.99 PENALTY AS FOLLOWS:

The City of Croswell Ordains:

Section: §93.99 PENALTY.

Any person, firm or corporation who shall violate, or assist in the violation of any provision of this chapter shall be responsible for municipal civil infraction\_punishable by a fine of \$100 for a first offense, \$200 for a second offense, \$500 for a third offense for Notice of Violation payable at the City of Croswell Violations Bureau. The sanction for a municipal civil infraction fine shall be up to \$500 pursuant to the Court's schedule of fines, plus costs, damages, expenses and other sanctions and injunctive relief, as authorized under the Municipal Civil Infraction Statute, Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, together with the costs of prosecution, including actual attorney fees allowed by law.

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.

Effective Date

That the City of Croswell Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect fifteen (15) days after its enactment and upon publication, as required by law and City of Croswell Charter.

Code of Ordinances

The provision of this ordinance amendment shall be included and incorporated in the Code of Ordinances of the City of Croswell, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Certification

I, Suzanne Dobson, Clerk of the City of Croswell, do hereby certify that Ordinance #332 was adopted by the City of Croswell Council at a Regular meeting of the City Council held at the Croswell Community Center, on the 17th day of August, 2015.

Vote on this ordinance, 4 members being present, was as follows:

AYES: Fockler, Willis, Geiger, McMillan

ABSENT: Butler

NAYS: \_\_\_\_\_

Further certify that said Ordinance No. 332, adopted by the City of Croswell Council on the 17th day of August, 2015, was published once in The Jeffersonian, a paper published in Sanilac County and circulated in the City of Croswell, on the 28th day of August, 2015, this being the first and final day of publication of this ordinance.

\_\_\_\_\_  
Suzanne Dobson, CMMC  
City Clerk

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Michael McMillan, Mayor

XI. **PUBLIC COMMENTS**

Resident submitted to council pictures of businesses with blight.

XII. **APPROVAL OF ACCOUNTS PAYABLE**

Add Marlette Excavating - \$51,134.63 to the Accounts Payable.

McMillan moved to approve the amended Accounts Payable for the amount of \$687,128.57 and the bills be paid, second by Willis. Motion Carried.

XIII. **ADJOURNMENT:**

With no further business Mayor McMillan adjourned the meeting.

Meeting adjourned at 8:17p.m.

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Suzanne Dobson, CMMC  
Croswell City Clerk

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Michael McMillan, Mayor