

BROWNTON

Ordinance No. 88

AN ORDINANCE TO PROVIDE FOR AN ADMINISTRATIVE ALTERNATIVE FOR VIOLATIONS OF CITY OF BROWNTON, ORDINANCES AND PETTY MISDEMEANORS

The City Council of the City of Brownton ordains:

UNIFORM MISDEMEANOR VIOLATIONS, PENALTIES AND CIVIL ADMINISTRATIVE PENALTIES

It is hereby established that the uniform penalty for a violation of any ordinance of the City of Brownton which constitutes a petty misdemeanor shall be a fine in an amount not to exceed \$300.00.

It is hereby established that the uniform penalty for violation of any ordinance of the City of Brownton which constitutes a misdemeanor shall be a fine in an amount not to exceed \$1,000.00 or 90 days in jail, or both.

The following violations which are petty misdemeanors are considered payable civil fines, as listed below:

Ordinance/Statute	Description	Base Fine
91	Barking dog(s)	\$ 40.00
91	Dog at large	50.00
91	Failure to obtain dog license	50.00
91	Violation of number of dogs or cats	50.00
77.1	Sound amplification	50.00
52.7	Snowbird	50.00
45	Littering	50.00
55A	Open burning	50.00
54	Blight	70.00
94	Snowmobile violations	50.00
52.6 - 52.7	Parking violations	25.00
77.3	Disorderly conduct in schools	100.00
87	Curfew	20.00

This ordinance shall be deemed to amend the penalty provision of any other ordinance affecting the City of Brownton.
Administrative Offense Procedures.

- A.** Purpose. Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures, in which event the city may bring criminal charges in accordance with the law. Likewise, the city, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty which may be imposed, the city will seek to collect costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.
- B.** Administrative Offense Defined. An administrative offense is a violation of a provision of this ordinance and is subject to the administrative penalties set forth in the schedule of offenses and penalties as periodically set by the City Council.
- C.** Notice. Any officer of the Brownton Police Department, or any other person employed by the city, authorized by the City Council, and having authority to enforce this ordinance, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. The notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice and the amount of the scheduled penalty.
- D.** Payment. Once the notice is given, the alleged violator may, within seven days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation or notify the city in writing that they contest the violation. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.
- E.** Contested Case. Any person contesting an administrative offense pursuant to this Section may, within 14 days of the time of issuance of an administrative penalty notice request an appeal before the administrative penalty review board. The review board shall have the authority to dismiss the violation or reduce or waive the penalty. If the review board sustains the violation, the violator shall pay the penalty imposed within 7 days. The administrative penalty review board shall be a 2-member panel as appointed by the Mayor. Any administrative review resulting in a tie by the board shall be governed by a tie-breaking vote by the Mayor.
- F.** Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty and does not notify the city that they are contesting the violation, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes and, if applicable, the fine may be levied as an assessment against the property owner. If the penalty is paid or if an

individual is found to not have committed the administrative offense by the courts, no such charge may be brought by the city for the same violation.

- G.** Disposition of Penalties. All penalties collected pursuant to this chapter shall be paid to the City's Finance Director and may be deposited in the city's general fund.
- H.** Offenses and Penalties. Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.
- I.** Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a 24-month period of paying an administrative penalty for the same or subsequently similar offense, the subsequent administrative penalty shall be subject to an increased penalty as provided for in this section. First offenses shall have a penalty as specified by resolution periodically determined by the City Counsel. Second offenses within 24 months of the first violation shall have a penalty subject to a 25% increase over the penalty as set by resolution. Third offenses shall have a penalty subject to a 50% increase. Any additional violation in a 24-month period shall be subject to the same penalty as a third violation.

88.04 This ordinance shall be deemed to amend the penalty provision of any other ordinance affecting the City of Brownnton.

This ordinance shall be in full force and effect after its passage and publication.

Adopted the 1st day of July 2008.

Curtis Carrigan
Mayor

Attest:

Cynthia Lindeman
City Clerk/Treasurer

Published in the Chronicle the 9th day of July 2008.

Certain ordinance/statute numbers were changed and adopted 11/6/2019