

Book is gift to newborns at hospital

Thanks to the generosity of staff at Brewster Elementary School in Rochester, babies born at Crittenton Hospital the week of March 1-5, have received a special gift — a book, "Goodnight Moon" by Margaret Wise Brown. "Goodnight Moon" is an all-time favorite of children.

March is Reading Month. In recognition, staff from Brewster adopted a theme of "Partners."

They selected the first week in March to promote literacy with partners in the Rochester.

"We decided the very best place to start literacy in our community is with new parents, as they begin the journey of parenting a new baby," said Michele Brown, learning consultant at Brewster.

"Throughout the world,

researchers involved in the study of how children learn to read and write have been turning their attention from school to the home. An enormous amount of scholarly research supports the view that a child's early encounters with print at home have made a tremendous effect on his or her later development in literacy."

BUSINESS MILESTONES

This column highlights promotions, transfers, hirings and other key personnel moves with Rochester-area connections. Send a brief biographical summary, including the towns of residency and employment and a black-and-white photo, if desired to: Business Editor, Rochester Eccentric, 1814 S. Rochester Rd., Rochester Hills, MI 48307. The fax number is 1-810-651-9080.

ations" will be open every week night until 9 p.m. for appointments.

At Creations, you find hair stylist, Ron Owens from the Downtown Salon; Barb Bishop, Carol Klouse and Robin Browne from Total Phases; Connie Henderson formerly with Salon Laminia and Jan Sowerby from a Flint salon. Nail technicians are Josie Zuziak from Beauty and the Beast; Joanne Culver from Salon Laminia and Jackie Aveoieris.

NEW CONSULTING FIRM
JB French Consulting has opened at 3271 Five Points Drive, Suite 203, Auburn Hills. James B. French will head the firm in specializing support services for the resolution of construction industry disputes. French has over 22 year experience in the industry. He provides clients with quality assistance in analyzing, preparing and supporting documentation intended for use in resolving construction disputes.

NEW HAIR AND NAIL SALON
"Creations," a new hair and nail salon to serve men, women and children of Rochester Hills, Troy and Auburn Hills has opened at 2022 W. Auburn, northwest corner at Crooks and Auburn, Rochester Hills. "Cre-

Church plans special service

The Rev. Ron Moritz, senior pastor of St. John Lutheran Church in Rochester, announced that the church will host the five Missouri Synod Lutheran Churches of the Rochester Area for the Good Friday Tru Ora Service.

"This is going to be a good Good Friday worship event because our dream is to reach beyond the nearly 5,000 Lutherans in the Rochester community to include people who live or work in the Rochester area," he said.

"We have designed this Worship Service to be convenient

and offer to everyone an opportunity to reflect on the suffering of our Lord Jesus so that they may escape the suffering of eternal separation from God."

The three hours are broken up into 20 minutes "passion segments" with five minutes between each for people to come or go as their schedule requires.

The program begins at noon Friday, March 28.

St. John Lutheran Church is located at 1011 West University, just east of Crittenton Hospital. For more information, call the church at 652-8830.

Antique and Craft Show
MARCH 22, 1997
9-4 P.M.
FREE ADMISSION

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The Clarkston Band Boosters
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ORDINANCE NO. 408
AN ORDINANCE TO AMEND SECTIONS 1-01.05 AND TO ADD CHAPTER 1-05 TO THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PROVIDE DEFINITIONS, PROCEDURES, AND SANCTIONS FOR MUNICIPAL CIVIL INFRINGEMENTS; ESTABLISH AN ORDINANCE VIOLATIONS BUREAU; AND REPEAL CONFLICTING ORDINANCES.

Section 1. Sections 1-01.05 of the Code of Ordinances of the City of Rochester Hills shall be deleted in its entirety and replaced with the following:

- Penalty Sanctions; Remedies**
- .01 Presumption of Misdemeanor.** All violations of this Code or any City ordinance, unless expressly designated to be municipal civil infractions, shall be misdemeanors.
- .02 Penalty for Misdemeanors.** Misdemeanors punishable by this Code or any ordinance shall be punishable by a sentence of not more than ninety (90) days of confinement to jail, or by a fine of not more than five hundred dollars, or by both, in the discretion of the court, except where otherwise provided in the Code or ordinance.
- .03 Sanctions for Municipal Civil Infractions.**
- A. Civil Fines.** The sanction for any violation of this Code or any ordinance which is designated to be a municipal civil infraction shall be a civil fine of not more than five hundred dollars (\$500.00), plus costs and other sanctions, for each offense, except where otherwise provided in the Code or ordinance.
- B. Repeat Offenses.** Increased civil fines may be imposed for a repeat offense. As used in this Section, "repeat offense" means a determination or admission of responsibility for a subsequent municipal civil infraction violation of the same Code or ordinance provision committed by the same person within a three (3) year period, unless a different period is specified in the Code or other ordinance.
- C. Enforcement Order.** In addition to ordering a defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the Court may issue any judgment, writ or order necessary to enforce, or enjoin a violation of City ordinance.
- D. Continuing Offense.** Each violation, and every day upon which any such violation shall occur or continue, shall constitute a separate offense.
- E. Remedies Not Exclusive.** In addition to any remedies provided for by City ordinance, any equitable or other remedies available may be sought.
- F. Costs.** The Court may also impose costs, damages and expenses as provided by law.

Section 2. Chapter 1-05 shall be added to the Code of Ordinances of the City of Rochester Hills as follows:

CHAPTER 1-05
MUNICIPAL CIVIL INFRINGEMENTS

- 1-05.01 DEFINITIONS**
- .01 Authorized Enforcement Officer.** All Oakland County Sheriff's Deputies and all City personnel designated by the Mayor and authorized by City ordinance to issue municipal civil infraction citations or municipal civil infraction notices.
- .02 Municipal Civil Infraction.** A violation of City ordinance for which the remedy and/or sanction is prescribed to be a civil fine or sanction other than a criminal penalty. A municipal civil infraction is not a lesser included offense of a criminal offense or of an ordinance violation that is not a civil infraction.
- .03 Municipal Civil Infraction Determination.** A determination that a defendant is responsible for a municipal civil infraction shall be one of the following:
- (A) An admission of responsibility for the municipal civil infraction;
- (B) An admission of responsibility for the municipal civil infraction, "with explanation";
- (C) A preponderance of the evidence at an informal hearing or formal hearing; or
- (D) A default judgment for failing to appear at a scheduled appearance.
- .04 Municipal Civil Infraction Violation Notice.** A written notice prepared by an authorized enforcement officer, directing a person to appear at the Ordinance Violations Bureau established under this Chapter for the purpose of paying a civil fine and/or costs for a violation which is prescribed to be a municipal civil infraction.
- .05 Violation.** Any act or offense which is prohibited or declared to be unlawful under City ordinance and any omission or failure to act where the act is required by ordinance.

- 1-05.02 Municipal Civil Infraction Actions**
- .01 Commencement.** A municipal civil infraction action is commenced upon the issuance by an authorized enforcement officer of either of the following:
- A. Citation.** A municipal civil infraction citation directing the alleged violator to appear in District Court; or
- B. Violation Notice.** A municipal civil infraction violation notice directing the alleged violator to appear at the ordinance Violations Bureau.
- .02 Citation Form.** The form and content of citations used for municipal civil infraction violations shall be in accordance with MCL 600.8700 and 600.8709.
- .03 Basis for Issuance.** The basis for issuance of a municipal civil infraction citation shall be as follows:
- A. Witnessed by Authorized Enforcement Officer.** An authorized enforcement officer who witnesses a person violate an ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation unless the officer instead issues a municipal civil infraction violation notice pursuant to subsection 3.03, below.
- B. Based Upon Investigation.** An authorized enforcement officer may issue a citation to a person if, based upon investigation, the officer has reasonable cause to believe that a person is responsible for a municipal civil infraction.
- C. Based on Investigation of Complaint by Witness.** An authorized enforcement officer may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, the violation of which is a municipal civil infraction, the officer has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the City attorney approves in writing the issuance of the citation.
- .04 Filing and Service of Citations.** Municipal civil infraction citations shall be filed with the District Court, and a copy shall be served in the following manner:
- A. Personal Service.** Except as otherwise provided in paragraphs B and C below, the authorized

enforcement officer shall personally serve a copy of the citation upon the alleged violator.

- B. Use or Occupancy of Land; Posting.** In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not 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.
- C. Processing of Citation.** A citation served as provided in paragraph B, above, for a violation involving the use or occupancy of land or a building or other structure, shall be processed in the same manner as a citation served personally upon a defendant.

- .05 Municipal Civil Infraction Violation Notice.** An authorized enforcement officer may issue and serve a municipal civil infraction violation notice, instead of a citation, under the same circumstances and in the same manner as provided for the service of citations. The violation notice shall indicate the time by which the alleged violator must appear at the Ordinance Violations Bureau, the means by which a violator may appear, the address and telephone number of the Ordinance Violations Bureau, the Ordinance Violations Bureau's hours, the amount of the fine for the violation, the consequences for failure to appear or to pay a fine together with any other information required by ordinance.

- 1-05.03 Ordinance Violations Bureau**
- .01 Bureau Established.** An Ordinance Violations Bureau is hereby established for the purpose of accepting admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized enforcement officers; and to collect civil fines and costs prescribed by City ordinance.

- .02 Disposition of payments.** Payments made to the Ordinance Violations Bureau shall be retained and accounted for as fines and costs, respectively, and shall be deposited in the City's budget fund for the cost of enforcing the particular ordinance is charged.
- .03 Location of Bureau.** The Ordinance Violations Bureau shall be located in the City's administrative offices, and shall be under the supervision and control of the City Treasurer.

- .04 Authority of Ordinance Violations Bureau.**
- A. Acceptance of Payments.** The Ordinance Violations Bureau is authorized to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices, and to collect civil fines and costs in connection therewith.
- B. Non-Acceptance of Payment Where Responsibility Denied.** The Ordinance Violations Bureau shall not accept payment of a fine or costs from any person who denies having committed the municipal civil infraction charged in a municipal civil infraction violation notice, or who admits responsibility only with explanation.
- C. No Authority to Determine Responsibility.** The Ordinance Violations Bureau shall not have authority or jurisdiction to determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- .05 Disposition of Violations.**

- A. Alleged Violator's Options.** Any person receiving a municipal civil infraction violation notice may dispose of the charge alleged in the notice by making payment of the fine and/or costs to the Ordinance Violations Bureau. However, a person shall have the right to elect not to have the violation processed by the Ordinance Violations Bureau and to instead have the alleged violation processed in District Court. The unwillingness of any person to dispose of a violation at the Bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- B. Procedure for Processing Violation at Bureau.** A person electing to have the alleged violation processed at the Ordinance Violations Bureau shall appear at the Bureau and pay the specified fine and/or costs within the time specified for appearance in the municipal civil infraction violation notice. Appearance may be made by mail, in person or by representation. If appearance is made by mail, the person charged in the notice shall be responsible for timely delivery of the fine and/or costs within the time specified in the municipal civil infraction violation notice.
- C. Procedure Where Responsibility Not Admitted or Fine Not Paid.** If a person elects not to admit responsibility or pay the specified civil fine and/or costs prescribed for the alleged violation, an authorized enforcement officer may file a municipal civil infraction citation with the District Court, in which case a copy of the citation shall be served by first-class mail upon the person charged with the municipal civil infraction at the person's last known address. The citation filed with the Court need not comply in all particulars with subsection 1-05.02.02, above, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violations notice and shall fairly inform the defendant how to respond to the citation.

1-05.04 Schedule of Civil Fines

- .01 Adoption.** The schedule of civil fines payable to the Ordinance Violations Bureau for admissions of responsibility by persons served with municipal civil infraction violation notices shall be as set forth in Chapter 1-06.
- .02 Posting.** A copy of the adopted schedule of civil fines shall be posted at the Ordinance Violations Bureau.

Section 3. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if any or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 4. Repeat, Effective Date, Adoption.

- (1) Repeat. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.
- (2) Effective Date. This ordinance shall become effective on April 1, 1997, following its publication in the Rochester Eccentric.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on Wednesday, March 6, 1997.

KENNETH D. SNELL, Mayor
City of Rochester Hills

CERTIFICATE

I, BEVERLY A. JASINSKI, ROCHESTER HILLS CITY CLERK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE COPY OF AN ORDINANCE, THE ORIGINAL OF WHICH IS ON FILE IN MY OFFICE, ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF HELD ON WEDNESDAY, MARCH 6, 1997.

BEVERLY A. JASINSKI, Clerk
City of Rochester Hills