

CITY OF AUBURN HILLS

COUNTY OF OAKLAND

STATE OF MICHIGAN

ORDINANCE NO. 10-831

AN ORDINANCE TO AMEND SECTION 1-16, APPEARANCE TICKETS, OF CHAPTER 1, GENERAL PROVISIONS, OF THE AUBURN HILLS CITY CODE TO PROVIDE THAT FIREFIGHTERS MAY ISSUE APPEARANCE TICKETS.

THE CITY OF AUBURN HILLS ORDAINS:

Section 1.

Section 1-16, Appearance tickets, of Chapter 1, General Provisions, of the Auburn Hills City Code, as amended, is hereby amended to now read as follows:

Sec. 1-16. Appearance Tickets.

- (a) *Definition.* For purposes of this Code, the term "appearance ticket" shall mean a complaint or written notice issued and subscribed by an authorized public servant directing a person to appear in a designated local criminal court at a prescribed time in connection with his alleged commission of a specified violation or violations of a city ordinance or code for which the maximum permissible penalty does not exceed 90 days in jail and a fine of \$500.00 for each offense. The appearance ticket shall be numbered consecutively, be in such form as determined by the attorney general, the state court administrator and director of the department of state police and shall consist of the following parts:

- (1) The original which shall be a complaint or notice to appear, filed with the court.
- (2) A copy which shall be the abstract of court record.
- (3) A copy which shall be retained by the city and/or its attorney.
- (4) A copy which shall be delivered to the alleged violator.

With prior approval of the attorney general, the state court administrator, and the director of the department of state police, the appearance ticket may be appropriately modified as to content or number of copies to accommodate enforcement and local court procedures and practices.

- (b) *Issuance.* The following city employees, being public servants of the city, are hereby authorized to issue and serve appearance tickets with respect to alleged violations of ordinances and codes of the city in cases where those city employees have reasonable cause to believe that the person to be issued the appearance ticket has violated an ordinance or code of the city. The titles of the authorized city employees are as follows:
- (1) The city manager.
 - (2) Director of the community development department, building official, ordinance enforcement officer, senior enforcement officer, building inspector I, building inspector II, building inspector III, and building inspector IV.
 - (3) Chief of the city fire department, assistant fire chief, fire marshal, fire inspectors and firefighters.
 - (4) Chief of the city police department, police officers, and police service officers.

Section 2. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

Section 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 22nd day of November 2010,

and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

AYES: Mayor Pro Tem Hammond, Council Members Doyle, Kittle, Knight, McDaniel

NAYES: None

ABSENT: Mayor McDonald, Council Member Newkirk

ABSTENTIONS: None

ORDINANCE ADOPTED (5-0)

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 10-831 adopted by the Auburn Hills City Council on the 22nd day of November, 2010, the original of which is in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 23rd day of, November, 2010.

JAMES D. MCDONALD, Mayor

LINDA F. SHANNON, City Clerk