



**TO:** Mayor and Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** June 26, 2008  
**SUBJECT:** Amendment to Chapter 100 of Troy City Code

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Chapter 100 of the City of Troy Ordinances sets forth our municipal civil infraction procedure. Due to changes in state law, we propose some minor changes to Chapter 100. Specifically, MCL 600.8701 was amended to eliminate the requirement that at least \$9.00 be assessed against an individual who commits a municipal civil infraction. The elimination of this minimum assessment is proposed for Section 100.11.03. In addition, under the revised state law, there is now a requirement to impose an additional \$10.00 justice system assessment, which is payable to the State of Michigan in the Justice System Fund. The proposed addition of Section 100.11.03A would require the imposition of this mandatory obligation.

Enclosed please find proposed amendments to Chapter 100. In addition to the changes that are consistent with state law modifications, we have also incorporated a change that corrects a previous typographic error in Section 100.03.07 of Chapter 100.

We recommend adoption of the proposed amendments. Please let us know if you have any questions concerning this matter.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 100 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 100 of the Code of the City of Troy.

*(Underlining and strikeout denotes changes)*

Section 2. Amendment

Section 100.03.07 of Chapter 100 of the Code of the City of Troy is amended as follows:

- 100.03.07     The citation shall also inform the defendant of all of the following:
- (a) If the defendant desires to deny responsibility or admit responsibility “with explanation”, the defendant must apply to the 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) A hearing will be scheduled as an informal hearing unless either the ~~defenant~~defendant or the authorized city official specifically requests a formal hearing.
  - (c) At an informal hearing the defendant must appear in person before a District Court Judge or Magistrate, without the opportunity of being represented by an attorney.
  - (d) At a formal hearing the defendant must appear in person before a District Court Judge with the opportunity of being represented by an attorney.

Section 100.11.03 of Chapter 100 of the Code of the City of Troy is amended as follows:

100.11.03 If a defendant is ordered to pay a civil fine under section 100.11.02, the Judge or District Court Magistrate shall summarily tax and determine the costs of the action, which is defined as all expenses that plaintiff has incurred directly or indirectly in pursuing the municipal civil infraction to the entry of judgment. Costs of not ~~less than \$9.00 or~~ more than \$500 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of plaintiff.

Section 100.11.03A is added to read as follows:

100.11.03A In addition to any fine or cost ordered to be paid under sections 100.11.02 and 100.11.03, the Judge or District Court Magistrate shall order the defendant to pay a justice system assessment of \$10.00. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the State Treasurer for deposit in the Justice System Fund created in MCL 600.181.

### Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

### Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Louise E. Schilling, Mayor

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Tonni Bartholomew, City Clerk