

ORDINANCE NO. 80-786

AN EMERGENCY ORDINANCE TO AMEND CHAPTER 2.5 OF THE CODE OF ORDINANCES RELATING TO ADMINISTRATIVE HEARINGS OFFICERS.

THE CITY OF WARREN ORDAINS:

SECTION 1. That Section 2.5-4 of the Code of Ordinances of the City of Warren, Michigan,

WHICH PRESENTLY READS AS FOLLOWS:

Sec. 2.5-4. Administrative Hearings Officer.

(a) Appointment.

- (1) The Mayor shall appoint the primary Administrative Hearings Officer and one alternate.

(b) Qualifications.

- (1) The primary Administrative Hearings Officer shall be:
 - i. A current 37th District Court Magistrate; and
 - ii. Qualified as required by MCL 117.4q (11).
- (2) An alternate Administrative Hearings Officer shall be:
 - i. A current Michigan District Court Magistrate; and
 - ii. Qualified as required by MCL 117.4q(11).

(c) Duties.

- (1) The primary Administrative Hearings Officer shall:
 - i. Conduct administrative hearings as provided for by the Rules of Procedure;
 - ii. If the alleged violator was served proper notice and the alleged violator fails to appear at the scheduled hearing, enter an order of default finding an alleged violator responsible for the violation;
 - iii. Propose necessary Rules of Procedure changes to the Rules Committee, as provided in Section 2.5-5(a)(2);
 - iv. Issue written responsibility determinations as provided for by the Rules of Procedure; and
 - v. Impose penalties consistent with Section 2.5-7 of this Chapter.
 - vi. If the primary Administrative Hearings Officer is unable to conduct a hearing, make a determination, or impose a penalty, the alternate Administrative Hearings Officer shall conduct the hearing, make the determination, and, if applicable, impose the penalty in a manner consistent with (c)(1)(i), (iv), and (v) of this Subsection.

(d) Vacancy.

- (1) If the primary Administrative Hearings Officer position is vacant for a period of time longer than 30 days, the Administrative Hearings Bureau is suspended until a primary Administrative Hearings Officer is appointed.
- (2) During the suspension, this Chapter does not apply and all blight violations are municipal civil infractions handled by the 37th District Court, punishable by a fine of not less than one hundred dollars (\$100.00) but not more than one thousand dollars (\$1,000) and/or costs; assessments; and damages and expenses as provided by MCL 600.8727(3).

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 2.5-4. Administrative Hearings Officer.

(a) Appointment.

- (1) The Mayor shall appoint the primary Administrative Hearings Officer and one alternate.

(b) Qualifications.

- (1) The primary Administrative Hearings Officer shall be:

- i. A current 37th District Court Magistrate or an attorney licensed to practice law in Michigan; and
- ii. Qualified as required by MCL 117.4q (11).

- (2) An alternate Administrative Hearings Officer shall be:

- i. A current Michigan District Court Magistrate or an attorney licensed to practice law in Michigan; and
- ii. Qualified as required by MCL 117.4q(11).

(c) Duties.

- (1) The primary Administrative Hearings Officer shall:

- i. Conduct administrative hearings as provided for by the Rules of Procedure;
- ii. If the alleged violator was served proper notice and the alleged violator fails to appear at the scheduled hearing, enter an order of default finding an alleged violator responsible for the violation;
- iii. Propose necessary Rules of Procedure changes to the Rules Committee, as provided in Section 2.5-5(a)(2);
- iv. Issue written responsibility determinations as provided for by the Rules of Procedure; and
- v. Impose penalties consistent with Section 2.5-7 of this Chapter.
- vi. If the primary Administrative Hearings Officer is unable to conduct a hearing, make a determination, or impose a penalty, the alternate Administrative Hearings Officer shall conduct the hearing, make the determination, and, if applicable, impose the penalty in a manner consistent with (c)(1)(i), (iv), and (v) of this Subsection.

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SECTION 2. This Ordinance shall take effect on March 30, 2021.

I HEREBY CERTIFY that the foregoing Ordinance No. - - - 80-786 was adopted by the Council of the City of Warren at its meeting held on March 9, 2021.

SONJA BUFFA
City Clerk

Published: March 30, 2021