

**AN ORDINANCE**  
**of the City Council of the City of Berkley, Michigan, to amend Chapter 82,**  
**Article IX – Municipal Civil Infractions, of the Berkley City Code**  
**to add a municipal civil infraction violation bureau and to further define and**  
**clarify the provisions in the Article.**

**THE CITY OF BERKLEY ORDAINS:**  
**CHAPTER 82 – OFFENSES AND MISCELLANEOUS PROVISIONS**

**ARTICLE IX. MUNICIPAL CIVIL INFRACTIONS**

**Sec. 82-431. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act:* Public Act No. 236 of 1961 (MCL 600.101 et seq.), as amended.

*Authorized city official:* Any member of the Department of Public Safety, City Manager, Building Official, Zoning Officer, Code Enforcement Officer, and such other officers employees, inspectors ~~police officer, public safety officer, code officer, animal control officer~~ or other personnel of the city authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

*Municipal civil infraction:* An act or omission that is prohibited by this Code or any ordinance of the city, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by chapter 87, the Act (MCL 600.8701 et seq.). A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

*Municipal civil infraction action:* A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

*Municipal civil infraction bureau:* Refers to the city municipal ordinance violations bureau established in Sec. 82-436.

*Municipal civil infraction citation:* A written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

*Municipal civil infraction determination:* A determination that a defendant is responsible for a municipal civil infraction by one of the following:

- (1) An admission of responsibility for the municipal civil infraction.
- (2) An admission of responsibility for the municipal infraction, "with explanation."
- (3) A preponderance of the evidence at an informal hearing or formal hearing.
- (4) A default judgment for failing to appear at a schedule appearance.

*Municipal civil infraction violation notice:* A written notice prepared by an authorized city official, directing a person to appear at the city municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule, as authorized under sections 8396 and 8707(6) of the Act (MCL 600.8396, 600.8707(6)).

*Repeat offense:* A determination of responsibility for a second or any subsequent municipal civil infraction with regard to the same Code provisions, committed by the same person within any three-year period, unless some other period is specifically provided with regard to a specific Code provision.

*Responsible or responsibility:* A determination entered by a court that a person is in violation of a provision of this Code prescribed to be a municipal civil infraction.

*Violation:* Includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and **including any affirmative defenses as well as** any omission or failure to act where the act is required by this Code or any ordinance.

**Sec. 82-432. Sanctions Municipal civil infraction action; commencement.**

~~The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any other ordinance, plus costs, damages, expenses and other sanctions, as authorized under chapter 87 of the Act (MCL 600.8701 et seq.), and other applicable laws or as determined by the court.~~

- ~~(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall not exceed \$500.00, plus costs and other sanctions, for each infraction.~~
- ~~(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction of the same requirement or provision:
  - ~~a. Committed by a person within any six-month period (unless some other period is specifically provided by this Code or any ordinance); and~~
  - ~~b. For which the person admits responsibility or is determined to be responsible.~~~~

~~A municipal civil infraction action may be commenced upon the issuance by an authorized city official of either of the following:~~

- (1) A municipal civil infraction citation directing the person alleged to be responsible to appear in court.
- (2) An authorized city official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for municipal civil infraction.
- (3) An authorized official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate an ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction, and if the prosecuting attorney or other attorney for the city for whom the authorized local officer is acting approved, in writing, the issuance of a citation.

**Sec. 82-433. ~~Separate offenses~~ Municipal civil infraction citations – issuance and service.**

~~Each day on which any violation of this Code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.~~

Municipal civil infraction citations shall be issued and served by authorized city officials in the following manner:

- (1) Except as otherwise provided below, the authorized city official shall personally serve a copy of the citation upon the alleged violator.
- (2) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (3) The place for appearance specified in a citation shall be the district court.
- (4) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by section 8705 of the Act (MCL 600.8705).
- (5) A citation for a municipal civil infraction signed by an authorized city official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (6) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (7) An authorized city official may issue a citation to a person if:

- a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or city attorney approves in writing the issuance of the citation.
- (8) Municipal civil infraction citations shall be served by an authorized city official as follows:
- a. Except as provided by other sections of this article, an authorized city official shall personally serve a copy of the citation upon the alleged violator.
  - b. If the municipal civil infraction action involved the use or occupancy of land, a building or other structure, a copy of the citation does not need to 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 first class mail to the owner of the land, building or structure at the owner's last known address.
  - c. A citation served as provided in subsection (8)(b) of this section, for a violation involving the use or occupancy of land, building or structure, shall be processed in the same manner as a citation served personally upon a violator.

**Sec. 82-434. Remedies Same—Contents.**

~~In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any city ordinance.~~

- (a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, the citation shall inform the alleged violator that he or she may do one of the following:
  - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - (2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance, or in person, or by representation.
  - (3) Deny responsibility for the municipal civil infraction by doing either of the following:

- a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city.
  - b. Appearing in court for a formal hearing before judge, with the opportunity of being represented by an attorney.
- (c) The citation shall also inform the alleged violator of all of the following:
  - (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator 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.
  - (2) That if the alleged violator desires to deny responsibility, the alleged violator 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 to appear for a hearing unless a hearing date is specified on the citation.
  - (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city.
  - (4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
  - (5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (d) The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

**Sec. 82-435. ~~Municipal civil infraction action; commencement~~ Service of municipal civil infraction violation notice.**

~~A municipal civil infraction action may be commenced upon the issuance by an authorized city official of a municipal civil infraction citation directing the alleged violator to appear in court.~~

- (a) Except as provided in subsection (b) of this section, an authorized official shall personally serve a copy of the municipal civil infraction violation notice upon alleged violators.
- (b) In a municipal civil infraction action involving the use or occupancy of land, building or other structure, a copy of the municipal civil infraction violation notice 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 a copy on the land or attaching the copy to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

**Sec. 82-436. ~~Municipal civil infraction citations—Issuance and service~~  
~~Establishment of city municipal ordinance violations bureau.~~**

~~Municipal civil infraction citations shall be issued and served by authorized city officials as follows:~~

- ~~(1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.~~
  - ~~(2) The place for appearance specified in a citation shall be the district court.~~
  - ~~(3) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by section 8705 of the Act (MCL 600.8705).~~
  - ~~(4) A citation for a municipal civil infraction signed by an authorized city official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."~~
  - ~~(5) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.~~
  - ~~(6) An authorized city official may issue a citation to a person if:
    - ~~a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or~~
    - ~~b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or city attorney approves in writing the issuance of the citation.~~~~
  - ~~(7) Municipal civil infraction citations shall be served by an authorized city official as follows:
    - ~~a. Except as provided by other sections of this article, an authorized city official shall personally serve a copy of the citation upon the alleged violator.~~
    - ~~b. If the municipal civil infraction action involved the use or occupancy of land, a building or other structure, a copy of the citation does not need to 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 first class mail to the owner of the land, building or structure at the owner's last known address.~~~~
- (a) *Established.* The city hereby establishes a municipal ordinance violations bureau as authorized under section 8396 of the Revised Judicature Act of 1961 (MCL

600.8396) to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

- (b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at city hall, and shall be under the supervision and control of the city treasurer. The city treasurer shall operate the Bureau in accordance with the Municipal Civil Infraction Policies and Procedures adopted by City Council and appoint any necessary qualified city employees to administer the bureau. The expense of operating the municipal ordinance violations bureau shall be borne by the city.
- (c) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violation notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the bureau. Nothing in this article shall prevent or restrict the city from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the bureau and any person may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- (d) *Bureau limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any act or matter relating to an alleged violation.
- (e) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in section 82-433(7) and (8). In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- (f) *Appearances; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the

municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

- (g) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Revised Judicature Act (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

**Sec. 82-437. ~~Same—Contents~~ Sanctions.**

- ~~(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.~~
- ~~(b) Further, the citation shall inform the alleged violator that he or she may do one of the following:~~
- ~~(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.~~
  - ~~(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance, or in person, or by representation.~~
  - ~~(3) Deny responsibility for the municipal civil infraction by doing either of the following:~~
    - ~~a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city.~~
    - ~~b. Appearing in court for a formal hearing before judge, with the opportunity of being represented by an attorney.~~
- ~~(c) The citation shall also inform the alleged violator of all of the following:~~
- ~~(1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator 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.~~
  - ~~(2) That if the alleged violator desires to deny responsibility, the alleged violator 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 to appear for a hearing unless a hearing date is specified on the citation.~~

~~(3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city.~~

~~(4) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.~~

~~(5) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.~~

~~(d) The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.~~

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any other ordinance, plus costs, damages, expenses and other sanctions, as authorized under chapter 87 of the Act (MCL 600.8701 et seq.), and other applicable laws or as determined by the court.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall not exceed \$500.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction of the same requirement or provision:

- a. Committed by a person within any six-month period (unless some other period is specifically provided by this Code or any ordinance); and
- b. For which the person admits responsibility or is determined to be responsible.

**Sec. 82-438. ~~Appearance; payment of fines and costs~~ Schedule of civil fines established.**

~~An alleged violator receiving a municipal civil infraction violation shall appear at the court and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation. An appearance may be made by mail, in person or by representation.~~

(a) *Civil fines.* A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with a municipal ordinance violation notice is hereby established. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision:

- (1) *The first offense.* The civil fine for a first offense violation shall be in an amount of \$100.00, plus cost and other sanctions, for each offense.
  - (2) *First repeat of offense.* The civil fine for any offense which is a first repeat offense shall be in an amount of \$250.00, plus cost and other sanctions, for each offense.
  - (3) *Second (or any subsequent) repeat of offense.* The civil fine for any offense which is a second or subsequent repeat offense shall be in an amount of \$500.00, plus cost and other sanctions, for each offense.
- (b) *Judgments, writs and orders.* In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this article.
  - (c) *Continuing offense.* Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
  - (d) *Remedies not exclusive.* In addition to any remedies provided for in this article, any equitable or other remedies available may be sought.
  - (e) *Judge or magistrate.* The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
  - (f) *Default on payment of fines and costs.* A default in the payment of a civil fine, costs, damages or expenses ordered under subsection (a) or (b) of this section or an installment of the fine, costs, damages or expenses, as allowed by the court, may be collected by the city by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, Public Act No. 236 of 1961 (MCL 600.4001 et seq., 600.6001 et seq.).
  - (g) *Failure to comply with judgment or order.* If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under subsection (i) of this section.
  - (h) *Failure to appear in court.* A defendant who fails to answer a citation or notice to appear in court for a violation of this article is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, plus costs and/or imprisonment not to exceed 90 days.
  - (i) *Civil contempt.*
    - (1) If a defendant defaults in the payment of a civil fine, costs, damages, expenses or installment as ordered by the district court, upon motion of the city or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
    - (2) If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the

fine, costs damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.

- (3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
  - (4) If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
  - (5) The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each \$30.00 due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of \$30.00 per day.
  - (6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs:
    - a. Defendant is credited with an amount due pursuant to subsection (i)(5) of this section.
    - b. The amount due is collected through execution of process or otherwise.
    - c. The amount due is satisfied pursuant to a combination of subsections (i)(6)a and b of this section.
  - (7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (i)(6) of this section.
- (j) *Lien against land, building or structure.* If a defendant does not pay a civil fine, costs or installment ordered under subsection (a) or (b) of this section within 30 days after the date upon which the payment is due for a violation of this article involving the use or occupation of land, a building or other structure, the city may obtain a lien against the land, building or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the register of deeds for the county. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.
- (1) The lien is effective immediately upon recording of the court order with the register of deeds.
  - (2) The court order recorded with the register of deeds shall constitute the pendency of the lien. In addition, a written notice of lien shall be sent by the city by first class mail to the owner of record of the land, building or structure at the owner's last known address.

- (3) The lien may be enforced and discharged by the city in the manner described by its Charter, by the General Property Tax Act, Public Act No. 206 of 1893 (MCL 211.1 et seq.), or by an ordinance duly passed by the city. However, property is not subject to sale under Section 60 of Public Act No. 206 of 1893 (MCL 211.60), for nonpayment of a civil fine or costs or an installment ordered under subsection (a) or (b) of this section unless the property is also subject to sale under Public Act No. 206 of 1893 (MCL 211.1 et seq.) for delinquent property taxes.
- (4) A lien created under this section has priority over any other lien unless one or more of the following apply:
  - a. The other lien is a lien for taxes or special assessments.
  - b. The other lien is created before the effective date of the amended ordinance that added this section.
  - c. Federal law provides the other lien has priority.
  - d. The other lien is recorded before the lien under this section is recorded.
- (5) The city may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this article. However, an attempt by the city to collect the fines or costs does not invalidate or waive the lien upon the land, building or structure.
- (6) A lien provided for by this subsection shall not continue for a period longer than five years after a copy of the court order imposing a fine or cost is recorded, unless within that time an action to enforce the lien is commenced.

**Sec. 82-439. ~~Procedure when violation is not corrected after warning~~ - shall be deleted in its entirety.**

~~If an authorized city official issues and serves a municipal ordinance violation warning and if the violation is not corrected, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Act (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.~~

**ARTICLE II – 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 selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

**ARTICLE III - EFFECTIVE DATE.**

This Ordinance shall take effect following publication in the manner prescribed by law.

**ARTICLE IV: REPEALER.**

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect

**ARTICLE V: ADOPTION.**

This Ordinance is hereby declared to have been adopted by the Berkley City Council at a meeting thereof duly called and held on the \_\_\_\_ day of \_\_\_\_\_, 2026, and ordered to be given publication in the manner prescribed by the law.

BY: \_\_\_\_\_

BY: \_\_\_\_\_