

**TITLE IX  
POLICE REGULATIONS**

**Chapter 90  
DISORDERLY CONDUCT**

**90.100 Definitions.** The term "Public Place" as used herein shall mean any street, alley, park, public building, the grounds and buildings of any public or private elementary, secondary, or other school located within the City of Harbor Springs, or any place of business or assembly open to or frequented by the public.

**90.101 Acts Prohibited.** No person shall:

(1) Be under the influence of any narcotic drug in any public place. Nor shall any person be drunk or intoxicated in any public place and therein endanger directly the safety of another person or of property, or act in a manner that causes a public disturbance.

(2) Engage in any indecent, insulting, immoral or obscene conduct in any public place.

(3) Discharge any firearm, air rifle, pellet gun, or slingshot in the City, except by permit issued by the Chief of Police, or have any such firearm, air rifle, pellet gun or slingshot in his possession in any public place of the City except the same be securely wrapped or encased.

(4) Fire, discharge, display, sell or possess any fireworks, firecrackers, sky rockets, or other exploding toys of any nature containing an explosive or flammable compound except those which are permitted by State law and the provisions of this Code, and subject to the following conditions:

(a) It shall be unlawful for any person under the age of eighteen (18) years to fire, discharge, explode, display, sell or possess any fireworks, firecrackers, sky rockets, or other exploding toys of any nature containing any explosive or flammable compound; and

(b) It shall further be unlawful for any person to fire, discharge, sell or display any

fireworks, firecrackers, sky rockets, or exploding toys of any nature, containing any explosive or flammable compound in any street, park, alleyway, beach, dock or dock area, school ground or other public place; nor shall any such fireworks, firecrackers, sky rockets or other exploding toys of any nature containing any explosive or flammable compound be thrown from or discharged in any motor vehicle, watercraft or other moveable vehicle, or be discharged in any area where flammables are kept, or be discharged on any private property without the consent of the owner.

(5) Go armed with or have concealed upon his person, a knife, pistol, air gun, metallic knuckles, slingshot, razor or other dangerous weapon or instrument unless such person is a police officer or night watchman and is legitimately employed as such.

(6) Engage in window peeping.

(7) Beg in any public place.

(8) Swim or bathe in the nude in any public place.

(9) Utter vile, vulgar or obscene language in any public place.

(10) Engage in fortune telling or pretend to tell fortunes for hire, gain, reward or profit.

(11) Make any immoral exhibition or indecent exposure of his or person.

(12) Publish, sell, offer for sale, give away, exhibit or possess for such purposes any obscene, indecent or immoral book, pamphlet, paper, picture, statuary, image or representation.

(13) Willfully destroy, damage or in any manner deface any property not his own, or any public school building, or any public building, bridge, fire hydrant, alarm box, street light, street sign, parking meter, or shade trees belonging to the City or located in the public

places of the City, or mark or post handbill on, or in any manner mar the walls of any public building, or fence, tree or pole within the City, or destroy, take or meddle with any property belonging to the City, or remove the same from the building or place where it may be kept, placed or stored, without authority from the City Manager or other official custodian of said property.

(14) Insult, accost, molest or otherwise annoy, either by word of mouth, sign or motion, any person in any public place.

(15) Engage in any disturbance, fight or quarrel in a public place.

(16) Collect or stand in crowds, or arrange, encourage or abet the collection of persons in crowds for illegal or mischievous purposes in any public place.

(17) Jostle or roughly crowd persons in any street, alley, park or public building.

(18) Loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.

(19) Solicit or accost any person for the purpose of inducing the commission of any illegal, indecent, immoral or depraved act.

(20) Knowingly transport any person to a place where prostitution or gambling is practiced, encouraged or allowed, or for the purpose of enabling such person to engage in gambling or in any illegal, indecent, immoral or depraved act.

(21) Keep or maintain a gaming room, gaming tables, or any policy or pool tickets, used for gaming; or knowingly suffer a gaming room, gaming tables or any policy or pool tickets to be kept, maintained, played or sold on any premises occupied or controlled by him.

(22) Disturb the public peace and quiet by loud, boisterous or vulgar conduct or by making loud sounds, whether by musical instrument or any other mechanical or natural means, or by the electronic amplification of sounds, whether originating on records, tapes, radio, or from any other source; any noise which is a disturbance to any individual in his place of business or residence and which originates from another premises, or which disturbs members of the general public, or persons on public streets and ways, shall be considered a disturbance of the peace under this Section.

(23) Permit, allow or suffer any place occupied, owned, managed, or controlled by him to be a resort of noisy, boisterous or disorderly persons, or of persons who are in any way whatsoever creating a noise or disturbance to nearby occupants of buildings, whether these buildings be private residences or public businesses, or to cause, or to permit upon the premises occupied, owned, managed or controlled by him any loud noises whatsoever to be made by any persons on the premises, whether on a continuing basis or on a one-time-only basis. This specifically includes all noise coming from any electric or electronic mechanism such as a radio, phonograph, tape recorder, amplifier, electric guitar or any other mechanical or natural source of sound. This includes noise from orchestras or bands.

(24) Obstruct, resist, hinder or oppose any member of the police force or any peace officer in the discharge of his duties as such.

(25) Enter any enclosed or unenclosed vegetable garden or orchard located within the City without the consent of the owner or tenant or his or her agent, and there cut down, injure, damage, destroy, eat or carry away any portion of said garden, including any growing thing, crop, tree, timber, grass, seed, soil, fertilizer, water supply, tool, implement, fence or any other protective device or any other thing useful for the development, cultivation, maintenance and use of any such garden or orchard.

(26) Make or excite any disturbance or contention in any tavern, store, grocery, manufacturing establishment or any other business place, or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled.

(27) Throw, dump, place or deposit tin cans, bottles, ashes, or rubbish in any street or public place of the City or on the shore of Little Traverse Bay or in the waters of the bay.

(28) Start or allow to continue any bonfire within the limits of the City, except for publicly sponsored events or activities, and then only with the express approval of both the Police Chief and Fire Chief of the City of Harbor Springs.

(29) Manufacture, deliver, possess or use any controlled substance defined in Schedules 1 to 5 of the 1978 Public Health Code, State of Michigan (Article 7 1978 PA 368) unless said person is licensed by the government of the United States or State of Michigan to manufacture, deliver, possess or use said substance, or unless said person has said substance by virtue of a valid prescription therefor by a person licensed to write said prescription, which prescription must be for the person actually in possession of the substance.

(30) Enter into or remain in any public, private or other school building or enter or remain upon any grounds of such a school on days when school is in session who is not a regularly enrolled student or employee thereof, or who is not lawfully attending school sponsored or school authorized activities therein, unless such person shall have immediately upon entry proceeded to the administrative offices of said school, shall have identified himself, have stated his business to the principal or the principal's representative, and shall have thereafter received permission to remain upon said school grounds or in said school building

for the purpose of transacting such business as so stated.

(31) Enter into or remain in any public, private, parochial or other school building or upon the grounds of such school between the hours of sunset and sunrise, unless such person is a regularly enrolled student, employee of the school, or is participating in or attending as a spectator at some school authorized or school sponsored activity.

(32) Willfully and without lawful authority enter upon the lands or premises of another after having been forbidden to do so by the owner or occupant, or by the agent or servant of the owner or occupant.

(33) Nor shall any person, without lawful authority, neglect or refuse to depart from the land or premises of another after being notified to depart therefrom by the owner or occupant or by the agent or servant of the owner or occupant.

(34) Nor shall any person willfully and without lawful authority enter upon the lands or premises of another, which are fenced or enclosed in a manner to exclude intruders.

(35) Nor shall any person willfully and without lawful authority enter upon the lands or premises of another, which are posted in a conspicuous manner against entry. The minimum letter height on a posted sign under this Section shall be two (2") inches and the sign shall be so placed as to give clear notice to persons of the restriction.

(36) Loiter on the boardwalk walkways within the City of Harbor Springs leading from Third Street to Bluff Drive, with intent to create a public disturbance or with intent to obstruct the free and uninterrupted passage of the public or with intent to accost, molest or annoy any person, or with intent to engage in loud and boisterous conduct, or with intent to acquire or use a controlled substance as defined in

Schedules 1 to 5 of Article 7, 1978 Michigan Public Health Code.

**(37)** No person shall possess alcoholic liquor in a container which is open or uncapped or which has a broken seal, on any public property of the City of Harbor Springs, including any sidewalk, highway, street or alley located therein.

**(38)** No person shall, without the consent of the owner, enter upon the lands or premises of another in order to use a dumpster or other container for trash or garbage disposal; nor shall a person use a public or private dumpster for disposal of trash or garbage, without the consent of the owner or lessee of such dumpster.

**(39)** [No person shall knowingly or intentionally display in a public place any individual's genitals or anus with less than a fully opaque covering, or any female individual's breast with less than a fully opaque covering of the nipple and areola, except that a woman's breast-feeding of a baby is excepted from this prohibition.

**(40)** No person, firm, corporation, business, club or association shall knowingly or intentionally cause, promote, invite, employ or encourage any person to display in a public place (including but not limited to any place operated as a business, club or association) any individual's genitals or anus with less than a fully opaque covering, or any female individual's breast with less than a fully opaque covering of the nipple and areola, whether for compensation or for gratuity, or payment or promise of payment, or payment of an admission fee.]<sup>34</sup>

**Chapter 91  
MINORS**

**91.100 Curfew Time for Certain Minors.** It shall be unlawful for any person under the age of seventeen (17) years to be or remain in or upon any of the streets, alleys, parks or other public places or buildings in the City of Harbor Springs between the hours of ten o'clock p.m. and six o'clock a.m. of the following day, unless such person is accompanied by his parent, guardian, or other person having legal custody and control of such minor, or unless such minor is engaged in the performance of an errand or duty directed by his parent, guardian or other person having legal custody or care, or where the employment permitted by State law of such minor makes it necessary that said minor be upon said streets, alleys, parks or public places or buildings between the hours specified herein.

**91.101 Duty of Parents and Guardians.** It is hereby made unlawful for any parent, guardian or other person having legal care and custody of any minor under seventeen (17) years of age to allow or permit any such child, ward or other person under such age, while in his legal custody to go or to be unaccompanied upon any streets, alleys, parks or other places in said City within the time prohibited in Section 91.100 unless there exists a reasonable necessity therefor, and it is hereby made the duty of any parent, guardian or other person having legal care and custody of any minor to keep them from needlessly wandering about in the streets, alleys, parks or other public places or buildings in the City of Harbor Springs, during the hours specified in this Chapter.

**91.102 Enforcement of Curfew Time.** It shall be the duty of the police force to enforce the provisions of this Chapter and when necessary to make a complaint and petition to the Probate Judge of Emmet County, or District Judge or Magistrate, as the case may be, against any child, parent, guardian or other person having legal care and custody of any minor under seventeen (17) years of age, proprietor, owner,

keeper or manager of any place of business, public building or room, hall or other place occupied or used for hire or gain, for any violation of any section of this Chapter.

**91.103 Loitering in Certain Places.** Any proprietor, keeper, owner or manager of any place of business or public building who shall permit any minor child under the age of seventeen (17) years to enter or to remain on the premises of the place of business or public building, except as specifically permitted by this Chapter, during the hours of the curfew, and any person who shall encourage or induce in any way such minor child to violate any of the provisions of this Chapter shall be deemed guilty of a violation of this Code.

**91.104 Definitions.** "Public Building" is defined, for purposes of this Chapter, as any place wherein a business is conducted, any place which is licensed by the State, or used by a person licensed by the State, City or any other governmental authority, for the conducting of any business for the purpose of profit, any building used for amusement, recreation, or which is open to the general public.

**Chapter 92  
TRAFFIC**

**ARTICLE 1  
MICHIGAN VEHICLE CODE**

**92.100 Code and Amendments and Revisions Adopted.** The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state, are incorporated and adopted by reference.

**92.101 References in Code.** References in the Michigan Vehicle Code to “local authorities” shall mean the City of Harbor Springs.

**92.102 Notice to be Published.** The City Clerk shall publish this ordinance in the manner required by law and shall publish, at the same time a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the City Clerk for inspection.

**92.103 Penalties.** The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the City of Harbor Springs shall not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

**ARTICLE 2  
UNIFORM TRAFFIC CODE**

**92.200 Code and Amendments and Revisions Adopted.** The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of the Michigan Department of State Police, pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they

are promulgated and effective in this state, are incorporated and adopted by reference.

**92.201 References in Code.** References in the Uniform Traffic Code for Cities, Townships and Villages to a “governmental unit” shall mean the City of Harbor Springs.

**92.202 Notice to be Published.** The City Clerk shall publish this ordinance in the manner required by law and shall publish at the same time a notice stating the purpose of the Uniform Traffic Code for Cities, Townships and Villages, and the fact that a complete copy of the code is available to the public at the office of the City Clerk for inspection.

**92.203 Current Regulations.** All current traffic regulations in the City of Harbor Springs, including but not limited to all intersection stops and yield right-of-way requirements, regulations on stopping, standing, or parking; one-way streets, roadways and alleys; crosswalks; restricted turns; through streets, angle parking zones; parking restrictions; curb loading zones; public carrier stands; parking zones and spaces; weight restrictions; no passing zones; speed limits and traffic control devices heretofore established and effective on the date of adoption of this Ordinance shall be deemed established under the Uniform Traffic Code and shall remain effective until rescinded or modified as provided in the Uniform Traffic Code.

**92.204 Continuation of Restrictions on Skateboards, Coasters, Toy Vehicles, Roller Skates, Rollerblades and Similar Devices.** All current restrictions on use of skateboards, coasters, toy vehicles, roller skates, and similar devices heretofore established and effective on the date of adoption of this Ordinance shall be deemed established under the Uniform Traffic Code, and shall remain effective until rescinded or modified as provided in the Uniform Traffic Code, including, but not limited to, the following:

(1) A person who is on a skateboard, or who is riding in, or by means of any coaster, toy vehicle or similar device, except as provided in subsection (2) hereof, shall not go upon the sidewalks and rights of way of Highway M-119 as it traverses the City of Harbor Springs, nor upon that portion of Judd Street consisting of Judd Hill and the sidewalks of Judd Hill; nor upon any street, sidewalk, roadway, park or other public place within the area known as the Downtown Development District as described in Section 3.701 of this Code; nor upon any other street or roadway located in the City of Harbor Springs.

(2) No person who is on roller skates (including in-line roller skates (roller-blades)) shall go upon the sidewalks and rights of way of Highway M-119 as it traverses the City of Harbor Springs; nor upon any street, sidewalk, roadway, park or other public place within the area known as: the Downtown Development District as described in Section 3.701 of this Code (excepting only the sidewalks of Third Street, in order to traverse said District); nor upon the street or roadways of the following streets within the City of Harbor Springs: Lake Street, Park Street, Hoyt Street and State Street; nor upon that portion of Judd Street consisting of Judd Hill and the sidewalk of Judd Hill. No person on such roller skates shall go upon any other street, sidewalk, roadway, park or other public place in the City of Harbor Springs unless such skates are rigidly affixed to the feet of the skater by means of a laced or buckled boot; and, any such person on such skates outside the prohibited areas shall obey all rules otherwise applicable to the operation of bicycles in the City of Harbor Springs and shall at all times skate in a safe and careful manner.

**92.205 Penalties.** The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.]<sup>41</sup>

### [ARTICLE 3 SNOWMOBILES

**92.300 Statutes and Amendments and Revisions Adopted.** Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160, and all future amendments and revisions to said Part 821, when they are effective in this state, are incorporated and adopted by reference.

**92.301 References in Code.** References in Part 821 to “local authorities” shall mean the City of Harbor Springs.

**92.302 Notice to be Published.** The City Clerk shall publish this ordinance in the manner required by law and shall publish at the same time a notice stating the purpose of Part 821 and the fact that a complete copy of said Part 821 is available to the public at the office of the City Clerk for inspection.

#### **92.303 Limitations - Snowmobile Operations.**

(1) A person shall not operate a snowmobile on public property or private property open to the public within the City of Harbor Springs except on such public property or private property open to the public as has been approved in traffic-control orders adopted pursuant to Rule 153 of the Uniform Traffic Code as adopted by the City of Harbor Springs.

(2) A person shall not operate a snowmobile on public property or private property open to the public within the City of Harbor Springs at a speed greater than is reasonable and proper having due regard for existing conditions.

(3) A person shall not operate a snowmobile on public property or private property open to the public within the City of Harbor Springs except during such times and under such conditions as are contained within traffic-control orders adopted pursuant to Rule 153 of the

Uniform Traffic Code as adopted by the City of Harbor Springs.

**92.304 Current Regulations.** All existing traffic-control orders in the City of Harbor Springs relating to snowmobiles are hereby ratified as permanent traffic-control orders, and shall remain effective until rescinded or modified as provided in the Uniform Traffic Code.

**92.305 Penalties.** The penalties provided by Part 821 are adopted by reference, provided, however, that the City of Harbor Springs shall not enforce any provision of Part 821 for which the maximum period of imprisonment is greater than 93 days.

#### **ARTICLE 4 HORSE DRAWN VEHICLES FOR HIRE**

**92.400 Horse Drawn Vehicles for Hire Prohibited.** Horse drawn vehicles for hire are prohibited from all public streets and rights of way in the City of Harbor Springs, excepting only for parades or other special events that have the prior written approval of the City Manager or the Chief of Police.

**92.401 Violation as Civil Infraction.** A person who violates the provisions of Article 4 of this Chapter is responsible for a civil infraction.]<sup>44</sup>

**Chapter 93  
PARKING VIOLATIONS BUREAU**

**93.100 Parking Violations Bureau.** The Parking Violations Bureau shall be located in the City Hall of the City and shall be under the direction of a competent person appointed by the City Manager and approved by City Council.

**93.101 Jurisdiction of Parking Violations Bureau.**

(1) No violation not scheduled in Section 92.102 of this Chapter shall be disposed of by the Parking Violations Bureau.

(2) The Parking Violations Bureau shall settle only those parking violations requested by the violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, and in no case shall the person who is in charge of the Bureau determine or attempt to determine the falsity of any fact or matter relating to such alleged violation. Any person desiring to have his violation processed before a court having jurisdiction thereof, has the right to do so before the District Court.

**93.102 Amounts of Fines for Parking Violations.** The following matters shall constitute violations and shall be punishable by the fines set forth after each violation:

Overtime Parking in a designated two hour parking area	\$ 2.00
Overtime Parking in a designated four hour parking area	\$ 2.00
Overtime Parking in a designated forty eight hour parking area	\$ 4.00
Abandoned vehicle fine	\$20.00
Double Parking	\$ 5.00
No Parking Zone	\$ 5.00
Parking too far from curb	\$ 4.00
Angle Parking Violation	\$ 4.00
Obstructing traffic	\$ 5.00
Parking on sidewalk	\$ 5.00
Parking in front of driveway	\$ 5.00
Parking within intersection	\$ 5.00

Parking within fifteen (15) feet of fire hydrant	\$ 5.00
Parking on crosswalk	\$ 5.00
Parking within fifteen (15) feet of fire station entrance	\$ 5.00
Blocking alley	\$ 5.00
Parking on wrong side of street	\$ 4.00
Loading zone (or taxi zone) violation	\$ 5.00
No Parking 2:30 a.m. to 6:00 a.m. (Snow Removal)	\$ 5.00
Parking on private property without owner's consent	\$ 4.00
Parking on municipally owned property other than streets, without the permission of the City	\$ 4.00
[Overtime parking in Ford Park or on the City right of way on either side of Bay Street within 100 feet either side of the east and west boundaries of Ford Park	\$ 50.00
A second or additional violation of overtime parking in Ford Park or on the City right of way on either side of Bay Street within 100 feet either side of the east and west boundaries of Ford Park	\$ 300.00] <sup>30</sup>

The amount of fines for parking violations may be amended by resolution of the City Council from time to time and be set forth in a separate schedule which shall be maintained by the City Clerk in a separate book for this purpose. This separate schedule shall be published when adopted and shall be open to public inspection at all times.

**93.103 Issuance of Traffic Tickets.**

(1) The issuance of a traffic ticket or a notice of violation by a police officer of the City of Harbor Springs shall be considered an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the address of the Parking Violations Bureau, the hours during which the Bureau is open and the amount of the penalties scheduled for the offense for which the ticket was issued. It shall also advise that if the penalty fine is not paid within seventy two (72) hours from the time and

date of issuance, that the penalty fine for the offense for which the ticket was issued shall be increased by ten (\$10.00) dollars.

(2) In any case when the penalty fine is not paid within the seventy two (72) hour time limit referred to above, a notice shall be served by first class mail upon the registered owner of the vehicle involved in the traffic violation, informing the registered owner that payment of the penalty fine must be made within nine (9) days of the date of the notice, and that if the penalty fine is not paid within that time period, the penalty fine will be increased by an additional twenty (\$20.00) dollars and that a citation for a civil infraction will be filed with the District Court of Emmet County.

(3) A citation issued under this Section for a parking or standing violation shall be processed as a civil infraction in the same manner and with the same penalties as citations for civil infractions of the Motor Vehicle Code of the State of Michigan.

**93.104 Parking Violations Bureau Records.**

(1) The Parking Violations Bureau shall keep accurate and adequate records of all parking violation notices and tickets, the disposition of the case, and any other information necessary to maintain a proper system of records.

(2) All money collected under this Chapter shall be paid over to the City Clerk, along with a statement of source, by the first day of each month for deposit in the proper depository account of the City.]<sup>45</sup>

**Chapter 94**  
**[CIVIL INFRACTIONS]**

**94.100 Definitions.**

As used in this chapter:

- (1) "Act" means Act No. 236 of the Public Acts of 1961, as amended.
- (2) "Authorized city official" means a police officer or other personnel of the City authorized by these Codified Ordinances or any other ordinance to issue Municipal civil infraction citations.
- (3) "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a Municipal civil infraction.
- (4) "Municipal civil infraction citation" means 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.

**94.101 Commencement of municipal civil infraction action.**

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.

**94.102 Authorized City officials.**

Police officers shall have the authority to issue Municipal civil infractions.

**94.103 Issuance and Service of Municipal Civil Infraction Citations.**

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.

(4) A citation for a Municipal civil infraction signed by an authorized City official shall be treated as if it were 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 the 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 in Section (7)(b) hereof, an authorized City official shall personally serve a copy of the citation upon the alleged violator.

(b) If the Municipal civil infraction involves 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 by first class mail to the owner of the land, building or structure at the owner's last known address.

**94.104 Contents of municipal civil infraction citations.**

(1) A Municipal civil infraction 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.

(2) Further, the citation shall inform the alleged violator that he or she may do one of the following:

(a) Admit responsibility for the Municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.

(b) Admit responsibility for the Municipal civil infraction "with explanation" by mail by the time specified for appearance or in person, or by representation.

(c) Deny responsibility for the Municipal civil infraction by doing either of the following:

(d) 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.

(e) Appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.

(3) The citation shall also inform the alleged violator of all of the following:

(a) 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.

(b) 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.

(c) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the City.

(d) 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.

(e) That at a formal hearing the alleged violator must appear in person before a judge or District Court magistrate, with the opportunity of being represented by an attorney.

(f) The citation shall contain a notice in boldfaced type stating 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.]<sup>62</sup>