

Chapter 38

TRAFFIC AND VEHICLES*

* **State Law References:** Michigan Vehicle Code, MCL 257.1 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610.

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ARTICLE I.

IN GENERAL

Sec. 38-1. Adoption of Uniform Traffic Code by reference.

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, Public Act No. 306 of 1969 (MCL 24.201 et seq.) and made effective October 30, 2002, is hereby adopted by reference. All

references in said Uniform Traffic Code to a "governmental unit" shall mean the city.
(Code 1972, § 20.051; Ord. No. 120B, eff. 3-13-2003)

State Law References: Authority to adopt the Uniform Traffic Code by reference, MCL 257.951.

Sec. 38-2. Adoption of provisions of Michigan Vehicle Code by reference.

The following provisions of the Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.) are hereby adopted by reference:

- (1) Chapter I (Words and Phrases Defined): MCL 257.1--257.82.
- (2) Chapter II (Administration, Registration): MCL 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- (3) Chapter III (Operator's and Chauffeur's License): MCL 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326, 257.328.
- (4) Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601, 257.601b, 257.602--257.606, 257.611--257.616, 257.617a--257.622, 257.624a, b, 257.625 (except felony provisions), MCL 257.625a, 257.625m, 257.626--257.626b, 257.626, 257.627b, 257.629b, 257.631, 257.632, 257.634--257.645, 257.647--257.655, 257.656--257.662, 257.667--257.675d, 257.676--257.682b, 257.683--257.710e, 257.716--257.724.
- (5) Chapter VIII (License Offenses): MCL 257.904, 257.904a, 257.904e, 257.905.

(Code 1972, § 20.052; Ord. No. 120B, eff. 3-13-2003)

State Law References: Authority to adopt the Michigan Vehicle Code by reference, MCL 117.3(k).

Sec. 38-3. Adoption of other state laws by reference.

The following provisions of state law are hereby adopted by reference:

- (1) Section 3102 of the Michigan Insurance Code of 1956, Public Act No. 218 of 1956, pertaining to required insurance (MCL 500.3102).
- (2) Subchapter 6 of part 811 of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, pertaining to off-road vehicles (MCL 324.81101--324.81147).
- (3) Part 821 of the Natural Resources and Environmental Protection Act, Public Act No. 451 of 1994, pertaining to snowmobiles (MCL 324.82101--324.82158).
- (4) Section 703 of the Michigan Liquor Control Code, Public Act No. 58 of 1998 pertaining to minors and alcoholic liquor (MCL 436.1703).

(Code 1972, § 20.053; Ord. No. 120B, eff. 3-13-2003)

State Law References: Authority to adopt certain state laws by reference, MCL 117.3(k).

Sec. 38-4. Penalties.

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this chapter.

(Code 1972, § 20.054; Ord. No. 120B, eff. 3-13-2003)

Secs. 38-5--38-26. Reserved.

ARTICLE II.

STOPPING, STANDING AND PARKING*

* **State Law References:** Authority to regulate standing or parking of vehicles, MCL 257.606(1)(a); stopping, standing or parking of vehicles, MCL 257.672 et seq.

DIVISION 1.

GENERALLY

Sec. 38-27. 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:

Parking lots means every lot owned by the city and set aside for the public parking of vehicles.

Roadway means that portion of a street between the regularly established curblines.

Sidewalk means that portion of a street between the curblines and the adjacent property lines.

Street means every way set apart for public travel, except alleyways, bridle paths and foot paths.

Vehicle means any device by which any person or property may be transported upon a public highway, except those operated upon rails and permanent tracks.

(Code 1972, § 20.101; Ord. No. 68, § 1, eff. 3-15-1972; Ord. No. 166, eff. 7-20-1987)

Sec. 38-28. Hours prohibited.

It shall be unlawful for the owner or operator of any vehicle to park the vehicle or permit the vehicle to be parked on any street or alley within the city between the hours of 2:00 a.m. and 6:00 a.m. from November 1 through April 1 each year unless otherwise designated, except however, in the downtown commercial area including and bounded by "from the corner of Grand River Avenue and Kent Street southwesterly on Kent Street to Academy Street, then southeasterly from there on Academy Street to Maple Street, then northeasterly on Maple Street to Grand River Avenue and then northwesterly on that street to the point of beginning," there shall be no parking from 2:00 a.m. to 6:00 p.m. at anytime of the year. The city council shall from time to time, by resolution, fix other time limitations for legal parking and hours during the day when time limits shall be in force. These limitations shall be indicated by appropriate signs posted at the city limits or near the affected

parking spaces.

(Code 1972, § 20.102; Ord. No. 53, § 2, eff. 3-15-1972; Ord. No. 166, eff. 7-20-1987)

Sec. 38-29. Nonmetered off-street parking established.

Nonmetered off-street parking is hereby established on city-owned parking lots.

(Code 1972, § 20.103; Ord. No. 70-A, § 3, eff. 3-15-1972)

Sec. 38-30. Nonmetered limitations.

Parking in nonmetered parking lot spaces shall be free of charge unless otherwise provided by the city council in this article, while legally parked for a period not in excess of the time limit posted within the parking lot. The city council shall from time to time, by resolution, fix the time limitations for legal parking and the hours during the day and night when time limits shall be in force. The city council shall by resolution fix specific parking spaces at such places and as of such sizes as it determines appropriate and shall provide for such fee as it may deem reasonable. The limitations and fees shall be indicated by appropriate signs posted in each city parking lot.

(Code 1972, § 20.104; Ord. No. 70-A, § 4, eff. 3-15-1972; Ord. No. 164, eff. 12-8-1986)

Sec. 38-31. Failure to park within space provided.

No vehicle shall be parked in a position that crosses the lines, or extends beyond the lines, marking each parking space. Failure to park within the space provided shall constitute a civil infraction.

(Code 1972, § 20.105; Ord. No. 70-A, § 5, eff. 3-15-1972; Ord. No. 164, eff. 12-8-1986; Ord. No. 79A, § 1(20.105), eff. 11-27-2005)

Sec. 38-32. Overtime parking.

It shall be unlawful for any person to park a vehicle in the same parking space beyond the posted time limit of any regulated parking lot. Every hour of violation beyond the posted legal time allowed shall constitute a separate civil infraction.

(Code 1972, § 20.106; Ord. No. 70-A, § 6, eff. 3-15-1972; Ord. No. 79A, § 1(20.106), eff. 11-27-2005)

Sec. 38-33. Payment of parking fines into city treasury.

All parking violation fines collected by the city shall be deposited with the treasurer of the city and credited to the general fund.

(Code 1972, § 20.107; Ord. No. 70-A, § 7, eff. 3-15-1972; Ord. No. 79A, § 1(20.107), eff. 11-27-2005)

Sec. 38-34. Enforcement of article.

All violations of this article shall be civil infractions enforceable as follows:

- (1) *Duty of police officers.* It shall be the duty of the police officers of the city, acting in accordance with instruction issued by the city manager to report:

- a. A description of the location and space used in case of a nonmetered parking lot violation.
- b. The license plate number of the vehicle.
- c. The hour of day and time the vehicle was parked in violation of this article and any other facts necessary to any understanding of the circumstances of the violation.

(2) *Notice of violation.* The police officer shall also attach to the vehicle a notice to the owner or operator thereof that the vehicle has been parking in violation of a provision of this article and instructing the owner or operator to report to the city office in regard to the violation.

(3) *Fines.* The city council shall establish by resolution a schedule of fines for violations of this article. From time to time, the city council may amend the schedule of fines by resolution. The failure of the owner or operator to pay such fines within the time provided shall subject such person to the penalties provided in section 1-13.

(Code 1972, § 20.108; Ord. No. 68, § 8, eff. 3-15-1972; Ord. No. 70-B, eff. 3-15-1972; Ord. No. 73, eff. 3-15-1972; Ord. No. 115, eff. 6-15-1977; Ord. No. 166, eff. 7-20-1987; Ord. No. 79A, § 1(20.108), eff. 11-27-2005)

Sec. 38-35. Limitations on parking between the curb and the sidewalk.

The parking of any motor vehicle between the curb and the sidewalk is prohibited unless the city's designee grants a prior written exception.

(Code 1972, § 20.109; Ord. No. 70-B, § 9, eff. 2-5-1998)

Sec. 38-36. Parking without a permit and fines.

It shall be unlawful for a student during regular school hours to park on the school grounds of the public schools of the city without possessing a valid permit, which shall be displayed as required.

(Code 1972, § 20.125; Ord. eff. 9-5-2000, § 25; Ord. No. 79A, § 1(20.125), eff. 11-27-2005)

Sec. 38-37. Hazardous parking.

It shall be unlawful to park in such a way on the school grounds of the public schools of the city as to create an obstruction or a hazard to other vehicles or pedestrians.

(Code 1972, § 20.126; Ord. eff. 9-5-2000, § 26; Ord. No. 79A, § 1(20.126), eff. 11-27-2005)

Sec. 38-38. No parking zone.

It shall be unlawful to park in a place signed "No Parking" on the grounds of a public school of the city.

(Code 1972, § 20.127; Ord. eff. 9-5-2000, § 27; Ord. No. 79A, § 1(20.127), eff. 11-27-2005)

Sec. 38-39. Misparking.

It shall be unlawful to park in any area not specifically designated for parking by sign or written rules of

the school on the grounds of the public schools of the city, including parking in any parking area without proper authorization for that area.

(Code 1972, § 20.128; Ord. eff. 9-5-2000, § 28; Ord. No. 79A, § 1(20.128), eff. 11-27-2005)

Sec. 38-40. Handicap parking.

It shall be unlawful to park in any area that is designated by a sign on the parking lot surface, or by a posted sign for handicap parking unless the person parking there has a valid handicap-parking permit.

(Code 1972, § 20.129; Ord. eff. 9-5-2000, § 29; Ord. No. 79A, § 1(20.129), eff. 11-27-2005)

Secs. 38-41--38-68. Reserved.

DIVISION 2.

PARKING VIOLATIONS BUREAU*

* **Charter References:** Traffic violations bureau, § 6.12.

State Law References: Authority of City to establish Parking Violations Bureau, MCL 600.8395.

Sec. 38-69. Established.

Pursuant to section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act No. 154 of 1968 (MCL 600.8395), the Parking Violations Bureau, created by former Ordinance No. 79 of the city for the purpose of handling alleged parking violations within the city is hereby continued in full force and effect.

(Code 1972, § 20.171; Ord. No. 79, § 1, eff. 3-15-1972)

Sec. 38-70. City manager to supervise.

The parking violations bureau shall be under the supervision and control of the city manager.

(Code 1972, § 20.172; Ord. No. 79, § 2, eff. 3-15-1972)

Sec. 38-71. Location; appointment of employees.

The city manager shall, subject to the approval of the city council, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof.

(Code 1972, § 20.173; Ord. No. 79, § 3, eff. 3-15-1972)

Sec. 38-72. Disposition of fines.

Unless a violation is scheduled in section 38-75 or designated as a civil infraction it shall not be disposed of by the parking violations bureau. The fact that a particular violation is scheduled or designated as a civil infraction shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the civil infraction

as provided by law.

(Code 1972, § 20.174; Ord. No. 79, § 4, eff. 3-15-1972; Ord. No. 79A, § 1(20.174), eff. 11-27-2005)

Sec. 38-73. Settlement of violations.

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No fine for any violation shall be accepted from any person who denies having committed the violation and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

(Code 1972, § 20.175; Ord. No. 79, § 5, eff. 3-15-1972; Ord. No. 79A, § 1(20.175), eff. 11-27-2005)

Sec. 38-74. Traffic tickets; notice of violation; content.

The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the violation for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

(Code 1972, § 20.176; Ord. No. 79, § 6, eff. 3-15-1972; Ord. No. 79A, § 1(20.176), eff. 11-27-2005)

Sec. 38-75. Schedule of Uniform Traffic Code (UTC) and Michigan Vehicle Code (MVC) civil infractions.

The following Uniform Traffic Code (UTC) and Michigan Vehicle Code (MVC) violations shall be enforced as civil infractions subject to such fines as the city council shall establish from time to time.

Offense	Fine	After 10 days	After 30 days
Parking too far from curb	\$7.00	\$14.00	\$25.00
Angle parking violations	\$7.00	\$14.00	\$25.00
Obstruction traffic	\$7.00	\$14.00	\$25.00
Prohibited parking (signs unnecessary)			
On sidewalk	\$7.00	\$14.00	\$25.00
In front of drive	\$7.00	\$14.00	\$25.00
Within intersection	\$7.00	\$14.00	\$25.00
Within 15 feet of hydrant	\$15.00	\$25.00	\$35.00
On crosswalk	\$7.00	\$14.00	\$25.00
Within 20 feet of crosswalk or 15 feet of corner lot lines	\$7.00	\$14.00	\$25.00
Within 30 feet of street side traffic sign or signal	\$7.00	\$14.00	\$25.00
Within 50 feet of railroad crossing	\$7.00	\$14.00	\$25.00

	Within 20 feet of fire station entrance	\$7.00	\$14.00	\$25.00
	Within 75 feet of fire station entrance on opposite side of street (signs required)	\$7.00	\$14.00	\$25.00
	Beside street excavation when traffic obstructed	\$7.00	\$14.00	\$25.00
	Double parking	\$7.00	\$14.00	\$25.00
	On bridge or viaduct	\$15.00	\$25.00	\$35.00
	Within 200 feet of accident where police in attendance	\$7.00	\$14.00	\$25.00
	In front of theater	\$7.00	\$14.00	\$25.00
	Blocking emergency exit	\$15.00	\$25.00	\$35.00
	Blocking fire escape	\$15.00	\$25.00	\$35.00
Parking in prohibited zone (signs required)		\$7.00	\$14.00	\$25.00
Parking in alley		\$7.00	\$14.00	\$25.00
Parking for prohibited purposes				
	Displaying vehicle for sale	\$7.00	\$14.00	\$25.00
	Working or repairing vehicle	\$7.00	\$14.00	\$25.00
	Displaying advertising	\$7.00	\$14.00	\$25.00
	Selling merchandise	\$7.00	\$14.00	\$25.00
	Storage over 48 hours	\$7.00	\$14.00	\$25.00
Wrong side of roadway		\$7.00	\$14.00	\$25.00
Loading zone violations		\$7.00	\$14.00	\$25.00
Failure to set brakes, or parking gear		\$7.00	\$14.00	\$25.00
Parked on grade wheels not turned to curb		\$7.00	\$14.00	\$25.00
Bicycle parking violations		\$7.00	\$14.00	\$25.00
Failure to park within space provided		\$7.00	\$14.00	\$25.00
Parking between curb and sidewalk		\$7.00	\$14.00	\$25.00
Overtime parking beyond posted time		\$7.00	\$14.00	\$25.00
Parking on school grounds without a permit		\$7.00	\$14.00	\$25.00
Hazardous parking on school grounds		\$15.00	\$25.00	\$35.00
No parking zone on school grounds		\$7.00	\$14.00	\$25.00
Misparking on school grounds		\$7.00	\$14.00	\$25.00
Handicap parking		\$50.00	\$75.00	\$100.00

(Code 1972, § 20.177; Ord. No. 79, § 7, eff. 3-15-1972; Amend. of 6-15-1977; Ord. No. 141, eff. 1-31-1982; Res. No. 05-114, 11-21-2005; Ord. No. 79A, § 1(20.177), eff. 11-27-2005)