

Chapter 82

TRAFFIC AND VEHICLES*

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***Cross reference(s)**--Junked vehicles, ' 34-126 et seq.; law enforcement, ch. 46; offenses and miscellaneous provisions, ch. 50; vehicles in parks, ' 54-6; streets, sidewalks and other public places, ch. 70; vehicles for hire, ch. 94; corner clearance, ' 98-197.

State law reference(s)--Michigan vehicle code, MCL 257.1 et seq., MSA 9.1801 et seq.

ARTICLE I. IN GENERAL

Sec. 82-1. Penalty.

- (a) Any provision of this chapter which describes an act or omission which constitutes a civil infraction under the terms of the Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1 et seq., MSA 9.1801 et seq.), shall be processed as a civil infraction; and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$100.00 and costs in accordance with section 907 of the Michigan Vehicle Code.
- (b) Violation of any other provision of this chapter not constituting a civil infraction shall be punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or by both such fine and imprisonment. (Ord. No. 34, ' 10.1(a), 8-9-1979)

Secs. 82-2--82-30. Reserved.

ARTICLE II. UNIFORM TRAFFIC CODE

Sec. 82-31. Adoption

The Uniform Traffic Code and State laws adopted by reference herein shall be collectively known and may be cited as the City of Houghton Traffic Code Ordinance.

Sec. 82-32. 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, 1969 Public Act 306, as amended (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 of Houghton.

Sec. 82-33. Adoption of Provisions of Michigan Vehicle Code By Reference

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 et seq.) Are hereby adopted by reference:

- A. Chapter I (Words and Phrases Defined): MCL 257.1-257.82.
- B. Chapter II (Administration, Registration): MCL 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- C. Chapter III (Operator's and Chauffeur's License): MCL 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326, 257.328.
- D. 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-257.624b, 257.625 (except

felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 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.

- E. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e-257.905.

Sec. 82-34. Adoption of Other State Laws By Reference

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

- A. Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).
- B. Subchapter 6 of Part 811 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, pertaining to off-road vehicles (MCL 324.81101-324.81147).
- C. Part 821 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, pertaining to snowmobiles (MCL 324.82101-324.82158).
- D. Section 703 of the Michigan Liquor Control Act, 1998 Public Act 58, as amended, pertaining to minors and alcoholic liquor (MCL 436.1703).

Sec. 82-35. Penalties

The penalties provided by the Uniform Traffic Code and the provisions of the State laws herein above adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

Sec. 82-36. Severability

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the City, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the City to impose.

Sec. 82-37. Repeal of Conflicting Provisions

All Ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

Sec. 82-38. 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 setting forth the purposes of the Uniform Traffic Code and the Michigan Vehicle Code, and of the fact that complete copies of both Codes are available at the Office of the Clerk for inspection by the public.

ARTICLE III. PARKING, STOPPING AND STANDING*

Cross reference(s) B Zoning district parking requirements, SS 98-192; off-street parking space construction, SS 98-193; off-street loading and unloading SS 98-194.

Sec. 82-61. Supervision of System.

The automobile parking system of the city shall be under the supervision and direction of the city manager. (Code 1971, SS 2.68)

Sec. 82-62. Rates.

The rates for parking in off-street parking lots and structures operated as a part of the automobile parking system shall be established by resolution of the council upon recommendation of the city manager. Such rates need not be uniform throughout the system but shall be based upon demand for parking in the area which the lot or structure serves and such other consideration as the council shall deem pertinent. The rates and charges in effect upon the date of the adoption of this Code shall remain in effect until changed. (Code 1971, SS 2.69)

Sec. 82-63. Park in designated spaces.

No person shall park in any motor vehicle in any parking lot or structure other than within the boundaries of the space designated as allocated for the parking of a single motor vehicle, by appropriate lines or other markings. Any person parking any motor vehicle in any parking lot or structure otherwise than as prescribed in this article shall be guilty of a violation of this Code; and in parking structures and in parking lots other than metered parking lots, any person who shall park a motor vehicle so as to occupy or encroach upon more than one designated parking space shall pay the full rate or charge for each parking space occupied or encroached upon, in addition to being guilty of a violation of this Code. (Code 1971, SS 2.70)

Sec. 82-64. Garage and nonmetered lot parking.

Every person who parks a motor vehicle in any nonmetered parking lot of the automobile parking system shall pay the rates duly established for such parking before removing the vehicle from the parking lot or structure. Any person violating the provisions of this section shall upon conviction be punished by a fine of not more than \$25.00 and costs of prosecution, or by imprisonment of not more than five days or by both such fine and imprisonment. (Code 1971, SS 2.71)

Sec. 82-65. Metered parking lots.

In parking lots of the automobile parking system where parking charges are collected by means of parking meters installed adjacent to the parking spaces in such lots, no person shall:

- (1) Park a motor vehicle in any metered space without placing a United States coin of proper denomination in the meter in accordance with the regulations posted on the meter during the hours the regulations require the payment of parking charges.
- (2) Permit a motor vehicle in his custody, or owned by him, to remain in any metered zone except while lawful parking time appears on the meter regulating the space occupied by such motor vehicle.
- (3) Deface, injure, open or tamper with any parking meter installed on any such parking lot, except as authorized by the superintendent of public works. (Code 1971, ' 2.72)

Sec. 82-66. Recreational vehicles and trailers.

No person shall park or permit the parking of any unoccupied recreational vehicle or trailer outside of a duly licensed trailer coach park, except the parking of an unoccupied recreational vehicle or trailer in any accessory private garage building, or in any rear yard, is permitted provided no living quarters shall be maintained or any business practiced in the recreational vehicle or trailer. Nothing contained in this section shall be construed to hinder or prevent any person from engaging in the business of handling trailer coaches for sale or resale or for storage, subject to such regulations as may be prescribed by this Code relative to zoning or regulation of such business. (Code 1971, ' 6.35(3))

Sec. 82-67. Emergency, temporary parking.

Emergency or temporary parking or stopping is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street, alley or highway. (Code 1971, ' 6.35(4))

Sec. 82-68. Restricted times, locations.

It shall be unlawful for any person to stand or park a vehicle, or to cause to permit a vehicle to be parked or left unattended between the hours of 2:00 a.m. and 7:00 a.m. of any day on any of the streets or highways of the city, or in any city parking facility, during the period from November 1 through April 30. It shall be unlawful to park on Shelden Avenue from 2:00 a.m. to 7:00 a.m. on any day of the year. (Ord. No. 104, ' 8.25, 7-10-1996)

Secs. 82-69--82-100. Reserved.

Sec. 82-101. Schedule of Fines for Parking Violations:

- | | | |
|---|----|--------|
| • In Handicap Zone | \$ | 150.00 |
| • Outside Meter Zone | | 10.00 |
| • Too Far From Curb | | 10.00 |
| • Overtime Parking | | 15.00 |
| • Prohibited Zone (Posted or Yellow Curb) | | 15.00 |
| • Obstructing Traffic | | 15.00 |
| • On lawn or side yard | | 10.00 |

• Parked Between 2:00 am & 7:00 am (November 1 – April 30)	35.00
• Loading Zone	15.00
• Bus Stop or Taxi Stand	10.00
• In Alley	15.00
• Parked Over 48 Hours	10.00
• Private Property	20.00
• On Sidewalk	10.00
• In Front of Drive	15.00
• Within Intersection	15.00
• Within 15 feet of Intersection	15.00
• On Crosswalk	10.00
• Double Parking	10.00
• Within 15 feet of Fire Hydrant	50.00
• Beside St. Excavation when Traffic Obstructed	10.00
• In Front of Theatre	10.00
• Blocking Emergency Exit	50.00
• Blocking Walkway	15.00
• Expired Meter	10.00
• Overtime (Central Business District)	10.00

All fines double if not paid within 10 days of issue.

ARTICLE IV. PARKING VIOLATIONS PROCEDURES*

*Cross reference(s)--Environment, ch. 34.

Sec. 82-102. Presumption from ownership.

In any proceeding for violation of the provisions of this chapter relative to parking, the registration plate displayed on the motor vehicle parked in violation of this chapter shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the point where such violation occurred. (Code 1971, ' 2.74)

Sec. 82-103. Contesting violations.

Any person having received a city parking violation notice who desires to contest the issuance of such notice shall, within ten days of the issuance of such notice, appear at the police department and shall submit to the chief a written statement that he is contesting the alleged violation and requests that the matter be submitted to the county district court for determination. The chief shall thereupon issue an appearance citation to the alleged violator requiring the appearance of such person at the county district court in accordance with the procedures of such court. (Ord. No. 31, ' 9.12, 1-25-1979)

Sec. 82-104. Disposition of vehicles with multiple violations.

- (a) Whenever there is found any motor vehicle parked upon the public streets or public grounds within the city against which there are six or more outstanding unpaid parking violation notices that are uncontested under the provisions of section 82-103, such vehicle may be immobilized in such a manner as to prevent its removal or operation except by an authorized officer of the police department. Any immobilization of the vehicle pursuant to this section shall be by an officer of the

police department.

- (b) It shall be the duty of the officer immobilizing such motor vehicle to place on such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized by the police, and that any attempt to move such vehicle might result in damage to the vehicle. Such notice shall also specify the uncontested parking violation notices previously affixed to such vehicle that remain unpaid. If the vehicle remains immobilized for a period in excess of 24 hours the city shall make reasonable efforts to promptly determine the identity of the registered owner of such vehicle, and thereupon to notify the registered owner, if known, of the immobilization of the vehicle and of the requirements for securing its release.
- (c) The registered owner of any immobilized vehicle, or any authorized operator, may secure the release of the vehicle either by payment of the unpaid and uncontested parking violation notices previously affixed to such vehicle and any towing, storage, immobilization and impoundment fees incurred prior to the release of such vehicle, or by posting a bond in an amount equal to the total of any towing, storage, immobilization and impoundment fees incurred prior to the release of such vehicle. Upon receiving any such cash deposit, the police department shall issue a citation to the registered owner to secure the appearance of the owner before the county district court to respond to the parking violation notices that such owner wishes to contest.
- (d) No vehicle shall be immobilized unless prior to immobilization the police department has reasonably undertaken to determine the identity of the registered owner of the vehicle proposed for immobilization and, if the identity and address of the registered owner is known, has notified the owner by certified mail that six or more unpaid and uncontested parking violation notices have previously been issued against such vehicle and that the owner's failure to pay or contest such parking violation notices within ten days of the mailing of such notification may result in the immobilization of such vehicle. (Ord. No. 59, ' 9.13, 9-28-1983)