

Chapter 12

TRAFFIC AND MOTOR VEHICLES*

Article I. In General

Secs. 12-1--12-25. Reserved.

Article II. Uniform Traffic Code

Sec. 12-26. Adoption.

Sec. 12-27. Amendments.

Sec. 12-28. Publication.

Sec. 12-29. Provisions.

Sec. 12-30. Effects.

Sec. 12-31. Penalties.

Sec. 12-32. Cost Recovery for Emergency Responses

Secs. 12-33-12-50. Reserved.

Article III. Parking, Stopping and Standing

Division 1. Generally

Sec. 12-51. Definition.

Sec. 12-52. No parking between 2:00 a.m. and 6:00 a.m.

Sec. 12-53. Parallel parking required.

Sec. 12-54. Double parking; obstruction of pedestrian movement.

Sec. 12-55. Large trucks, buses, trailers, etc.; parking permit required.

Sec. 12-56. Towing illegally parked vehicle.

Sec. 12-57. Overnight parking on residential streets.

Sec. 12-58. Penalty.

Sec. 12-59. Violations not deemed traffic violations.

Sec. 12-60 Prohibition of the Parking of Vehicles 10,001 lbs., or over, on Village
Parking Lots.

Secs 12-61--12-70. Reserved.

Division 2. Parking Violations Bureau

Sec. 12-71. Establishment; supervision.

Sec. 12-72. Clerk's duties.

Sec. 12-73. Violations handled.

Sec. 12-74. Option of violators.

Sec. 12-75. Issuance of tickets.

Sec. 12-76. Penalty.

Cross references-Nuisances, Ch.8; offenses, Ch. 9; parks and recreation, Ch. 10; Streets, sidewalks, and other public places, Ch. 11.

State law references-Michigan vehicle code, MCL 257.1 et seq., MSA 9.1801 et seq.; Regulation by local authorities, MCL 257.605, 257.606, 257.610, MSA 9.2305, 9.2306, 9.2310.

ARTICLE I.**IN GENERAL**

Secs. 12-1--12-25. Reserved.

ARTICLE II.**UNIFORM TRAFFIC CODE
MICHIGAN VEHICLE CODE**

Section 12-26: The Michigan Vehicle Code, 1949 PA300, M.C.L.A. 257.1 to 257.923, is adopted by reference.

Section 12-27: References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Elsie.

Section 12:28: The Village Clerk shall publish this section 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 Michigan Vehicle Code is available to the public at the office of the Clerk for inspection.

Section 12:29: In the event of any conflict between the Michigan Vehicle Code and the provisions of the Uniform Traffic Code as adopted by the chapter, the Michigan Vehicle Code is controlling.

Section 12:30: Nothing in this section shall be construed to have any effect on or operate as an abatement of any prosecution or appeal based on a violation of the Uniform Traffic Code commenced or pending prior to the effective date of this section, and such prosecutions and appeals shall remain subject to the amended substantive and penalty provisions being addressed herein.

Section 12:31: The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however that the Village of Elsie may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

NOTICE OF PURPOSE OF THE MICHIGAN VEHICLE CODE

Notice is hereby given that the Village of Elsie has adopted the Michigan Vehicle Code by reference on August 9, 2004, effective August 29, 2004

The purposes of the Michigan Vehicle Code are to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this

State or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy and collection of specific taxes on vehicles, and the levy And collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; and to provide for the enforcement of this act.

A complete copy of the Michigan Vehicle Code is available at the office of the Village of Elsie for inspection

(Ordinance amendments 12-26 to 12-31 effective August 29, 2004)

Section 12.32 Cost Recovery for Emergency Responses

12.32(a) PURPOSE.

The Village finds that police time spent on contacts with individuals who drive under the influence of alcohol and/or with the presence of a controlled substance in their systems greatly surpasses that of other traffic stops. In addition, such individuals cause more accidents with an increased likelihood of personal injury and property damage. Therefore, the Village seeks recovery from those responsible for the greater operational and financial burden associated with law enforcement and other Village emergency responses to those incidents

12.32(b) DEFINITIONS

As used in this chapter:

“Emergency response” means either of the following:

(A) The dispatch, provision or utilization of police, fire-fighting, emergency medical or rescue services by the Village to or at accidents involving a motor vehicle where one or more of the drivers were operating a motor vehicle in violation of M.C.L.A. 257.625; or

(B) An arrest by a police officer of the driver of a motor vehicle for operating in violation of M.C.L.A. 257.625.

(2) “Expense of an emergency response” means direct and reasonable costs incurred by the Village associated with the occurrence of an emergency response, including but not limited to, the costs of providing police, fire-fighting and rescue, towing and accident clean up services.

12.32(c) LIABILITY FOR COSTS

(1) Any person who operates a motor vehicle so as to cause an emergency response shall be responsible and liable for the expenses of the emergency response, if that person was charged with any violation of M.C.L.A. 257.625.

(2) The Village Council shall, by resolution, adopt a schedule of the costs included within the expense of an emergency response. This schedule shall be available to the public from either the Village Clerk or the Police Department.

(3) The Chief of Police or the designee thereof, within fifteen days of an emergency response, shall prepare a bill of itemized costs incurred by the Village for an emergency response. The bill for these costs shall be submitted, by personal service or first class mail, to the person responsible and liable for such expenses as enumerated under this chapter. Full payment by the responsible and liable person shall be made within thirty days from the date of service of the itemized costs.

(4) Any failure by the responsible person to pay the itemized costs within thirty days of service shall be considered in default. In case of default, the Village may commence civil suit to recover the unpaid expenses of an emergency response and any costs allowed by law.

12.32(d) CIVIL NATURE OF LIABILITY

This chapter shall be construed to be a responsibility and liability of a civil nature on the part of the responsible person. It shall not be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines and/or cost which may be imposed by a judge under the Michigan Vehicle Code on a driver for operating a motor vehicle in violation of M.C.L.A. 257.625.

12.32(e) EFFECTIVE DATE

This ordinance will become effective on May 14, 2007. (Effective date must be not less than 20 days after adoption and after publication as required by law.)

Secs. 12-33--12-50. Reserved.

ARTICLE III.

PARKING, STOPPING AND STANDING

DIVISION 1.

GENERALLY

Sec. 12-51. Definition.

Wherever referred to in this division, parking on any street shall be interpreted to mean parking within the street right-of-way but not upon the surface intended for normal vehicular travel nor so as to interfere with the safe movement of vehicles or pedestrians. (Ord. No. 117, § 1, date unavailable)

Sec. 12-52. No parking between 2:00 a.m. and 6:00 a.m.

(a) It shall be unlawful to park a motor vehicle in the following streets between the hours of 2:00 a.m. and 6:00 a.m.

From First Street to Church Street on Main Street, and from Maple Street to Oak Street on Ovid Street.

(b) Signs prohibiting parking between the hours described in subsection (a) of this section shall be placed at reasonable intervals in the restricted parking areas.

(c) Any vehicle parked in such areas between the hours of 2:00 a.m. and 6:00 a.m. will be towed to a suitable garage, and the towing charge shall be borne by the owner of the vehicle.

(Ord. No. 39, §§ 1--3, 12-27-54)

Sec. 12-53. Parallel parking required.

It shall be unlawful to park a motor vehicle, other than parallel parking, on any street in the village, except as otherwise designated by signs or street markings.

(Ord. No. 117, § 2, date unavailable)

Sec. 12-54. Double parking; obstruction of pedestrian movement.

No double parking will be permitted on any public street at any time. No vehicles shall be parked or left standing so as to interfere with pedestrian movement on any sidewalk at any time.

(Ord. No. 117, § 3, date unavailable)

Sec. 12-55. Large trucks, buses, trailers, etc.; parking permit required.

It shall be unlawful to park, on any village street, trucks larger than pickups, buses, house trailers, mobile homes, campers, trailers, equipment and items of personal ownership unless authorized by permit issued by the police department.

(Ord. No. 117, § 4, date unavailable)

Sec. 12-56. Towing illegally parked vehicle.

Any vehicle parked on a public street within one (1) block in any direction from the intersection of Main and Ovid Streets between the hours of 2:00 a.m. and 6:00 a.m. may be towed away if deemed necessary by police department personnel. The towing and storage charge shall be borne by the owner of the vehicle.

(Ord. No. 117, § 5, date unavailable)

Sec. 12-57. Overnight parking on residential streets.

It shall be unlawful to park more than one (1) vehicle per dwelling on any public street for the purpose of overnight parking. Further, it shall be unlawful to park a vehicle on a public street in front of a residence other than your own for the purpose of overnight parking.

(Ord. No. 117, § 6, date unavailable)

Sec. 12-58. Penalty.

Any person found guilty of violating the provisions of this division shall be fined ten dollars (\$10.00) for the first offense, and for each offense thereafter there will be a twenty-five-dollar fee for each violation.

(Ord. No. 117, § 7, date unavailable)

Sec. 12-59. Violations not deemed traffic violations.

This division violation shall be written on an appearance ticket and will not be considered as a traffic violation.

(Ord. No. 117, § 8, date unavailable)

Section 12-60: Prohibition of the Parking of Vehicles 10,001 lbs., or over, on Village Parking Lots.

In order to preserve the surfaces of Village owned parking lots, from heavy loads, and to assure an adequate supply of parking spaces, there shall be no parking of Vehicles that have a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,001 lbs. or more in any Village owned parking lot. These in questioned parking lots will be signed with "No Truck Parking" and will be enforced by the Village of Elsie Police Department.

The definition of gross vehicle weight rating (GVWR) is the value specified by the manufacturer as the loaded weight of a single vehicle.

The definition of Gross Combination Weight Rating (GCWR) is the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

Fines: The Village Council shall, by resolution, adopt a schedule of the fines established. (Ord. No. 159, § 1, 9-13-10)

Secs. 12-61--12-70. Reserved.

DIVISION 2.

PARKING VIOLATIONS BUREAU

Sec. 12-71. Establishment; supervision.

Pursuant to section 8395 of the Revised Judicature Act of the State of Michigan, as provided by Act No. 154 of the Public Acts of Michigan of 1968 (MSA 27A.8395, MCL 600.8395), as amended, a parking violations bureau, for the purpose of handling alleged parking violations within the village, is hereby established. The parking violations bureau shall be under the supervision and control of the village clerk. (Ord. No. 119, § 1, 5-14-84)

Sec. 12-72. Clerk's duties.

The village clerk shall, subject to the approval of the village council, establish a convenient location for the parking violations bureau, appoint qualified village employees to administer the bureau, and adopt rules and regulations for the operation thereof, which rules shall not be inconsistent with the provisions of this division. The bureau shall be open daily from 9:00 a.m. to 5:00 p.m., except Saturdays, Sundays and holidays. Payments shall be made in cash, money orders or cashier's checks only. (Ord. No. 119, § 2, 5-14-84)

Sec. 12-73. Violations handled.

No violation not appearing in the file copy in the village clerk's office referred to in section 12-76 shall be disposed of or handled by the parking violations bureau. The fact that a particular violation is scheduled shall not manifestly entitle the alleged violator to disposition of the violation at the bureau, it being the option of the violators pursuant to section 12-74. In any case, the person in charge of the bureau may refuse to dispose of each such violation, whether or not it appears on the schedule in section 12-76, in which

case any person having knowledge of the facts may make a sworn complaint before any competent court having jurisdiction of the offense, as provided by law.
(Ord. No. 119, § 3, 5-14-84)

Sec. 12-74. Option of violators.

No violation may be settled or disposed of at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, or who attempts to plead guilty to such offense, and in no case shall the person who is in charge of the bureau determine or attempt to determine, the truth, falsity or validity 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 competent jurisdiction thereof, if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall in no way prejudice him or in any way diminish the rights, privileges and protections accorded him by law.

(Ord. No. 119, § 4, 5-14-84)

Sec. 12-75. Issuance of tickets.

The issuance of a traffic ticket or citation, or notice of violation by the village police department, shall be deemed an allegation of a parking violation. Such traffic ticket or citation shall indicate the alleged offense and shall indicate the length of time in which the person to whom the traffic ticket or citation was issued must respond or appear before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, and the amount of the penalty scheduled for the offense for which the citation was issued.

(Ord. No. 119-A, § 5, 8-22-88)

Sec. 12-76. Penalty.

The penalties for violations of this article shall be as set from time to time by resolution of the village council. A copy of the current penalties shall be on file in the village clerk's office.

(Ord. No. 119-A, § 6, 8-22-88)

[The next page is 693]