

STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN

ORDINANCE NO. 112-06

AN ORDINANCE TO REGULATE THE PARKING OF MOTOR VEHICLES AND
VIOLATION

THE VILLAGE OF PORT AUSTIN ORDAINS:

ARTICLE 1
PARKING OF MOTOR VEHICLES

1.01 HOURS-STREET

Hereafter it shall be unlawful for any person, firm or corporation to park any motor vehicle on the driving part of any paved or blacktopped streets or on the paved portion of any partially paved or blacktopped street, between the hours of 4:00 a.m. and 6:00 a.m., within the village limits of the Village of Port Austin.

1.02 MUNICIPAL PARKING LOTS

It shall be unlawful for any person, firm or corporation to park any truck, semi-truck, or trailer in the municipal parking lots of the Village of Port Austin, EXCEPT for those in the process of being loaded or unloaded.

1.03 ILLEGALLY PARKED VEHICLES

Motor vehicles found so illegally parked may be removed by towing and may be stored in a storage garage or lot and the owner or operator thereof may recover such vehicle by paying the towing and storage costs to the owner of such garage or lot where stored before release of said vehicle.

1.04 PURPOSE OF ARTICLE

The purpose of this article is to permit the full and complete operation by the Village of Port Austin and the Huron County Road Commission of its snow removal and street sweeping machinery on such streets during such hours.

1.05 PENALTY

Any person violating the provisions of this Article shall be responsible for a Level A civil infraction.

ARTICLE II PARKING SPACES AND LOTS

2.01 DEFINITIONS

For the purpose of this chapter:

- A. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported upon the highway.
- B. "Street" shall mean any such street, avenue, road, alley, highway, lane, or other public place located in the Village of Port Austin, Michigan, and established for the use of vehicles.
- C. "Person" shall mean and include individual, firm, co-partnership, association, or corporation.
- D. "Operator" shall mean and include every individual who shall operate a vehicle as the owner thereof or as the agent, employee or permittee of the owner, or is in actual physical control of the vehicle.
- E. "Park or Parking" shall mean the standing of a vehicle, whether occupied or not, upon a street, other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers, or loading or unloading merchandise, or in obedience to traffic regulations, signs, or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

2.02 DESIGNATED PARKING SPACES

The chief of police or any other employee of the Village of Port Austin, Michigan, is hereby directed and authorized to mark off individual parking spaces in the parking zones designated and described herein, and in such other zones as may hereafter be established, said parking spaces to be designated by lines painted or durable marked on the curb or surface of the street. At each space so marked, it shall be unlawful to park any vehicle in such a way that the said vehicle shall not be entirely within the limits of space so designated.

2.03 CITATION TAGS OR TICKETS

Citation tags or parking violation tickets shall be prepared and furnished by the Council for the purpose of giving notice to persons violating any provision of the chapter. Such notice may be given by delivering such tag or parking violation ticket to the violator or affixing it to or placing with the vehicle in a secure manner. Such tag or parking violation ticket shall state the registration number of the vehicle and the time of the violation and shall direct the violator to present and settle for such tag or parking violation ticket, or mailing same, to the Village Clerk's office, as hereinafter provided. Such tag or parking violation ticket shall provide that if the tag or ticket is paid by the violator, payment shall be made within 48 hours of the time of issuance thereof, and shall provide, among other things, the fines for the violation, to be annually set by the Council.

2.04 VIOLATIONS

It shall be unlawful and a violation of the provisions of this chapter for any person to park any vehicle across any line or marking of a parking space or in such a position that the vehicle shall not be entirely within the area designated by such lines or markings.

2.05 ENFORCEMENT

It shall be the duty of the chief of police, or any other police officer of the Village of Port Austin, Michigan, to enforce the provisions of this chapter.

2.06 PENALTY

Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall counsel, aid, or abet such violation or failure to comply, shall, upon conviction, be responsible for a Port Austin Level A civil infraction.

2.07 RESERVATION OF POWERS

Nothing in this chapter shall be determined and constructed to be an exercise of the police power of the Village of Port Austin in the State of Michigan, and shall never be determined to be under the taxing, preservation and protection of public safety, and all of its provisions shall be liberally construed with the view to the effectuation of such purpose.

ARTICLE III
PARKING VIOLATIONS BUREAU

3.01 CREATION

Pursuant to Michigan Compiled Laws, Section 600.8395, a parking violations bureau, for the purpose of handling parking violations with the Village, is hereby established. The parking violation bureau shall be under the supervision and control of the Village Clerk.

3.02 LOCATION

The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the parking violation bureau, appoint qualified Village employees or officials to administer the bureau and adopt rules and regulations for the operation thereof.

3.03 AUTHORITY

No violation not scheduled in the Port Austin Traffic Violations Schedule, made a part hereof by this deference, shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the violator to disposition of the violation at the bureau, and in any case the person in charge of such bureau may refused 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 offense as provided by law.

3.04 AUTHORITY

No violation may be settled at the parking violations bureau except at the specific request of 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 truth or falsity of any fact or matter relating to such alleged violation at the parking violations bureau, and all persons shall be entitled to have 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 violation bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection accorded to him or her by law.

3.05 CITATION

The issuance of a traffic ticket or notice of violation by a police officer of the Village 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 penalty scheduled for the offense for which the ticket was issued and advised that, should such a person fail to respond within the time allotted, the ticket shall be filed with the District Court and treated as a Civil Infraction under the provisions of the Village of Port Austin Civil Infraction Ordinance.

2006

PORT AUSTIN TRAFFIC VIOLATIONS SCHEDULE

<u>OFFENSE</u>	<u>PENALTY</u>
Obstructing Traffic	\$10.00
1. Prohibited Parking	
a. on sidewalk	\$10.00
b. blocking a public or private driveway	\$10.00
c. within intersection	\$10.00
d. within 15 feet of fire hydrant	\$10.00
e. on cross walk	\$10.00
f. within 20 feet of cross walk or 15 feet of corner lot lines	\$10.00
g. beside street excavation when traffic is obstructed	\$10.00
h. double parking	\$10.00
i. in front of theater	\$10.00
j. blocking emergency exit	\$10.00
k. blocking fire escape	\$10.00
l. in prohibited zone (signs required)	\$10.00
m. in alley	\$10.00
n. upon bridge	\$10.00
o. all night parking	\$10.00
p. within a loading zone, or obstructing or blocking a loading zone	\$10.00
2. Parking for prohibited purpose	
a. displaying vehicle for sale	\$10.00
b. working on or repairing a vehicle	\$10.00

c. displaying advertising	\$10.00
d. selling merchandise	\$10.00
e. storage over 48 hours	\$10.00
f. abandoned vehicle	\$10.00 plus towing costs
3. In Prohibited Zone	
a. prohibited zone	\$10.00
b. tow away zone	\$10.00
c. fire lane zone	\$10.00
d. between sidewalk and curb	\$10.00
e. overtime parking	\$10.00

ADOPTION

The ordinance shall become effective twenty (20) days after publication.

Presented at a regular meeting of the Village of Port Austin held in the Village Hall on the 12th day of June, 2006.

Motion by: Scott Kasper
 Seconded by: Chuck Ruth
 Yeas: 7
 Nays: 0
 Absent: 0
 Abstain: 0

Ordinance adopted on the 12th day of June, 2006.

President: Tony Loewe Clerk: Judy Binkley