

Chapter 62

**TRAFFIC AND VEHICLES\***

**Article I. In General**

- Sec. 62-1 Michigan Vehicle Code adopted.
- Sec. 62-2 Uniform traffic code adopted.
- Sec. 62-3 Resolution of conflicts.
- Sec. 62-4-62-30. Reserved.

**Article II. Stopping, Standing and Parking**

Division 1. Generally

- Ses. 62-31-62-55. Reserved.

Division 2. Parking Violations Bureau

- Sec. 62-56 Established.
- Sec. 62-57 Police department to establish location; administration
- Sec. 62-58 Disposition of scheduled violations
- Sec. 62-59 Voluntary disposition of violations
- Sec. 62-60 Traffic ticket; notice of violation
- Sec. 62-61 Schedule of violations

**Article III: UNAUTHORIZED DISPLAY OF VEHICLES FOR SALE**

- Sec. 62-81 Title
- Sec. 62-82 Definitions
- Sec. 62-83 Enforcement Procedures
- Sec. 62-84 Municipal Civil Infraction Violation
- Sec. 62-85 Failure to Remove Vehicle
- Sec. 62-86 Exceptions
- Sec. 62-87 Sanctions

**\*Cross references-Dismantled** vehicles, § 26-46 et seq.; trafficways on streets and roads, general standards, § 34-141; law enforcement, ch. 38; streets, sidewalks and other public places, ch. 58.

**State law reference-Michigan** Vehicle Code, MCL 257.1 et seq.

## ARTICLE I. IN GENERAL

### **Sec. 62-1. Michigan Vehicle Code adopted.**

(a) The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.) is hereby adopted by reference as in this chapter modified.

(b) References in the Michigan Vehicle Code for Michigan cities, townships, and villages to the term "governmental unit" shall mean the Tittabawassee Township.

(c) The penalties provided by the Michigan Vehicle Code are adopted by reference; provided, however, that the township may not enforce any provision of the Michigan Vehicle Code either of which the maximum period of imprisonment is greater than 93 days or maximum fine is greater than \$500.00. (Ord. No. 00-04, § 2, 4-11-2000)

### **Sec. 62-2. Uniform traffic code adopted.**

(a) The Uniform Traffic Code for Cities, Townships and Villages, promulgated as emergency rules by the department of state police and filed with the secretary of state for the State of Michigan on July 27, 1979, and which is to be published in Supplement No. 100 of the Michigan Administrative Code in accordance with Public Act No. 62 of 1956 (MCL 257.951 et seq.) is hereby adopted in full by reference thereto except as in this chapter modified.

(b) References in the uniform traffic code for the Michigan cities, townships and villages to the term "governmental unit" shall mean the Township of Tittabawassee. (Comp. Ords. 1987, §§ 20.001, 2D.002)

### **Sec. 62-3. Resolution of conflicts.**

(a) In the event of a conflict between the Michigan Vehicle Code adopted by section 62-1 and the uniform traffic code adopted by section 62-2, the Michigan Vehicle Code shall prevail.

(b) In the event of a conflict between the Michigan Vehicle Code adopted by section 62-1 and this Code or any ordinance, the Michigan Vehicle Code shall prevail.

(c) In the event of a conflict between the uniform traffic code adopted by section 62-2 and this Code or any ordinance, this Code or the ordinance shall prevail.

### **Secs. 62-4-62-30. Reserved.**

## ARTICLE II. STOPPING, STANDING AND PARKING

### DIVISION 1. GENERALLY

**Sec. 62-31 through 62-55. Reserved.**

### DIVISION 2. PARKING VIOLATIONS BUREAU

**Sec. 62-56. 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), a parking violations bureau, for the purpose of handling alleged parking violations within the township, is hereby established. The parking violations bureau shall be under the supervision and control of the police department.

(Comp. Ords. 1987, § 20.151)

**Sec. 62-57. Police department to establish location; administration.**

The police department shall, subject to the approval of the township board, establish a convenient location for the parking violations bureau, appoint qualified township employees to administer the bureau, and adopt rules and regulations for the operation thereof.

(Comp. Ords. 1987, § 20.152)

**Sec. 62-58. Disposition of scheduled violations.**

Any violation not scheduled in section 62-61 shall not be disposed of by the parking violations bureau. The fact that a particular violation is scheduled 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 offense, as provided by law.

(Comp. Ords. 1987, § 20.153)

**Sec. 62-59. Voluntary disposition of violations.**

No violation may be settled 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 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.

(Comp. Ords. 1987, § 20.154)

**Sec. 62-60. Traffic ticket; notice of violation.**

The issuance of a traffic ticket or notice of violation by a township police officer 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 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.

(a) The violations listed in this section are civil infractions.

(b) The following violations have a fine of \$10.00 if paid within 48 hours and \$15.00 if paid after 48 hours.

<i>Violation</i>	<i>UTC Section</i>
Parking too far from curb	8.1. 8.2
Angle parking violations	8.3
Obstructing traffic	8.5
Prohibited parking (signs unnecessary)	8.10
(a) On sidewalk	
(b) In front of drive	
(c) Within intersection	
(d) Within 15 feet of hydrant	
(e) On crosswalk	
(f) Within 20 feet of crosswalk or 15 feet of corner lot lines	
(g) Within 30 feet of street side traffic sign or signal	
(h) Within 50 feet of railroad crossing	
(i) Within 20 feet of fire station entrance	
(j) Within 75 feet of fire station entrance on opposite side of street (signs required)	
(k) Beside street excavation when traffic obstructed	
l) Double parking	
(m) On bridge or viaduct or within tunnel	
(n) Within 200 feet of accident where police in attendance	
(o) In front of theater	
(p) Blocking emergency exit	
(q) Blocking fire escape	
In prohibited zone (signs required)	8.10(r)
In alley	8.13
Parking for prohibited purpose	8.14
(a) Displaying vehicle for sale	
(b) Working or repairing vehicle	
(c) Displaying advertising	
(d) Selling merchandise	
(e) Storage over 48 hours	

<i>Violation</i>	<i>UTC Section</i>
Wrong side boulevard roadway	8.15
Loading zone violation	8.16, 8.17
Bus, parking other than bus stop	8.19
Taxicab, parking other than cabstand	8.19
Bus, taxicab stand violations	8.20
Meter violations	8.21
Meters, not parked within space	8.22
Failure to set brakes	5.58
Parked on grade, wheels not turned to curb	5.58
Bicycle parking violations	6.17
Abandoned vehicles (plus towing and storage charge)	
Disabled vehicle, failure to move	
Keys in vehicle or motor running	
All night parking	
In prohibited zone	
(a) Prohibited zone	
(b) Tow-away zone	
(c) Fire lane	
Between sidewalk and curb	
Private property, without owners consent	
(c) The fines for handicapped zone violations are:	
(1) With no permit, \$25.00;	
(2) If permit is not displayed and paid within 48 hours, \$10.00;	
(3) If permit is not displayed and paid after 48 hours, \$20.00.	
(Comp. Ords. 1987, § 20.156)	

**Sec. 62-61 through 62-79. Reserved**

### ARTICLE III: UNAUTHORIZED DISPLAY OF VEHICLES FOR SALE

#### Sec. 62-81 - Title

This ordinance shall be known as the *UNAUTHORIZED DISPLAY OF VEHICLES FOR SALE ORDINANCE*.

#### Sec. 62-82 - Definitions

For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meanings given herein:

ENFORCEMENT AGENT: Any Tittabawassee Township staff or employee that is authorized to issue unauthorized display of vehicles for sale violations including, but not limited to, the code enforcement officer, building inspector, and police officer.

UNAUTHORIZED DISPLAY OF VEHICLES FOR SALE: The display of a vehicle for sale, lease or other transfer of ownership or control, which does not comply with the conditions listed in Section 62.86 of this ordinance, or for which the owner/occupant of the property does not have a valid vehicle title in their possession, if the vehicle requires a title.

VEHICLES: A vehicle includes, but is not limited to, items such as a car, truck, van, motorcycle, bike, all-terrain vehicle, trailer, recreational vehicle, camper, snowmobile, boat, jet ski, or any motorized or non-motorized items customarily towed by a motorized vehicle, whether attached to a vehicle, placed on or in a trailer, or freestanding.

#### Sec. 62-83 - Enforcement Procedures

If there is an unauthorized display of a vehicle for sale on public or private property, the enforcement agent shall do all of the following:

- A. Affix to the vehicle a written notice containing the following information:
  1. The date and time the notice was affixed.
  2. The name and address of the enforcement agency taking the action.
  3. The name of the officer, inspector or authorized employee affixing the notice.
  4. The date and time the vehicle may be considered a municipal civil infraction and the owner may be issued a municipal civil infraction notice of violation.
  5. The date and time the vehicle may be considered abandoned, taken into custody, and stored at the owner's expense or scrapped as allowed by law.
  6. The year, make, and vehicle identification number of the vehicle, if available.
- B. Attempt to contact the seller by calling the number on the vehicle for sale, if available.

**Sec. 62-84 - MUNICIPAL CIVIL INFRACTION VIOLATION:**

If the vehicle is not removed from such property within forty-eight (48) hours after the date the notice was affixed, the vehicle shall be in violation of this ordinance and a municipal civil infraction violation notice may be issued to the owner of said vehicle. Removal of the vehicle to any other public property or private property and display of such vehicle for sale after the written notice is affixed or any subsequent unauthorized display of said vehicle for sale shall not require any further or additional written notice and a municipal civil infraction violation notice may be issued immediately to the owner of said vehicle.

**Sec. 62.85 - FAILURE TO REMOVE VEHICLE:**

If the vehicle is not removed from the property within forty-eight (48) hours after the date the notice was affixed, the process of removing the vehicle under the abandoned vehicle ordinance may begin.

**Sec. 62.86 - EXCEPTIONS:**

This ordinance shall not apply if one (1) of the following conditions exists:

- A. All of the following are true:
  - 1. The vehicle is legally parked on a parcel currently used for Business, Commercial or Industrial activities.
  - 2. The vehicle is driven to and from work on a daily basis by an employee or owner of a business on the same parcel where the vehicle is parked.
  - 3. The seller has not displayed a vehicle for sale on the parcel within the past six (6) months.
- B. All for the following are true:
  - 1. The vehicle is legally parked on a parcel used as a two family dwelling or a multiple family dwelling.
  - 2. The vehicle is owned by the owner or occupant of the dwelling,
  - 3. Not more than two (2) vehicles have been displayed for sale by the owner or occupants of a dwelling unit within any twelve (12) consecutive months.
- C. All of the following are true:
  - 1. The use of the parcel is for a single family dwelling,
  - 2. No business is located on the parcel,
  - 3. The vehicle is legally parked in a legal driveway,
  - 4. The vehicle is owned by the owner or occupant of the dwelling,
  - 5. There has not been displayed for sale on the parcel more than two (2) vehicles within any twelve (12) consecutive months.
- D. All of the following are true:
  - 1. The parcel is part of an ongoing or recently discontinued agricultural operation.
  - 2. The vehicle(s) are owned by the owner or occupant of the parcel or the agricultural operation.
  - 3. The vehicle(s) are or were used in connection with the agricultural operation.
- E. The vehicle is displayed for sale at the place of business of a State Licensed Vehicle Dealer.

**Sec. 62-87 - SANCTIONS:**

Any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than five hundred dollars (\$500.00) plus costs, which may include all direct or indirect expenses, to which the township has been put in connection with the violation. In no case, however, shall costs of less than nine dollars (\$9.00) be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.



Chapters 63-65

**RESERVED**