

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.

Article I. In General

Sec. 38-1. Michigan vehicle code adopted by reference.
Sec. 38-2. Uniform traffic code adopted by reference.
Sec. 38-3. Skateboards.
Secs. 38-4--38-24. Reserved.

Article II. Stopping, Standing and Parking

Division 1. Generally

Secs. 38-25--38-51. Reserved.

Division 2. Parking Violations Bureau

Sec. 38-52. Penalty.
Sec. 38-53. Established.
Sec. 38-54. Establishment of convenient location.
Sec. 38-55. Violations.
Sec. 38-56. Issuance of traffic ticket.
Sec. 38-57. Hours of prohibited parking.
Sec. 38-58. Parking violations.
Sec. 38-59. Impoundment of illegally parked vehicles.
Secs. 38-60--38-76. Reserved.

Division 3. Parking for Persons with Disabilities

Sec. 38-77. Adoption.
Sec. 38-78. Definitions.
Sec. 38-79. Spaces for disabled persons.
Sec. 38-80. Violation.
Secs. 38-81--38-104. Reserved.

Article III. Snowmobiles

Sec. 38-105. Adoption of state law.
Sec. 38-106. Special provisions; operation on and crossing of city streets.
Sec. 38-107. Requirements.
Sec. 38-108. Snowmobile routes created.

ARTICLE I.

IN GENERAL

Sec. 38-1. Michigan vehicle code adopted by reference.

(a) The Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), and all future amendments and revisions to the state vehicle code when they are effective in the state are incorporated and adopted by reference.

(b) The purpose of the state vehicle code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways, and alleys, and other public and semi-public places within the city, and to provide penalties for the violation of the vehicle code.

(c) The city shall not enforce any provision of the state vehicle code adopted by reference herein where a violation of the provision constitutes a felony or where a violation of the provision constitutes a misdemeanor with a maximum period of imprisonment greater than 93 days.

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

Sec. 38-2. Uniform traffic code adopted by reference.

(a) The uniform traffic code for cities, townships and villages promulgated by the director of state police and published in the Michigan administrative code and amendments as Michigan administrative code, 2002 MR20, in accordance with Public Act No. 62 of 1956 (MCL 257.951 et seq.), is hereby adopted by reference as in this section modified.

(b) The purpose of such code is to regulate the operation of vehicles, to provide for the regulation and use of streets, highways and alleys and other public and semi-public places within the city, and to provide penalties for the violation of the code.

(c) References in the Uniform Traffic Code for Michigan cities, townships and villages to governmental unit shall mean the city.

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

Sec. 38-3. Skateboards.

(a) No person shall ride or in any manner use a skateboard within the CBD zoning district.

(b) Any person convicted of a violation of this section shall be responsible for a municipal civil infraction.

(Ord. No. 89-1, 7-31-1989)

Secs. 38-4--38-24. 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

Secs. 38-25--38-51. Reserved.

DIVISION 2.

PARKING VIOLATIONS BUREAU

Sec. 38-52. Penalty.

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 parking 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.

(Ord. No. 69-1, § 4, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 4)

Sec. 38-53. Established.

Pursuant to section 8395 of the revised judicature act (MCL 600.8395), a parking violations bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The parking violations bureau shall be under the supervision and control of the city manager.

(Ord. No. 69-1, § 1, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 1)

Sec. 38-54. Establishment of convenient location.

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.

(Ord. No. 69-1, § 2, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 2)

Sec. 38-55. Violations.

No violation, not scheduled in section 35-57 or 35-58, shall 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 provided by law.

(Ord. No. 69-1, § 3, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 3)

Sec. 38-56. Issuance of traffic ticket.

The issuance of a traffic ticket or notice of violation by a 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 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 legal action against the person whom the ticket was issued will be sought if such a person fails to respond within the time limited. All parking ticket fines are \$20.00 if paid within seven days of issuance and \$30.00 if paid thereafter unless stated otherwise hereafter. (Ord. No. 69-1, § 5, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 5)

Sec. 38-57. Hours of prohibited parking.

Parking on any city street or city parking lot between the hours of 3:00 a.m. and 6:00 a.m. is prohibited November 1st through April 30th, unless permitted. (Ord. of 1-28-2008, § 6) (Amended 01-09-2012)

Sec. 38-58. Parking violations.

The following are parking violations within the city.

- (1) Prohibited parking (posted signs not required) such as:
 - a. Parking too far from the curb.
 - b. Obstructing traffic.
 - c. Parking on or blocking a sidewalk.
 - d. Blocking a driveway.
 - e. Parking within an intersection.
 - f. Parking within 15 feet of a fire hydrant.
 - g. Parking on the crosswalk or within ten feet of same.
 - h. Parking within 30 feet of a street intersection, traffic sign or signal.
 - i. Parking within 50 feet of a railroad crossing.
 - j. Parking within 50 feet of a fire station entrance.
 - k. Parking beside a street excavation which obstructs traffic or construction.
 - l. Double parking or parking outside of parking space lines.
 - m. Parking on the wrong side of the roadway facing oncoming traffic.
 - n. Parking along a street that impedes ongoing traffic.

- o. Parking along a street that creates a nuisance.
 - p. Parking in a fire lane.
 - q. Parking in a designated bike lane.
 - r. Parking in a loading zone.
 - s. Parking on a bridge.
 - t. Parking within 200 feet of an accident where emergency personnel are in attendance.
 - u. Blocking a fire escape route or exit.
 - v. Parking in an alley that interferes with passage of others.
- (2) Parking in a prohibited zone where signs are erected.
- (3) Other prohibited purposes such as:
- a. Unlawful display of a vehicle for sale (\$50.00 fine).
 - b. Overnight parking between 3:00 a.m. through 6:00 a.m. November 1st through April 30th, unless permitted.
 - c. Unlawful parking in handicap only spaces (\$100.00).
 - d. Parking on private property without authorization.

(Ord. No. 69-1, § 6, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 7)

Sec. 38-59. Impoundment of illegally parked vehicles.

A violation of this division may result in the removal of the illegally parked vehicle to a designated motor vehicle pound to be returned only upon payment of reasonable towing and impoundment fees.

(Ord. No. 69-1, § 6, 12-9-1968; Ord. of 5-8-1989; Ord. of 1-28-2008, § 8)

Secs. 38-60--38-76. Reserved.

DIVISION 3.

PARKING FOR PERSONS WITH DISABILITIES

Sec. 38-77. Adoption.

This division is adopted pursuant to Public Act No. 235 of 1969 (MCL 257.941 et seq.).
(Ord. No. 88-2, § 1, 11-14-1988)

Sec. 38-78. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disabled person is a person who is defined in section 19a of Public Act No. 300, 1949 (MCL 257.19a), who is determined by a physician, a physician assistant, or an optometrist, as specifically provided in this section, licensed to practice in this state, to have one or more of the following physical characteristics:

- (1) Blindness as determined by an optometrist, a physician, or a physician assistant.
- (2) Inability to walk more than 200 feet without having to stop and rest.
- (3) Inability to do both of the following:
 - a. Use one or both legs or feet.
 - b. Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person.
- (4) A lung disease from which the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or from which the person's arterial oxygen tension is less than 60 millimeters of mercury of room air at rest.
- (5) A cardiovascular condition that causes the person to measure between three and four on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American Heart Association and approved by the department of public health.
- (6) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.
- (7) The persistent reliance upon an oxygen source other than ordinary air.

Parking area means an area used by the public as a means of access to and egress from, and for the free parking of motor vehicles by patrons of a shopping center, business, factory, hospital, institution or similar building or location.

Shopping center means a minimum area of three acres of land on which there is located one or more stores or business establishments and where there is provided a parking area.
(Ord. No. 88-2, § 2, 11-14-1988)

Sec. 38-79. Spaces for disabled persons.

- (a) No individual, co-partnership, association or corporation, or their lessees, agents or assigns, shall

operate or maintain a parking area or a shopping center parking area unless that parking area provides spaces specifically designated for disabled persons in compliance with the state construction code promulgated pursuant to Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as required by section 2 of Public Act No. 1 of 1966 (MCL 125.1352).

(b) No person shall stand or park a vehicle, whether occupied or not, in any parking place clearly identified as being reserved for use by disabled persons, unless such vehicle is displaying a certificate of identification or a special registration plate issued by the secretary of state.
(Ord. No. 88-2, § 3, 11-14-1988)

Sec. 38-80. Violation.

A person who violates any provision of this division is responsible for a civil infraction. Such civil infraction shall be processed in accordance with the procedures set forth in section 741-750, the Michigan vehicle code, Public Act No. 300 of 1949 (MCL 257.741 et seq.). Every person found to have committed a civil infraction under this chapter shall 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 (MCL 257.907).
(Ord. No. 88-2, § 4, 11-14-1988)

Secs. 38-81--38-104. Reserved.

ARTICLE III.

SNOWMOBILES*

* **State Law References:** Snowmobiles, MCL 324.82101 et seq.

Sec. 38-105. Adoption of state law.

The provisions of part 821 of Public Act No. 451 of 1994 (MCL 324.82101 et seq.) are hereby re-enacted as part of this article with modifications not in conflict therewith and pursuant to applicable state statutes.
(Ord. No. 72-1, § 1, 1-3-1972)

Sec. 38-106. Special provisions; operation on and crossing of city streets.

- (a) No person may operate a snowmobile on a city street:
 - (1) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing and in no event in excess of ten miles per hour.
 - (2) Within 100 feet of a dwelling between 6:00 p.m. and 6:00 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile.
- (b) No snowmobile may be operated on or cross Michigan Avenue except to cross Michigan at Plum

Street or at the county road (North Down River Road).

(c) No snowmobile may be operated on or cross James Street; except that crossing of James at Ottawa and James Street at Ionia for service when traffic is clear and only after stopping, is permitted.

(d) The city council is hereby authorized by resolution to create, revise, restrict or modify any snowmobile route within the city limits provided such resolution shall not take effect until published.

(e) No snowmobile may be operated in the city except for the purpose of gaining access to or from an area of operation outside the city by the most direct route.
(Ord. No. 72-1, § 22, 1-3-1972)

Sec. 38-107. Requirements.

(a) Snowmobiles operating on streets authorized in this article shall travel at the extreme right of the street with the flow of traffic.

(b) Snowmobiles must come to a complete stop at every street intersection.

(c) Snowmobiles operated in the city must have one headlight and one taillight on at all times.
(Ord. No. 72-1, § 23, 1-3-1972)

Sec. 38-108. Snowmobile routes created.

(a) The snowmobile routes in the city shall be as follows:

(1) All of Norway Street.

(2) Lake Street from Business Loop to Spruce Street.

(3) Peninsular Street from Lake to Ottawa.

(4) Michigan Avenue from the railroad tracks to Norway Street.

(5) Spruce Street from the business loop to Lake Street.

(6) Ottawa Street from Peninsular to Norway Street.

(b) Other than these streets, no person shall operate a snowmobile on any city street except for the purpose of gaining access to or from an area of operation outside the city by the most direct route.

(c) No person shall operate a snowmobile on Michigan Avenue at any time except to cross said roadway.
(Res. of 12-8-2003; Res. of 2-23-2004)

CITY OF GRAYLING – CODE OF ORDINANCES

THE CITY OF GRAYLING ORDAINS:

ORDINANCE 2010-01

CHAPTER 38

ARTICLE IV. - ATV/ORV's

Sec. 38-110. Adoption of state law.

An ordinance adopted for the purpose of authorizing and regulating the operation of All-Terrain Vehicles (ATV's) / Off Road Vehicles (ORV's) on the streets within the City of Grayling and providing for the violation thereof, pursuant to Public Act No. 451 of 1994 as amended, being MCL 324.81131(5).

Except as otherwise provided herein, all other provisions of Public Act No. 451 of 1994 as amended, being MCL 324.81101 *et seq* shall be strictly enforced.

Sec. 38-111. Special provisions; operation on and crossing of city streets.

As authorized by MCL 324.81131(5), and except as otherwise provided herein, an ATV/ORV may be operated on any City Street for the sole purpose of gaining access to and or from an operation outside the City limits by the most direct route subject to the following restrictions:

- (a) No person may operate an ATV/ORV on a city street:
 - (1) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing and in no event in excess of ten miles per hour.
 - (2) Between 10:00 p.m and 7:00 a.m. at a speed greater than the minimum required to maintain forward movement of the ORV.
- (b) No ORV may be operated on Michigan Avenue except to cross Michigan Ave.
- (c) No ORV may be operated on Lawndale Street.
- (d) No ORV may be operated on or cross James Street; except that crossing of James Street at Ottawa Street, Ogemaw Street, Ionia Street or Charles Street when traffic is clear and only after stopping, is permitted.
- (e) No ORV may be operated on the railroad property within the city.

- (f) The city council is hereby authorized by resolution to create, revise, restrict or modify any ORV route within the city limits provided such resolution shall not take effect until published.
- (g) No ORV may be operated in the city except for the purpose of gaining access to or from an area of operation outside the city by the most direct route.

Sec. 38-112. Requirements.

- (a) ORV's operating on streets authorized in this article shall travel at the extreme right of the street with the flow of traffic.
- (b) ORV's must come to a complete stop at every street intersection.

Sec. 38-113. Violations.

A court of competent jurisdiction may impose a fine of not more than \$500.00 for a violation of this ordinance. In addition, the court shall order the defendant to pay the cost of repairing any damage to the environment, a road or street, or public property damaged as a result of the violation.

This ordinance shall be effective 10 days after publishing.