

**TITLE VII: TRAFFIC CODE**

Chapter

- 70. GENERAL PROVISIONS**
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**CHAPTER 70: GENERAL PROVISIONS**

Section

*State Provisions Adopted*

- 70.01 Michigan Vehicle Code adopted by reference
- 70.02 Uniform Traffic Code for Cities, Townships and Villages adopted by reference

*Tourist Signs, Bicycles and Railroads*

- 70.15 Tourist-oriented directional signs
- 70.16 Use of bicycles and other wheeled vehicles on sidewalks
- 70.17 Manually controlled crossing gates at railroad crossing
  
- 70.99 Penalty

**STATE PROVISIONS ADOPTED**

**§ 70.01 MICHIGAN VEHICLE CODE ADOPTED BY REFERENCE.**

- (A) The Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923, is hereby adopted by reference.
  - (B) References in the Michigan Vehicle Code to "local authorities" shall mean the village.
  - (C) 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 code is available to the public at the office of the Village Clerk for inspection.
  - (D) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.
- (Ord. 165, passed 11-10-2005)

**§ 70.02 UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES ADOPTED BY REFERENCE.**

- (A) 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 of 1969, being M.C.L.A. §§ 24.201 through 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference.

(B) References in the Uniform Traffic Code for Cities, Townships and Villages to a "governmental unit" shall mean the village.

(C) 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 Uniform Traffic Code for Cities, Townships and Villages and the fact that a complete copy of the Code is available to the public at the office of the Village Clerk for inspection.

(D) The penalties provided by the Uniform Traffic Code for Cities, Townships and Villages are adopted by reference.

(Ord. 166, passed 4-12-2006)

## **TOURIST SIGNS, BICYCLES AND RAILROADS**

### **§ 70.15 TOURIST-ORIENTED DIRECTIONAL SIGNS.**

(A) The village may permit tourist-oriented directional signs as defined by M.C.L.A. § 247.401 within its jurisdictional boundaries as provided by and pursuant to M.C.L.A. § 247.403(7).

(B) An operator of a tourist-oriented activity who wishes to participate in a directional sign program under Public Act 299 of 1996, as amended, and is applying for a sign that would reside within the boundaries of the village in accordance with the provisions of Public Act 299 of 1996 § 2, being M.C.L.A. § 247.402, shall submit the application for review by the Village Council or its designee.

(C) The Village Council or its designee may approve or reject the placement of any tourist-oriented directional sign within its jurisdictional boundaries under the provisions of this section.

(D) The Village Council may appoint a designee by resolution to approve or reject placement of any tourist oriented directional sign within its jurisdictional boundaries.

(Ord. 200, passed 4-10-2013)

### **§ 70.16 USE OF BICYCLES AND OTHER WHEELED VEHICLES ON SIDEWALKS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BICYCLE.** Any wheeled vehicle propelled by means of chain driven gears using footpower, electrical power or gasoline motor power, except that vehicles defined as "motorcycles" or "mopeds" under the Motor Vehicle Code for the State shall not be considered as **BICYCLES** under this section. This definition shall include, but not be limited to, single-wheeled vehicles, also known as unicycles; two-wheeled vehicles, also known as bicycles; three-wheeled vehicles, also known as tricycles; and any of the above-listed vehicle which may have training wheels or other wheels to assist in the balance of the vehicle.

**ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.** A self-balancing non-tandem two-wheeled device, designed to transport only one person at a time, having an electrical propulsion system with average power of 750 watts or one horsepower and a maximum speed on a paved level surface of not more than 15 mph.

**ROLLER SKATES.** Any shoe-like device with wheels attached, including, but not limited to, **ROLLER SKATES**, in-line roller skates and roller blades.

**SKATEBOARD.** Any surfboard-like object with wheels attached. **SKATEBOARD** shall also include, under its definition, vehicles commonly referred to as "scooters," being surfboardlike objects with wheels attached and a handle coming up from the forward end of the surfboard area.

(B) *Prohibited activity.* No person shall ride or operate a bicycle, skateboard, roller skates, scooter, electric personal assistive mobility device or any other wheeled device, except a wheelchair or a wheeled device to aid the person to walk, on any public sidewalk of the following streets within the village:

- (1) Elm Street between Ash Street and Sycamore Street.
- (2) Linden Street between Oak Street and Elm Street.
- (3) Maple Street between Elm Street and Cherry Street.

(Ord. 161, passed 7-13-2005) Penalty, see § 70.99

## **§ 70.17 MANUALLY CONTROLLED CROSSING GATES AT RAILROAD CROSSING.**

Manually controlled crossing gates, which when lowered form a barricade across Elm Street and the abutting sidewalk on each side of the railroad where it crosses Elm Street in the village, shall be operated and maintained at all times by any person, partnership, corporation or combination of same, operating said railroad through said village.

(Ord. 13, passed 4-3-1947)

## **§ 70.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person violating any of the provisions of § 70.15 or who installs or causes to be installed a tourist-oriented directional sign without the approval of both the State Department of Transportation and the Village Council, shall be responsible for a municipal civil infraction, punishable by a civil fine of not more than \$100, plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of § 70.15 shall follow the procedures set forth in Public Act 12 of 1994, M.C.L.A. § 600.113, as amended, and a defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

(C) Any person who violates any of the provisions of § 70.16 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions, for each infraction.

(1) Repeat offenses shall be subject to an increased civil fine as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs and other sanctions; and

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500, plus costs and other sanctions.

(2) A **REPEAT OFFENSE** means a second (or any subsequent) violation of § 70.16:

(a) Committed by a person within any six-month period; and

(b) For which the person admits responsibility or is determined to be responsible.

(D) Any person or persons, partnership or corporation who shall violate the provisions of § 70.17, shall upon conviction be punished by a fine of not less than \$5 nor more than \$100, and the costs of prosecution, or imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

(Ord. 13, passed 4-3-1947; Ord. 161, passed 7-13-2005; Ord. 200, passed 4-10-2013)

## **CHAPTER 71: TRAFFIC REGULATIONS**

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### Section

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- 71.99 Penalty

## **§ 71.01 DEFINITIONS.**

Words used in this Title VII shall have their usual and customary meaning; provided, however, that all words defined in the Michigan Vehicle Code (Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923, as amended) and used in this title shall have the meaning given in the Michigan Vehicle Code.

(Ord. 21, passed - -1952)

## **§ 71.02 RULES AND REGULATIONS.**

(A) The Village President is hereby empowered, within the limits prescribed by statute and this title, to direct and control traffic and to make rules and regulations.

(B) The Village President is empowered, subject to approval of the Village Council by resolution, to designate through or stop

streets, to designate the location of traffic-control signals, to prescribe the manner and duration of parking vehicles, to establish loading zones for buses, trucks, taxicabs and dray stands, to designate the maximum length of any vehicle permitted to park upon any streets.

(C) The Village President is empowered to create quiet and safety zones; to designate streets or portions thereof to be closed to traffic by reason of construction or repair; and to designate streets for recreational use and their hours of use.

(Ord. 21, passed - -1952)

### **§ 71.03 ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS.**

(A) Members of the Police Department are hereby authorized to direct all traffic in conformance with the provisions of this title, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, they may direct traffic as conditions may require, notwithstanding the provisions of this title.

(B) Members of the Fire Department, when at the scene of a fire, or in an emergency, may direct or assist the police in directing traffic, and when so doing shall have the authority of police officers.

(C) No person shall do any act forbidden, or shall fail to perform any act required, in this title, or in the rules and regulations established hereunder.

(D) No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

(E) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this title, unless otherwise directed by police officers.

(F) Whenever traffic is controlled by traffic-control signals exhibiting the words "go," "caution" or "stop" or exhibiting different colored lights successively one at a time, or with arrows, said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as specified in the Michigan Vehicle Code (Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923, as amended).

(G) The provisions of this title relating to the operation of vehicles shall apply to Police and Fire Department vehicles of the village, except that such vehicles may:

- (1) Park notwithstanding the provisions of this title;
- (2) Proceed past a red light or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the prima facie speed limit so long as life or property is not in danger;
- (4) Disregard regulations governing direction of movement or turning so long as life or property is not in danger; and
- (5) Drive on the left hand side of any highway, provided life or property is not in danger.

(H) The foregoing exemptions shall not protect the operator of such vehicle from the consequences of his or her disregard of the property or safety of others.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.04 RESTRICTIONS AS TO SPEED.**

(A) Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and to any other conditions then existing, and no persons shall drive any vehicle upon a street at a speed greater than will permit him or her to bring it to a stop within the assured clear distance ahead.

(B) Subject to the provisions of division (A) above and except in those instances where a lower speed is specified in this title, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not to exceed the following, but in any case when such speed would be unsafe it shall not be lawful; 25 mph on all streets in a business or residential district and 25 mph in public parks unless a difference speed is fixed and duly posted; and 12 mph in any alley.

(C) It shall be unlawful to exceed the foregoing speed limitations except upon through streets or state trunkline highways where a

difference speed limit is authorized and has been marked by adequate signs giving notice of permissible speed.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.05 TURNING AT INTERSECTION.**

(A) The driver of a vehicle intending to turn at an intersection shall do so as follows: both the approach for a right turn and a right turn shall be made as close as practical to the right hand curb or edge of the roadway; approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(B) Whenever authorized signs are erected indicating that no right or left or "U" turn is permitted, no driver of a vehicle shall disobey the direction of any such sign.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.06 DRIVING ON RIGHT SIDE.**

Upon all roadways of sufficient width all vehicles shall be driven upon the right half of the roadway except when overtaking and passing another vehicle proceeding in the same direction, when the right half of a roadway is closed to traffic, and upon one-way streets.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.07 OVERTAKING AND PASSING VEHICLES.**

(A) The driver of any vehicle overtaking another vehicle proceeding in the same direction except as otherwise provided in this title, shall pass at a safe distance to the left thereof, and when safely clear of such overtaken vehicle shall take up a position as near the right-hand edge of the main traveled portion of the street as is practical.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of an overtaken vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(C) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions, and then only under conditions permitting such movement in safety; when the vehicle overtaken is making or about to make a left turn, upon a street with unobstructed pavement of sufficient width for two or more lines of moving vehicles in either direction and when such vehicles are moving in substantially continuous lanes of traffic.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.08 LIMITATION ON OVERTAKING AND PASSING.**

No vehicle shall be driven to the left side of the center of a two-lane street or in the center lane of a three-lane street in overtaking and passing another vehicle proceeding in the same direction unless such left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.09 FOLLOWING TOO CLOSELY.**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon the condition of the highway.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.10 RIGHT-OF-WAY.**

(A) When two vehicles enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(B) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a proper signal, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn; provided, that at an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound straight through the intersection before making the turn.

(C) All vehicles approaching the intersection of a state trunkline highway or a street designated by a stop sign as a through street shall come to a full stop before entering or crossing such highways or through streets.

(D) The driver of a vehicle about to enter or cross a highway or street from an alley, private road or driveway, shall come to a full stop, before driving onto a sidewalk or sidewalk area extending across such alley, private road or driveway, and upon entering the roadway portion of said highway or street shall yield the right-of-way to all vehicles approaching on said roadway.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.11 RECKLESS DRIVING.**

(A) Any person who drives any vehicle upon a highway or street carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

(B) Any person once convicted of reckless driving, upon a second or subsequent offense shall be charged under the applicable state law and not under the provisions of this title.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.12 DRIVING WHILE INTOXICATED.**

(A) It shall be unlawful for any person who is any habitual user of narcotic drugs, barbital or any derivative of barbital or any person who is under the influence of intoxicating liquor or narcotic drugs, barbital or any derivative of barbital, to drive any vehicle upon any street or other public place.

(B) It shall be unlawful for the owner of any motor vehicle or any person having such in charge or in control thereof to authorize or knowingly permit the same to be driven or operated upon any street or other public place by any person who is an habitual user of narcotic drugs, barbital or any derivative of barbital or any person who is under the influence of intoxicating liquor or narcotic drugs, barbital or any derivative of barbital.

(C) Any person once convicted of driving while under the influence of intoxicating liquor or narcotic drugs, upon a second or subsequent offense shall be charged under the applicable state law and not under the provisions of this title.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.13 VEHICLE LEFT UNATTENDED.**

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle, and when standing upon any grade without turning the wheels towards the curb.

(Ord. 21, passed - -1952) Penalty, see § 71.99

#### **§ 71.14 VIEW OR CONTROL OF DRIVER.**

(A) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(B) No more than three persons shall occupy the front or driver's seat of a motor vehicle and no person, adult or minor, nor any animal, shall be seated or carried in the lap of the driver, or shall the driver be seated in the lap of a person occupying the front seat when the motor vehicle is in motion.

(C) No passenger in a vehicle shall ride in any position as to interfere with the driver's view ahead or the sides, or to interfere with his or her control over the driving mechanism of the vehicle.

(D) The windshield, at all times, in front of the driver shall be kept clear of dirt, snow and ice, or open so that the driver's view is unobstructed to the front of the vehicle at all times.

(Ord. 21, passed - -1952) Penalty, see § 71.99

#### **§ 71.15 PROJECTING ARTICLES.**

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be placed at the extreme rear end of the load, at any time from one-half hour after sunset to one-half hour before sunrise and at such times as driving conditions shall require, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. At any other time, there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square.

(Ord. 21, passed - -1952) Penalty, see § 71.99

#### **§ 71.16 SIGNALS ON STARTING, STOPPING OR TURNING.**

(A) The driver of any vehicle upon a street before starting, stopping or turning from a direct line shall first see that such movement can be made in safety and shall give a signal as required by this section.

(B) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by a mechanical or electrical signal device which conveys an intelligible signal or warning to another driver approaching from the rear.

(C) Whenever the signal is given by means of the hand and arm, the driver shall indicate his or her intention to start, stop or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

(Ord. 21, passed - -1952) Penalty, see § 71.99

#### **§ 71.17 EQUIPMENT AND LICENSE.**

(A) No person shall operate any vehicle or permit the same to be operated on any street unless the same complies with the Michigan Vehicle Code (Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923, as amended) in reference to size, height, weight, construction and equipment and the use, condition and operation of such equipment.

(B) No person shall drive any vehicle unless he or she is licensed as an operator or chauffeur as required by the state, and unless he or she has the license so granted in his or her possession at all times while operating a vehicle. No person shall violate any condition of such license. No person shall permit an unlicensed driver to operate any vehicle owned by him or her or under his or her control.

(Ord. 21, passed - -1952) Penalty, see § 71.99

#### **§ 71.18 PARADES, PROCESSIONS AND FUNERALS.**



(A) No funeral, procession or parade, excepting the armed forces of the United States or of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the Village Clerk.

(B) The Village Clerk shall not issue such permit if its issuance would, in his or her opinion, create an unnecessary and unwarranted traffic hazard or interference except upon the order of the Village Council.

(C) A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a flag as required by the Michigan Vehicle Code.

(D) Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and follow the vehicle ahead as closely as is safe.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.19 REMOVAL OF DISABLED VEHICLES.**

Whenever a vehicle becomes stalled upon a street or because of damage or other reason cannot be moved by its own power, and consequently blockades the street or interferes with the use of the same by other vehicles, it shall be the duty of its owner and its operator to remove it by towing or otherwise within a reasonable time, and upon the owner's failure to remove the vehicle within a reasonable time the vehicle may be removed as provided in § 72.23.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.20 RESTRICTIONS ON BACKING.**

(A) No driver of a vehicle shall back the same, unless such movement can be made with reasonable safety and without interfering with other traffic.

(B) The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event on any street or alley back his or her vehicle more than 60 feet.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.21 NOISE AND SMOKE.**

(A) No person in charge or control of any vehicle shall make with such vehicle or any device connected with same, any noise so excessive as to annoy the public, or unnecessarily race his or her motor while running idle, or open, remove or detach, the muffler of any vehicle, or permit the muffler to remain open, removed or detached while the motor of such vehicle is running, or permit such vehicle or any device thereon to emit an unnecessary quantity of smoke, obnoxious gases, flames or vapors.

(B) No person shall drive or propel upon the paved streets in the village any steam engine, thrashing machine or other machines or equipment or vehicles of any kind which may injure or damage the pavement of such street without the written permission of the Village Clerk.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.22 ACCIDENTS.**

(A) The driver of any vehicle involved in any accident resulting in injury to or death of any person shall immediately comply with the requirements of the Michigan Vehicle Code (Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923, as amended) with regard to stopping, giving information and rendering assistance. Any person failing to comply with said requirements shall be charged under the applicable state law and not under this chapter.

(B) The driver of any vehicle involved in an accident resulting only to damage to a vehicle which is driven or attended by any person shall immediately stop at the scene of such accident and shall give his or her name, address and the registration number of the vehicle he or she is driving, also the name and address of the owner and exhibit his or her operator's or chauffeur's license to the driver

or occupants of any vehicle collided with.

(C) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or, if such owner cannot be located, shall forthwith report it to the nearest or most convenient police officer.

(D) The driver of any vehicle involved in an accident resulting only in damage to fixtures legally upon or adjacent to a street shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident and of his or her name and address and of the registration number of the vehicle he or she is driving and shall upon request exhibit his or her operator's license, and if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer.

(Ord. 21, passed - -1952) Penalty, see § 71.99

### **§ 71.23 VEHICLES PASSING SCHOOL BUSES.**

(A) The driver of a vehicle shall not overtake, or meet and pass any school bus which has stopped for the purpose of receiving or discharging passengers.

(B) The driver of a vehicle overtaking or meeting any school bus which has stopped for the purpose of receiving or discharging any passengers, shall bring such vehicle to a full stop at least ten feet from the school bus, and shall not proceed until the school bus resumes motion or the school bus driver signals to proceed or the visual signals are no longer actuated. The driver of the school bus before resuming motion shall signal stopped traffic to proceed and shall, when resuming motion, proceed in such manner as to allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety. Passengers crossing the road upon being discharged from a school bus shall cross in front of a stopped school bus. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing any such bus but may proceed past such school bus at a speed no greater than is reasonable and proper and in no event greater than ten mph and with due caution for the safety of passengers being received or discharged from such school bus.

(C) The driver of a vehicle upon any highway which has been divided into two roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped in the roadway across the dividing space, barrier or section.

(Ord. 29, passed 3-2-1961) Penalty, see § 71.99

### **§ 71.24 MANDATORY CHILD RESTRAINTS AND SAFETY BELTS.**

(A) *Mandatory child restraints.*

(1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to Public Act 306 of 1969, being M.C.L.A. §§ 24.201 through 24.328 as amended, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

(a) Any child less than one year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. § 571.213;

(b) Any child one year of age or more but less than four years of age when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. § 571.213; and

(c) Any child one year of age or more but less than four years of age when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. § 571.213, unless the child is secured by a safety belt provided in the motor vehicle.

(2) This section does not apply to a nonresident driver transporting a child in this state or to any child being nursed.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle or other motor vehicle not required to be equipped with safety belts under M.C.L.A. § 257.710B or federal law or regulations.

(B) *Mandatory safety belt usage.*

(1) This section shall not apply to a driver or passenger of:

(a) A motor vehicle manufactured before January 1, 1965;

(b) A bus;

(c) A motorcycle;

(d) A moped;

(e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver is unable to wear a safety belt for physical or medical reasons;

(f) A motor vehicle which is not required to be equipped with safety belts under federal law;

(g) A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services; or

(h) A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.

(2) This section shall not apply to a passenger of a school bus.

(3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except that a child less than four years of age shall be protected as required in this section. Each driver of a motor vehicle transporting a child four years of age or more but less than 16 years of age in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt.

(4) Enforcement of this section shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another traffic ordinance, statute, chapter, section or rule.

(Ord. 101, passed 11-14-1990) Penalty, see § 71.99

### **§ 71.25 WEIGHT RESTRICTION ON HICKORY STREET VIADUCT.**

From and after the effective date of this section, the viaduct, or bridge, on Hickory Street over the Penn Central Railroad right-of-way in said village shall be limited solely to the use of passenger vehicles or pickup trucks having a gross weight of not to exceed five tons. All other trucks, semi-trucks, farm tractors, self-propelled farm machinery, farm machinery and any other type vehicle, conveyance or equipment exceeding five tons in gross weight are strictly prohibited from crossing said viaduct.

(Ord. 51, passed 4-5-1973) Penalty, see § 71.99

### **§ 71.26 GENERAL WEIGHT LIMIT ON VILLAGE STREETS.**

(A) On and after the effective date of this section it shall be unlawful for any person, firm or corporation to propel or drive any vehicle whose gross weight exceeds 18,000 pounds on the streets enumerated in division (B) below.

(B) All streets within the corporate limits of the village except Ash Street, except as may be required for loading and unloading purposes and to access the truck-tractor and trailer parking area, by the most direct route thereto available.

(C) The Village Street Commissioner is hereby authorized and empowered to post all streets enumerated in division (B) above in accordance with the provisions of this section.

(Ord. 31, passed - -1962; Ord. 127, passed 4-8-1998) Penalty, see § 71.99

### **§ 71.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person, firm, his, her, or their employee or agent violating the provisions of §§ 71.01 through 71.21 shall be punished by a fine of not less than \$1 and not more than \$100 and costs of prosecution, or imprisoned in the county jail not to exceed 90 days or both such fine and imprisonment in the discretion of the court.

(C) Any person, firm or corporation violating any of the provisions of § 71.23 or § 71.25 shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 and costs of prosecution, or by imprisonment in the county jail for a period not exceeding 90 days, or both such fine and imprisonment at the discretion of the court.

(D) A person who violates § 71.24 is responsible for a civil infraction.

(E) (1) Any person or persons, partnership or corporation who shall violate any of the provisions of § 71.26 is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions for each infraction.

(2) Repeat offenses shall be subject to an increased civil fine as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs and other sanctions; and

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500, plus costs and other sanctions.

(3) A **REPEAT OFFENSE** means a second (or any subsequent) violation of § 71.26:

(a) Committed by a person within any six-month period; and

(b) For which the person admits responsibility or is determined to be responsible.

(4) Each day on which any violation of § 71.26 continues, constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(Ord. 21, passed - -1952; Ord. 29, passed 3-2-1961; Ord. 51, passed 4-5-1973; Ord. 101, passed 11-14-1990; Ord. 119, passed 4-12-1995)

## CHAPTER 72: PARKING

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Section

### *Parking Violations Bureau*

72.01 Establishment

72.02 Duties of Village Clerk

72.03 Violations to be disposed of by Bureau

72.04 Violation to be settled only at request of violator

72.05 Traffic ticket or notice of violation

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### *Parking Regulations*

72.20 Obedience to parking signs

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72.23 Removal of vehicles parked in violation

72.24 Overnight parking

72.99 Penalty

# PARKING VIOLATIONS BUREAU

## **§ 72.01 ESTABLISHMENT.**

Pursuant to § 8395 of the Revised Judicature Act, M.C.L.A. § 600.8395, as added by Public Act 154 of 1968, being M.C.L.A. §§ 600.8101 et seq., 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. 45, passed 6-5-1969)

## **§ 72.02 DUTIES OF VILLAGE CLERK.**

The Village Clerk shall, subject to the approval of the Village Council, establish a convenient location for the Parking Violations Bureau, appoint a suitable person or persons to administer the Bureau and adopt rules and regulations for the operation of the Bureau.

(Ord. 45, passed 6-5-1969)

## **§ 72.03 VIOLATIONS TO BE DISPOSED OF BY BUREAU.**

No violation that is not scheduled in § 72.06 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 such a 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. 45, passed 6-5-1969)

## **§ 72.04 VIOLATION TO BE SETTLED ONLY AT REQUEST OF VIOLATOR.**

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 the parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violations processed for a court having jurisdiction thereof, if so desired. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection according to him or her by the law.

(Ord. 45, passed 6-5-1969)

## **§ 72.05 TRAFFIC TICKET OR NOTICE OF VIOLATION.**

The issuance of a traffic ticket or notice of violation by a police officer of the city shall be deemed an allegation of the 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 in which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued, advise that a warrant for the arrest of the person to whom the ticket was issued will be issued if such a person fails to respond within the time limited. The Bureau may provide self-addressed envelopes for distribution to violators who may utilize such envelopes for mailing fines into the Bureau if they so desire rather than appear in person. Mailing in such a voluntary fine shall constitute complete acquittance by the violator under this subchapter.

(Ord. 45, passed 6-5-1969)

## **§ 72.06 SCHEDULE OF OFFENSES AND FINES.**

***Uniform Traffic Code Violations***

<b><i>Offense</i></b>	<b><i>UTC Section</i></b>	<b><i>Penalty</i></b>
Abandoned vehicle plus towing and storage charge		\$5
All night parking in prohibited area		\$2
Angle parking violation	(8.3)	\$2
Bicycle parking violations	(6.17)	\$1
Disabled vehicle, failure to move		\$10
Failure to set brakes	(5.58)	\$3
In an alley	(.13)	\$3
In prohibited zone (signs required)	(8.10)	\$3
Loading zone violations	(8.17, 8.16)	\$2
Obstructing traffic	(8.5)	\$5
Parking between the sidewalk and the curb		\$3
Parking for prohibited purpose	(8.14)	
(1) Displaying advertising		\$3
(2) Displaying vehicle for sale		\$3
(3) Parking over 48 hours		\$5
(4) Selling merchandise		\$3
(5) Working or repairing vehicle		\$3
Parking on private property, without the owner's consent		\$5
Parking too far from curb	(8.1, 8.2)	\$2
Prohibited parking (signs unnecessary)	(8.10)	
(1) Blocking emergency exit		\$5
(2) Blocking fire escape		\$5
(3) Double parking		\$5
(4) In front of drive		\$5
(5) In front of theater		\$3
(6) On a bridge or viaduct		\$10
(7) On crosswalk		\$5
(8) On the sidewalk		\$5
(9) Side street when traffic obstructed		\$5
(10) Within intersection		\$10

(11) Within 15 feet of a hydrant		\$5
(12) Within 20 feet of crosswalk or 15 feet of corner lines		\$5
(13) Within 20 feet of fire station entrance		\$5
(14) Within 30 feet of street side traffic sign or signal		\$5
(15) Within 50 feet of a railroad crossing		\$5
(16) Within 75 feet of fire station entrance on opposite side of street (signs required)		\$5
(17) Within 200 feet of accident where police are in attendance		\$3

(Ord. 45, passed 6-5-1969)

## PARKING REGULATIONS

### § 72.20 OBEDIENCE TO PARKING SIGNS.

No person shall park or stand a vehicle upon the portion of any street upon which authorized signs or markings have been erected designating the manner or length of time or parking, in a manner or for a length of time contrary to such posted signs or markings.

(Ord. 21, passed - -1952) Penalty, see § 72.99

### § 72.21 STOPPING, STANDING OR PARKING PROHIBITED.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or a traffic-control device, in any of the following places:

- (A) On a sidewalk;
- (B) Within an intersection;
- (C) In front of a public or private driveway;
- (D) On a crosswalk;
- (E) Within 15 feet of a fire hydrant;
- (F) Within 20 feet of a crosswalk at an intersection;
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (H) Within 50 feet of the nearest rail of a railroad crossing;
- (I) On the roadway side of any vehicle stopped or parked at the edge or curb of the street; or
- (J) At any place where official signs prohibit stopping or parking.

(Ord. 21, passed - -1952) Penalty, see § 72.99

## § 72.22 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street or alley, in such a manner or under such conditions as to leave available less than ten feet from the center of the roadway for free movement of vehicular traffic, and no persons shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Ord. 21, passed - -1952) Penalty, see § 72.99

## § 72.23 REMOVAL OF VEHICLES PARKED IN VIOLATION.

The Chief of Police and any member of the Police Department shall have the authority to remove all vehicles parked in violation of this subchapter, and any vehicle so removed shall be taken into custody of the Police Department and not released until the reasonable costs of such removal are paid to the Police Department.

(Ord. 21, passed - -1952) Penalty, see § 72.99

## § 72.24 OVERNIGHT PARKING.

(A) No motor vehicle or motorcycle shall be parked on any street or village parking lot in the village between the hours of 2:00 a.m. and 6:00 a.m. at any time.

(B) Signs showing the prohibition against overnight parking shall be posted on all principal streets used for entrance into the village.

(Ord. 63, passed 8-5-1976) Penalty, see § 72.99

## § 72.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person, firm their employee or agent, violating the provisions of §§ 72.20 through 72.23 shall be punished by a fine of not less than \$1 and not more than \$100 and costs of prosecution, or imprisoned in the county jail not to exceed 90 days or both such fine and imprisonment in the discretion of the court.

(C) (1) Any person or persons, partnership or corporation who shall violate any of the provisions of § 72.24, or Chapter 73, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions for each infraction.

(2) Repeat offenses shall be subject to an increased civil fine as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs and other sanctions; and

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500, plus costs and other sanctions.

(3) A **REPEAT OFFENSE** means a second (or any subsequent) violation of § 72.24 or Chapter 73:

(a) Committed by a person within any six-month period; and

(b) For which the person admits responsibility or is determined to be responsible.

(4) Each day on which any violation of § 72.24 or Chapter 73 continues, constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(Ord. 21, passed - -1952; Ord. 63, passed 8-5-1976; Ord. 119, passed 4-12-1995)



Schedule

- I. Parking time limited
- II. Parking prohibited during certain hours
- III. Parallel parking
- IV. Angle parking
- V. Double parking
- VI. Truck parking prohibited
- VII. Loading and unloading prohibited

**SCHEDULE I: PARKING TIME LIMITED.**

No motor vehicle or motorcycle shall be parked for a period of time exceeding two hours between the hours of 8:00 a.m. and 6:00 p.m., except Sunday, on the following streets in the village:

<i>Street</i>	<i>Location</i>
Elm Street	Between Ash Street (US 12) and Sycamore Street
Elm Street	Between Linden and Maple Street
Elm Street	Between Maple Street and Sycamore Street
Linden Street	Between St. John United Church of Christ and Oak Street
Maple Street	Between Elm Street and Cherry Street
Sycamore Street	Between Elm Street and Cherry Street

(Ord. 18, passed 6-3-1948; Ord. 19, passed 5-5-1949; Ord. 63, passed 8-5-1976) Penalty, see § 72.99

**SCHEDULE II: PARKING PROHIBITED DURING CERTAIN HOURS.**

(A) No person, firm, partnership or corporation shall park a motor vehicle in the following locations, between the hours of 8:00 a.m. and 6:00 p.m. with the exception of Sundays and legal holidays.

(B) For the purpose of this Schedule II, the word **PERSON** is hereby defined to mean either the operator or the owner of a motor vehicle or truck as the case may be.

<i>Street</i>	<i>Location</i>
Linden Street	South side of street, between Elm Street and the east line of Lot 9 of the Subdivision of the east half of southeast quarter of Section 3, Township 8 South, Range 20 West

(C) Any person, firm, partnership or corporation who shall violate the provisions of this schedule II, shall upon conviction be fined not less than \$1 nor more than \$100 or sentenced to imprisonment in the county jail not to exceed 90 days, or both in the discretion of the court.

(Ord. 20, passed 6-5-1952)

**SCHEDULE III: PARALLEL PARKING.**

Parking on the following streets shall be restricted to parallel parking as specified:

<i>Street</i>	<i>Location and Specifications</i>
North Elm Street	All portions where the pavement width is 33 feet, or less, measured from back to back of existing curbs, parallel parking on one side only as designated by signs posted thereon; angle parking prohibited
South Elm Street	All portions where the pavement width is 33 feet, or less, measured from back to back of existing curbs, parallel parking on one side only as designated by signs posted thereon; angle parking prohibited
West Locust Street	Parallel parking on one side only as designated by signs posted thereon

(Ord. 54, passed 5-3-1973) Penalty, see § 72.99

**SCHEDULE IV: ANGLE PARKING.**

Angle parking shall be permitted on those portions of the following streets as designated by signs posted to permit such parking:

- (A) East Linden Street; and
- (B) Maple Street.

(Ord. 54, passed 5-3-1973) Penalty, see § 72.99

**SCHEDULE V: DOUBLE PARKING.**

No person shall stop, stand or park any vehicle in the following locations in such a manner or under such conditions as to leave available less than 16 feet of the width of the street for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

<i>Street</i>	<i>Location</i>
Elm Street	Between Ash Street and Sycamore Street

(Ord. 16, passed 4-1-1948) Penalty, see § 72.99

**SCHEDULE VI: TRUCK PARKING PROHIBITED.**

No person, firm, partnership or corporation shall park a truck of any kind on the following streets:

<i>Street</i>	<i>Location where Prohibited</i>
Elm Street	Between Ash Street and Sycamore Street

(Ord. 18, passed 6-3-1948) Penalty, see § 72.99

**SCHEDULE VII: LOADING AND UNLOADING PROHIBITED.**

(A) No person, partnership, firm or corporation using a vehicle to supply goods, wares and merchandise to any business establishment on the following streets shall place such vehicle on said portion of the street for the purposes of loading and unloading such goods, wares and merchandise.

(B) For the purpose of this Schedule VII, the word **PERSON** as used herein is defined to mean either the operator or the owner of said vehicle, or both as the case may be.

<i>Street</i>	<i>Location</i>
Elm Street	Between Linden Street and Maple Street

(Ord. 17, passed 4-1-1948; Ord. passed 6-3-1948) Penalty, see § 72.99