

MILTON TOWNSHIP ORDINANCE 2012-060

MILTON TOWNSHIP OWNED PROPERTY PARKING LOT ORDINANCE

Adopted: December 17, 2012

Effective: January 29, 2013

An ordinance to preserve the peace, welfare, order, health, and safety of persons and property in the Township; to prescribe a penalty for the violation of the provisions of this ordinance; and to repeal all conflicting ordinances or parts of ordinances.

MILTON TOWNSHIP OF MILTON

CASS COUNTY, MICHIGAN

HEREBY ORDAINS:

SECTION I: TITLE AND PURPOSE. This ordinance shall be known and cited as the Milton Township Owned Property Parking Lot Ordinance. The growth of activities on Milton Township Owned Properties, with the resulting concentration of vehicular and pedestrian traffic therein, requires an enactment of policies and regulations for the protection of health, safety and general welfare. It is the intent of Milton Township Board of Trustees to hereby establish a parking ordinance for the protection of residents, property owners, staff, and visitors while on Milton Township owned property.

SECTION II: DEFINITIONS.

Section 2.01: Parking. Parking means a standing vehicle, whether occupied or not. (Subject, however, to the definition of —stopping.)

Section 2.02: Pedestrian. Pedestrian means any person afoot.

Section 2.03: Person. Person means every natural person, firm, co-partnership, association, or corporation.

Section 2.04: Stop. Stop when required means complete cessation from movement.

Section 2.05: Stop or stopping. Stop or stopping means:

(a) When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control sign or signal.

(b) When permissible, any halting of a vehicle to load or unload passengers for a period not to exceed 30 seconds with the operator remaining in the driver's seat.

Section 2.06: Tow-away Zone -Tow-away zone means a zone where no parking, stopping or standing is permitted as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.

SECTION III: PARKING LOT REGULATIONS

SECTION 3.01 ANGLE PARKING SIGNS OR MARKING - In parking lots which have been designated for angle parking no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the street, or unpaved area, indicated by such signs or markings and no person shall stop, stand or park a vehicle except completely within such pavement markings which may exist.

SECTION 3.02 PARKING NOT TO OBSTRUCT TRAFFIC - No person shall park any vehicle upon any parking lot or other parking facility in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicle traffic.

SECTION 3.04 PARKING PROHIBITIONS (NO SIGNS REQUIRED) - No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic control device in any of the following places: on a sidewalk; in front of a driveway; within an intersection; within fifteen (15) feet of a fire hydrant; on a crosswalk; within twenty (20) feet of a crosswalk; on the highway side of any vehicle stopped or parked at the edge or curb of a street; in any place or in any manner so as to block immediate egress from any emergency exit or exits conspicuously marked as such on buildings.

SECTION 3.05 PARKING PROHIBITIONS (POSTED SIGNS) - No person shall stop, stand or park a vehicle except when necessary to avoid conflict with traffic or in compliance with the direction of a police officer in violation of any posted parking restriction or prohibition, provided that signs stating such restriction or prohibition are duly posted.

SECTION 3.06 USE OF ENTRANCE WAY/DRIVE INTO PARKING AREAS: No person shall drive or attempt to drive a vehicle into a parking lot through the exit side/way of the parking lot or drive a vehicle from a parking lot through the entrance side/way of the parking lot unless directed to do so by a police officer.

SECTION 3.07 PASSENGER LOADING ZONE - No person shall stop, stand or park a vehicle for any period of time or for any purpose except for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to such a passenger loading zone are effective.

SECTION 3.08 PRIMA FACIE EVIDENCE; PARKING VIOLATORS = In any proceeding for a violation of this ordinance relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the

person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred. In case two or more persons are the registered owners, either may be presumed to be the person who parked or placed such motor vehicle as foresaid.

SECTION 3.09 NO PARKING IN TOW-AWAY ZONE - Where temporary or permanent no parking zones are established and where there is posted tow-away zone signs, and where vehicles are parked in unauthorized places or in lots or other parking facilities for a period of time that exceeds the permissible time, vehicles parked in violation may be towed away and impounded. The reasonable cost of removal and storage shall be borne by the owner.

SECTION 3.10 PARKING ONLY IN DESIGNATED AREAS - No automobile, truck or other motor vehicle shall be parked or be allowed to stand between the outer edge or boundary line of any parking lot and a sidewalk or any grassy area, unless expressly permitted by order of the Milton Township Board of Trustees, or by the direction of the Township Supervisor.

SECTION 3.11 LICENSED VEHICLES - Any motor vehicle driven, parked or possessed upon the premises of Milton Township owned property shall have affixed to said motor vehicle a current registration plate or plates as issued by the State of residence of the registered owner.

SECTION 3.12 CO-OPERATION WITH INVESTIGATIONS AND PROCESS —

- A. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic violation card.
- B. Whenever an officer removes a vehicle from a street or other place as authorized herein and the officer knows or is able to ascertain the name and address of the owner thereof such officer shall within a reasonable period of time give or cause to be given a notice in writing to the owner of the fact of such removal, the reason therefor and the place to which such vehicle has been removed. In the event any such vehicle is stored in a garage a copy of such notice shall be given to the proprietor of such garage.
- C. Whenever an officer removes a vehicle from a street or other place as provided herein and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event a vehicle is not returned to the owner within a period of three (3) days, the officer shall within a reasonable period of time send or cause to be sent a written report of such removal by mail to the Director of the Michigan State Police and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage, or place where the vehicle is stored.
- D. Ordinance Enforcement Personnel are hereby authorized to remove a vehicle from any parking place to the nearest garage or other place of safety, or to a garage designated or maintained by

the Milton Township Board of Trustees, when such vehicle is left unattended and may be presumed to be abandoned.

SECTION IV: ENFORCEMENT. This Ordinance shall be enforced by the Milton Township Ordinance Enforcement Officer, or other persons, who shall be so designated by the Township Board.

SECTION V: SANCTIONS. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

EACH OFFENSE/VIOLATION - \$25.00 Fine

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Milton Township has been put to in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

SECTION VI: VIOLATIONS—CIVIL ACTION. The Township may commence a civil action in the Circuit Court for an Injunction, or other appropriate remedy, to prevent, enjoin, abate, correct or remove the items alleged to violate this Ordinance and to prevent, enjoin, abate or otherwise prohibit continued violation of this Ordinance.

SECTION VII: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION IX: EFFECTIVE DATE. This Ordinance shall take effect 30 days after publication.

Sue Kronewitter
Milton Township Clerk.

CERTIFICATE OF ORDINANCE ADOPTION

I Sue Kronewitter, the undersigned, as the duly elected and acting clerk of Milton Township, Cass County, Michigan; do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Milton Township Board held on December 17, 2012, the Board adopted Ordinance No. 2012-06O, to become effective on: January 29, 2013, and that members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Supervisor, Robert Benjamin	YES
Clerk, Sue Kronewitter	YES
Treasurer, Susan Flowers	YES
Trustee, Eric Renken	YES
Trustee, Kelly Sweeney	NO

I do further certify that a Notice of Adoption with a copy of the proposed Ordinance was published on December 29, 2012 in the South Bend Tribune, a newspaper of general circulation.

January 30, 2013
Dated

Sue Kronewitter, Clerk
Sue Kronewitter, Milton Township Clerk

Attest

[Signature]
Robert Benjamin, Milton Township Supervisor