

**TITLE VII: TRAFFIC CODE**

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC VIOLATIONS BOARD**
- 72. PARKING**
- 73. RECREATIONAL VEHICLES**



**CHAPTER 70: GENERAL PROVISIONS**

Section

***State Police, Motor Carrier Division,  
Motor Carrier Safety Rules***

70.01 Act adopted

***Uniform Traffic Code for Cities,  
Townships and Villages***

70.15 Code adopted

70.16 Purpose of Code

***Michigan Vehicle Code***

70.30 Code adopted

70.99 Penalty

***STATE POLICE, MOTOR CARRIER  
DIVISION, MOTOR CARRIER  
SAFETY RULES***

**' 70.01 ACT ADOPTED.**

The city adopts by reference the Motor Carrier Safety Act of 1963 (M.C.L.A. ' ' 480.11 et seq.) and the rules adopted under that act, as in effect now and as amended in the future.

***UNIFORM TRAFFIC CODE FOR CITIES,  
TOWNSHIPS AND VILLAGES***

**' 70.15 CODE ADOPTED.**

(A) The city adopts by reference the Uniform Traffic Code for Cities, Townships and Villages (Mich. Admin. Code. R. 28.1001 et seq.) as promulgated by the director of the Michigan Department of State Police and all future amendments and revisions to the code when the are promulgated and effective.

(B) A copy of this Code in its entirety is on file in the City Hall.

(C) References in the code to Agovernmental unit@ mean the city.

(D) References in the code to AChief of Police,@ Apolice,@ and Aofficers of the Police Department@ mean the Oakland County Sheriff and the Sheriff=s deputies.

(E) References in the code to Aofficers of the Fire Department@ mean officers of the Independence Township Fire Department. (Ord. 80, passed 9-9-1974; Ord. 80-1, passed 7-25-1977; Ord. 80-2, passed 8-22-1977; Ord. 80-3, passed 7-9-1979; Ord. 80-4, passed 12-14-1981; Ord. 80-5, passed 4-25-1983; Ord. 80-8, passed 10-11-1999)

**70.16 PURPOSE OF CODE.**

The purpose of this 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.

(Ord. 80, passed 9-9-1974; Ord. 80-1, passed 7-25-1977; Ord. 80-2, passed 8-22-1977; Ord. 80-3, passed 7-9-1979; Ord. 80-4, passed 12-14-1981; Ord. 80-5, passed 4-25-1983; Ord. 80-8, passed 10-11-1999)

***MICHIGAN VEHICLE CODE*****70.30 CODE ADOPTED.**

The city adopts by reference by Michigan Vehicle Code (M.C.L.A. ' ' 257.1 et seq.), as in effect now and as amended in the future.

**70.99 PENALTY.**

(A) The penalties for violation of the Uniform Traffic Code and Michigan Vehicle Code are those prescribed in the codes.

(B) The penalties for violation of the Motor Carrier Safety Act are those prescribed in the act.  
(Ord. 127, passed 10-26-1998)

## CHAPTER 71: TRAFFIC VIOLATIONS BOARD

### Section

- 71.01 Established
- 71.02 Unmetered parking zone; violation as civil infraction
- 71.03 Prohibited parking
- 71.04 Parking fines
- 71.05 Permit parking areas
- 71.06 Impounding and immobilization of motor vehicles

- 71.99 Penalty

#### ***Cross-reference:***

*Parking, see Ch. 72*

#### **' 71.01 ESTABLISHED.**

The City Traffic Violations Bureau is hereby established. The City Clerk shall be responsible for the Bureau and those assistants as he or she may designate. The Bureau shall accept violation payments as herein provided and shall account for all monies received to the City Treasurer. Upon receipt of any fine, the Clerk shall issue a signed receipt for the same, and shall file a duplicate receipt with the City Treasurer. The Clerk shall keep a record book in which all entries shall be made in chronological order in accordance with the ticket number.

(Ord. 125, passed 9-10-1996)

#### **' 71.02 UNMETERED PARKING ZONE; VIOLATION AS CIVIL INFRACTION.**

In an unmetered parking lot (when no parking meter is erected adjacent to a space marked for

parking) the space shall be an unmetered parking zone, and a person:

(A) Shall not stop, stand or otherwise park or allow a vehicle to remain stopped, standing or parked for a period longer than that designated on the signage controlling the unmetered parking lot;

(B) Shall not move the vehicle within the lot to a different space, or the same parking space, for the purpose of extending the parking time of the vehicle beyond the legal parking time for the lot, which has been established for the parking lot by the sign or signage limiting the time in the lot;

(C) Shall not intentionally remove, cover, alter or cause to be removed, covered or altered, the enforcement officer's time mark from the tire of a parked vehicle with the purpose of extending the parking time of the vehicle beyond the legal parking time for the lot, or otherwise shall not do so for the purpose of deceiving the enforcement officer monitoring the time which the vehicle has been parked within the lot. Violation of provisions of this division for parking over the posted limit, whereby a separate citation shall be issued for violation of this division; and/or

(D) Shall park wholly within the parking space which has been so marked.

(Ord. 125, passed 9-10-1996) Penalty, see ' 71.99

#### **' 71.03 PROHIBITED PARKING.**

It shall be unlawful for a person to park a vehicle on any street from December 1 to April 1 between the hours of 2:00 a.m. and 6:00 a.m. within the city unless a temporary permit has been obtained and attached to the vehicle in an open and conspicuous place within the vehicle.

(A) *Posting.* The above parking restrictions shall be indicated by appropriate signs.

(B) *Exception to prohibited parking.* A person may have a vehicle or vehicles exempted from the above parking prohibition by obtaining a hardship and/or temporary permit from the City Clerk and attaching the same to the vehicle or vehicles in an open and conspicuous place within the vehicle.

(C) *Application for hardship permit.* Any person may apply for a hardship permit from the City Clerk by completing the application provided for the same and signing an affidavit indicating his or her residence does not have off-street parking, the off-street parking is inadequate or by reason of his or her physical condition, his or her vehicle should be exempted from the parking restrictions.

(D) *Criteria for hardship permit.* The City Clerk shall develop fair and reasonable standards and/or criteria in accordance with this section for the granting of hardship permits, which standards shall be approved by the City Council by resolution.

(E) *Appeal from City Clerk.* If any person is denied a hardship permit, he or she shall have the right to appeal the same to the City Council and have a full hearing to review the application and the decision of the City Clerk.

(F) *Temporary permit.* A person may obtain a temporary permit for a vehicle which shall be valid for up to a seven-day period for any reason, provided no more than one temporary permit shall be issued for the same vehicle during the period indicated.  
(Ord. 125, passed 9-10-1996) Penalty, see ' 71.99

Any person who is responsible for a civil infraction under Chapter 8 of the Uniform Traffic Code, adopted by reference in ' 70.15, shall pay a fine to the Traffic Violations Bureau which corresponds to the specific civil infraction as adopted by City Council resolution.

(Ord. 125, passed 9-10-1996)

#### ' 71.05 PERMIT PARKING AREAS.

(A) *Designated permit parking areas.* The City Council is authorized to designate by resolution an area or areas of the city in which parking is restricted to those vehicles displaying a parking permit during specified hours of each day and to adopt regulations for the administration of each designated permit parking area.

(B) *Fees and guidelines.* The City Council may by resolution establish fees for a Apermit parking@ permit and shall establish the guidelines for issuance of those permits.

(C) *Posting.* The hours and days as thus established shall be posted on signs in the permit parking area so as to give notice thereof to the general public.

(D) *Prohibitions.* No person shall:

(1) Park in a permit parking area without a permit conspicuously placed within the vehicle during the designated hours;

(2) Falsify information to obtain permits;

(3) Fail to surrender the permit to the Chief of Police, or his or her assignee, on his or her demand, if those permits are used in violation of this section; or

(4) Otherwise violate the regulations governing the issuance and use of the permits.

(Ord. 125, passed 9-10-1996) Penalty, see ' 71.99

#### ' 71.04 PARKING FINES.

**' 71.06 IMPOUNDING AND  
IMMOBILIZATION OF MOTOR VEHICLES.**

(A) *Police power.* A member of the Police Department may impound or immobilize by use of a wheel-lock device or otherwise a vehicle parked in the city in all instances where:

(1) The owner has failed to answer six or more parking violation notices or citations; and

(2) The owner has been given at least three-days= notice sent to the owner at the address according to the vehicle registration, notifying the owner that he or she has failed to answer six or more outstanding parking violation notices or citations.

(B) *Recovery.* An owner may recover an impounded or immobilized vehicle upon:

(1) Payment of all outstanding parking violations and citations, the payment to be made at the offices of the City Clerk during regular business hours, except weekends and holidays, and at the City Police Department at all other times; and

(2) Payment of towing and storage fees to the towing agent.

(C) *Penalties.* Nothing in this section shall prevent the enforcement and collection of fines and other penalties for failure to answer parking violation notices or citations.

(Ord. 125, passed 9-10-1996) Penalty, see ' 71.99

(B) Violations of ' 71.06 herein adopted shall be a misdemeanor punishable by a fine not in excess of \$500 or by imprisonment for not in excess of 90 days or by both a fine and imprisonment in the discretion of the court together with costs of prosecution. A separate offense shall be deemed committed upon each day during which a violation occurs or continues. (Ord. 125, passed 9-10-1996)

**' 71.99 PENALTY.**

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





**CHAPTER 72: PARKING**

Section

***General Provisions***

- 72.01 Stopping, standing and parking; prohibited places; manner
- 72.02 Standing or parking close to curb
- 72.03 Obedience to angle parking signs or markings
- 72.04 One-way streets
- 72.05 Parking a bicycle
- 72.06 Parking not to obstruct traffic
- 72.07 Vehicle starting from parked position
- 72.08 Angle parking
- 72.09 Moving parked vehicle
- 72.10 Standing or parking on one-way roadways
- 72.11 Metered parking zones
- 72.12 Drivers to park within spaces
- 72.13 Prima facie evidence; parking violations
- 72.14 Parking signs required
- 72.15 Chief of Police; emergency regulations
- 72.16 Authority to impound vehicles

***Handicapped Parking***

- 72.30 Preamble
- 72.31 Definitions
- 72.32 General regulations

***Snow Removal***

- 72.45 Snow removal permit criteria
- 72.99 Penalty

***Cross-reference:***

*Traffic Violations Board, see Ch. 71*

***PROHIBITED PLACES; MANNER***

**' 72.01 STOPPING, STANDING AND PARKING; PROHIBITED PLACES; MANNER.**

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

(A) For more than two hours, only between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday, on any street, highway or roadway which is zoned for commercial or parking purposes under the provisions of the city zoning ordinance when posted by the city.

(B) Between the hours of 2:00 a.m. and 6:00 a.m., any day of the week, on any street, highway or roadway, which is zoned for commercial or parking purposes under the provisions of the city zoning ordinance.

(C) The limitations of divisions (A) and (B) shall not apply to parking by vehicles in the city-owned parking lot.

(D) On a sidewalk.

(E) In front of a public or private driveway.

(F) Within an intersection.

(G) Within 15 feet of a fire hydrant.

***STOPPING, STANDING AND PARKING;***

(H) On a crosswalk.

(I) Within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets.

(J) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign or traffic-control signal located at the side of a street.

(K) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety one, unless a different length is indicated by signs or markings.

(L) Within 50 feet of the nearest rail of a railroad crossing.

(M) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted.

(N) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(O) On the street side of any vehicle stopped or parked at the edge of a curb of a street.

(P) Upon any bridge or other elevated structure upon a street or within a street tunnel.

(Q) Within 200 feet of an accident at which police officers are in attendance.

(R) In front of any theater.

(S) In any place or in any manner so as to block immediate egress from any emergency exit to exits conspicuously marked as such of buildings.

(T) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape conspicuously marked as such providing an emergency means of egress from any building.

(U) At any place where official signs prohibit stopping, standing or parking.  
(Ord. 71, passed 7-9-1973)

**' 72.02 STANDING OR PARKING CLOSE TO CURB.**

No person shall stand or park a vehicle in roadway other than parallel with the edge of a roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided by authority of the City Council.  
(Ord. 71, passed 7-9-1973)

**' 72.03 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.**

Upon those streets which have been signed, or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.  
(Ord. 71, passed 7-9-1973)

**' 72.04 ONE-WAY STREETS.**

Vehicles may park with the left-hand wheels adjacent to the within 12 inches of the left-hand curb or properly signed one-way streets.  
(Ord. 71, passed 7-9-1973)

**' 72.05 PARKING A BICYCLE.**

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or a the curb, in such manner as to afford the least obstruction to pedestrian traffic.  
(Ord. 71, passed 7-9-1973)

**' 72.06 PARKING NOT TO OBSTRUCT TRAFFIC.**

No person shall park any vehicle upon a street, in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicular traffic.  
(Ord. 71, passed 7-9-1973)

**' 72.07 VEHICLE STARTING FROM PARKED POSITION.**

A vehicle starting from a parked position shall give moving vehicles the right-of-way and the operator of the vehicle shall give a timely warning signal before so starting.  
(Ord. 71, passed 7-9-1973)

**' 72.08 ANGLE PARKING.**

A vehicle parked at an angle to the curb and about to start shall give moving vehicles the right-of-way and the operator thereof shall not back such vehicle from the curb into the moving lane of traffic unless such maneuver can be made in safety and without conflict with moving vehicles.  
(Ord. 71, passed 7-9-1973)

**' 72.09 MOVING PARKED VEHICLE.**

No person shall move a vehicle not lawfully under his or her control into any prohibited parking area or away from a curb such distance as is lawful.  
(Ord. 71, passed 7-9-1973)

**' 72.10 STANDING OR PARKING ON ONE-WAY ROADWAYS.**

In the event a street included two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.  
(Ord. 71, passed 7-9-1973)

**' 72.11 METERED PARKING ZONES.**

When parking meters are erected adjacent to a space marked for parking, such space shall be a metered parking zone and no person shall stop a vehicle in any such zone for a period of time longer than designated on the parking meters upon the deposit of a coin of the United States currency of the denomination designated on the meters on the days and during the time the regulations are in force as designated on the meters.  
(Ord. 71, passed 7-9-1973)

**' 72.12 DRIVERS TO PARK WITHIN SPACES.**

Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required in this subchapter for the parking of other vehicles in such space.  
(Ord. 71, passed 7-9-1973)

**' 72.13 PRIMA FACIE EVIDENCE; PARKING VIOLATIONS.**

In any proceeding for a violation of this subchapter, 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 the vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, such violation occurred.  
(Ord. 71, passed 7-9-1973)

**' 72.14 PARKING SIGNS REQUIRED.**

Whenever by this subchapter or any other ordinance of this governmental unit any parking time limit is imposed or parking is prohibited on designated streets, no such regulations shall be effective unless appropriate signs giving notice thereof are erected and in place at the time of any alleged offense; except that no such signs need be erected to make effective ordinances regulating the stopping, standing, or parking of vehicles when these ordinances do not differ from the provisions of Act No. 300, Public Acts of 1949, as amended.  
(Ord. 71, passed 7-9-1973)

**' 72.15 CHIEF OF POLICE; EMERGENCY REGULATIONS.**

The Chief of Police is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions regarding the stopping, standing or parking of vehicles in the city. No such temporary regulation shall remain in effect for more than 30 days.  
(Ord. 71, passed 7-9-1973)

**' 72.16 AUTHORITY TO IMPOUND VEHICLES.**

The designated police enforcing agent for the city is hereby authorized to remove a vehicle from a street, road or highway to the nearest garage or other place of safety, or to a garage designated by the police

enforcing agent, whenever a vehicle is parked in a violation of any of the provisions of this section. The driver, owner or custodian of any vehicles so towed or moved shall be responsible for the costs of towing, moving or storage of the vehicle  
(Ord. 71, passed 7-9-1973; Ord. 71-1, passed 1-12-1976)

***HANDICAPPED PARKING***

**' 72.30 PREAMBLE.**

This subchapter provides minimum requirements for handicappers parking spaces in shopping centers, as required by M.C.L.A. ' 257.942(a).  
(Ord. 94, passed 4-27-1981)

**' 72.31 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CITY.*** The City of the Village of Clarkston, Oakland County, Michigan.

***PARKING AREA.*** 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.

***SHOPPING CENTER.*** 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. 94, passed 4-27-1981)

**' 72.32 GENERAL REGULATIONS.**

(A) Every shopping center, now or hereafter, located in the city shall provide for parking spaces designated for handicappers in numbers conforming to the requirements of division (C) below.

(B) The handicappers parking spaces required under the provisions of this subchapter shall be identified by signs as being reserved for physically handicapped persons. Signs shall be located approximately six feet above grade. Each reserved parking space shall be not less than 12 feet wide. Where a curb exists between a parking lot surface, an inclined approach or a curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating, the direction of travel to an accessible entrance.

(C) Handicappers parking spaces shall be provided according to the following schedule:

<i>Total Parking Spaces in Lot</i>	<i>Required Number of Accessible Spaces</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

(Ord. 94, passed 4-27-1981) Penalty, see ' 72.99

**SNOW REMOVAL**

**' 72.45 SNOW REMOVAL PERMIT**

**CRITERIA.**

The following is the criteria which shall be used in evaluating applications for on-street parking between the dates of December 15 and March 15.

(A) (1) If the residence has no off-street parking available (i.e., no driveway, no garage), a permit should be issued.

(2) Parking off alleys will be treated like off-street parking.

(B) (1) If all available off-street parking is used by other vehicles in the household, including space inside garages, a permit should be issued.

(2) If a garage is not available for parking, the reason must be explained on the application, and an inspection may be required.

(C) If landlord does not allow parking in available space, no permit shall be issued (landlord - tenant problem).

(D) One-lane driveways make it inconvenient for people to park all their vehicles in single file. Accordingly, permit will normally be issued as follows:

(1) Multiple-house units occupied by unrelated persons (appropriate number of permits to provide parking after an analysis of situation); and

(2) Single-family units, with:

3 or 4 cars	1 permit may be issued
5 cars	2 permits may be issued
6 cars	3 permits may be issued

(E) Where physical disability or condition of the driver requires street parking with no one available to move the vehicle off-street, a physician=s letter or valid handicap permit shall be required.

(F) Fire or police personnel with single-width driveways would be issued a permit for the vehicle they primarily use to respond to fire/medical/police

emergencies. Other emergency response personnel (i.e., utility workers, doctors, nurses and the like) require a letter from their employer for consideration

(G) (1) Permits shall be subject to approval each year.

(2) A permit granted the previous year upon appeal to the City Council shall be denied once again if the above criteria are not met.

(H) Factors such as Acars bottoming out,@ steep driveway and the like shall not be considered.

(I) The City Clerk may approve issuance of temporary permits for greater than seven days for extenuating circumstances.

(Ord. passed - -) Penalty, see ' 72.99

**' 72.99 PENALTY.**

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

(B) Unless another penalty is expressly provided by the ordinances of the city, every person convicted of a violation of any provision of ' ' 72.01 through 72.16 shall be punished as follows:

(1) Any vehicle parked in violation of the of the provisions of ' ' 72.01 through 72.16 may be issued a traffic citation by any police officer of Independence Township, by ay state police officer, by and deputy sheriff or by the designated police enforcement agent for the city.

(2) Any traffic citation issued in accordance with division (B)(1) above may be settled by paying the total sum of \$5 in costs and fines. For purposes of this division, the payments shall be in person to the Independence Township Treasurer at the Township offices, 90 North Main Street, Clarkston, Michigan or at any other agency designated by the city as the agency for the collection of parking fines and costs. Further the payments for parking and costs shall be considered a settlement of notice of violation and not a plea of any kind. Amounts collected shall be deemed a reimbursement to the City General Fund.

on a case-by-case basis.

(3) In all cases other than those settled and compromised pursuant to division (B)(2) above, any person, firm, or corporation who has been issued a traffic citation for parking or for any other violation provided herein shall appear at the 52/2 District Court, Clarkston, Michigan and enter a plea thereto. Any person, firm, or corporation who pleads guilty to or is convicted of violating any provision of ' 72.01 through 72.16 shall be guilty of a misdemeanor and may be sentenced not more than \$100 in fines and imprisoned for not more than 90 days, or both, together with all costs of prosecution, in the discretion of the Court.

(C) Violation of ' ' 72.30 through 72.32 constitutes a civil infraction, and shall be processed in the same manner as a civil infraction under Public Act 300 of 1949, as amended, being M.C.L.A. ' ' 257.1 to 257.923.

(Ord. 94, passed 4-27-1981; Ord. 71-1, passed 1-12-1976; Ord. 71-2, passed 10-9-1979)

**CHAPTER 73: RECREATIONAL VEHICLES**

Section

***Bicycles***

- 73.01 Controlling riding of bicycles and other similar vehicles on sidewalks and paths
- 73.02 Exceptions

***Snowmobiles***

- 73.15 Preamble
- 73.16 Definitions
- 73.17 Registration
- 73.18 Registration and regulation; place of operation
- 73.19 Operation by minors
- 73.20 Equipment required
- 73.21 Operating regulations
- 73.22 Accidents
- 73.23 Appearance tickets
- 73.24 Unattended vehicles

***Motorcycles***

- 73.35 Preamble
- 73.36 Short title
- 73.37 Purpose
- 73.38 Definition
- 73.39 General provision
- 73.40 Evidence of permission
- 73.41 Inability to show permission; violation

- 73.99 Penalty

***Cross-reference:***

*Sidewalks and Streets, see Ch. 93*  
*Parks and Recreation, see Ch. 92*  
*Zoning, see Ch. 155*

**BICYCLES**

**73.01 CONTROLLING RIDING OF BICYCLES AND OTHER SIMILAR VEHICLES ON SIDEWALKS AND PATHS.**

(A) No person or persons shall ride any motorized bicycle, tricycle, skateboard, motorcycle or other motor vehicle upon any sidewalks or safety paths within the corporate limits of the city.

(B) No person shall ride any bicycle, tricycle, skateboard or similar device on the sidewalks of the recognized downtown area as defined in the city zoning ordinance and as adopted by reference in Chapter 155.

(C) Whenever a person is riding a bicycle or similar device on a sidewalk or public path, that person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

(Ord. 139(1), passed 11-13-2007) Penalty, see 73.99

**73.02 EXCEPTIONS.**

This subchapter shall not limit the use of recognized single-person motorized or non-motorized vehicles and devices on a sidewalk or safety path that are required for a disability as long as speeds do not exceed five mph and the safety of all pedestrians is respected.

(Ord. 139(1), passed 11-13-2007)

**SNOWMOBILES**

**' 73.15 PREAMBLE.**

This subchapter regulates the operation of snowmobiles in the city and provides penalties for the violations thereof.  
(Ord. 84, passed 3-24-1975)

**' 73.16 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DEALER.** Any person engaged in the sale, lease or rental of snowmobiles as a regular business.

**HIGHWAY** or **STREET.** The entire width between the boundary line of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**OPERATE.** To ride in or on and be in actual physical control of the operation of a snowmobile.

**OPERATOR.** Any person who operates or is in actual physical control of a snowmobile.

**OWNER.** Any of the following:

(1) A person who holds the legal title to a snowmobile;

(2) A vendee or lessee of a snowmobile which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; or

(3) A person renting a snowmobile or having the exclusive use of a snowmobile for more

than 30 days.

**PERSON.** An individual, partnership, corporation, the state and any of its agencies or subdivisions, and any body of persons whether incorporated or not.

**RIGHT-OF-WAY.** The portion of a highway less the roadway and any shoulder.

**ROADWAY.** The portion of a highway improved, designated or ordinarily used for vehicular travel. If a highway includes two or more separate **ROADWAYS**, the term **ROADWAY** refers to any **ROADWAY** separately, but not to all **ROADWAYS** collectively.

**SHOULDER.** The portion of a highway on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.

**SNOWMOBILE.** Any motor driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. It is not a vehicle which must be registered under Public Act 300 of 1949, as amended, being M.C.L.A. ' ' 257.1 to 257.923.  
(Ord. 84, passed 3-24-1975)

**' 73.17 REGISTRATION.**

It is required that:

(A) No snowmobile shall be operated in the city unless registered by the owner as provided in Public Act 178 of 1971 and a certificate of registration obtained pursuant to state law;

(B) Registration is not required for a snowmobile operated exclusively on lands owned or under control of the snowmobile owner; and

(C) The display of a registration decal or other device on the snowmobile in the manner as required by state law is also required and made a part of this subchapter.

(Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

**' 73.18 REGISTRATION AND REGULATION;  
PLACE OF OPERATION.**

No person shall operate and no owner or dealer shall permit the operation of any snowmobile under the following conditions, circumstances or at the following locations:

(A) Upon a public highway, land used as an airport or street or any public or private parking lot not specifically designated for the use of snowmobiles except for the following circumstances.

(1) A person may operate a snowmobile on the right-of-way of a public highway, except a limited access highway, if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the highway.

(2) A person may operate a snowmobile on the roadway or shoulder when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to any approaching vehicle on the highway.

(3) When it is impractical to gain immediate access to an area adjacent to a public highway, a snowmobile may be operated on a right-of-way adjacent and parallel to the roadway for the sole purpose of gaining access to and from the area of operation by the most direct route. Loading or unloading of a snowmobile shall be accomplished with due regard to safety at the nearest possible point of the area of operation.

(4) A snowmobile may be operated across a public highway other than a limited access highway, at right angles to the highway for the purpose of getting from one area to another when the operation can be done in safety and another vehicle is not crossing the highway at the same time in the same general area. An operator shall bring his or her snowmobile to a complete stop before proceeding across any public highway and shall yield the right-of-way to all oncoming traffic.

(5) Snowmobiles may be operated on a highway in a county road system, which is not normally snowplowed for vehicular traffic and on any snowplowed highway in the county road system, outside the corporate limits of a city or village, which is designated and marked for snowmobile use by the County Road Commission.

(6) A duly constituted law enforcement officer of the city may authorize use of a snowmobile on a public highway or street within his or her jurisdiction when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme highway conditions.

(7) A snowmobile may be operated on a street or highway for a special event of limited duration conducted according to a pre-arranged schedule only under permit from the city. The event may be conducted on the frozen surface of public waters only under permit from the Department of Natural Resources pursuant to state law.

(B) On private property not owned, leased or under the control of the operator unless the operator has the express consent of the owner, lessee or other person in control of the property, except in case of an emergency when other means of travel are not feasible or possible; or

(C) On public school grounds, parks, playgrounds, recreational areas, golf courses and other public lands (other than state-owned lands where the operation is authorized by statute) without the express consent of the public authority in charge of the lands or premises, except where the operation is absolutely necessary in an emergency when other means of travel are not feasible or possible.

(Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

**' 73.19 OPERATION BY MINORS.**

(A) A parent or legal guardian shall not permit his or her child who is under the age of 12 to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian.

(B) A person who is at least 12 but less than 16 years of age may operate a snowmobile if:

(1) He or she is under the direct supervision of a person who is 18 years of age or older;

(2) He or she has in his or her immediate possession a snowmobile safety certificate issued pursuant to state law; or

(3) He or she is on land owned or under the control of his or her parent or legal guardian. A person who is operating a snowmobile pursuant to division (B)(2) above shall present the snowmobile safety certificate to any police officer upon demand.

(C) Notwithstanding ' 73.18, an operator who is under 12 years of age shall not cross a highway or street. An operator who is at least 12 years of age but less than 16 years of age, may cross a highway or street only if he or she has a valid snowmobile safety certificate in his or her immediate possession.

(D) The owner of a snowmobile shall not permit his or her snowmobile to be operated contrary to this section.

(E) Snowmobiles shall not be used to hunt, pursue, worry or kill a wild bird or animal.

(F) When a judge of a juvenile court determines that a person who is less than 16 years of age has violated this section, the judge shall immediately report the determination to the Department of Natural Resources. The Director of Natural Resources, upon receiving a notice of a determination pursuant to this section, may suspend this certificate without a hearing. (Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

**' 73.20 EQUIPMENT REQUIRED.**

A snowmobile shall not be operated unless it has at least one headlight, one taillight and adequate brakes capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more:

(A) Stopping a snowmobile in not more than 40 feet from an initial steady speed of 20 mph; or

(B) Locking the snowmobile=s traction belt or belts.

(Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

**' 73.21 OPERATING REGULATIONS.**

A person shall not operate a snowmobile:

(A) At a rate of speed greater than is reasonable and proper having due regard for conditions then existing;

(B) While under the influence of an intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol;

(C) During the hours from one-half hour after sunset to one-half hour before sunrise without displaying a lighted headlight and a lighted taillight;

(D) In any forest nursery, planting area or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged;

(E) On the frozen surface of public waters within 100 feet of a person including, but not limited to, a skater, not in or upon a snowmobile or within 100 feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to public water;

(F) Unless it is equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from a vehicle path under full throttle does not exceed 86 DBA (decibels on the AA@ scale) on a sound meter having characteristics defined by American Standard Association SI, 4-1966 General Purpose Sound Meters;

(G) Within 100 feet of a dwelling between 12 midnight and 6:00 a.m. at a speed greater than minimum required to maintain forward movement of the snowmobile;

(H) In or upon or remain unlawfully on premises which are fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to him or her by the owner or an authorized person. A person shall not operate a snowmobile in or upon farmlands, farm wood lots or platted property in the city without permission of the landowner;

(I) In an area on which public hunting is permitted during the season open to the taking of deer with firearms from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except during an emergency, for law enforcement purposes, to go to and from a permanent residence or hunting camp otherwise inaccessible by a conventional wheeled vehicle or for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol and timber harvest operations, or on his or her own property or property under his or her control or as an invited guest;

(J) On or across a cemetery or burial ground;

(K) While transporting thereon a bow unless unstrung or a firearm unless securely encased or equipped with and made inoperative by a manufactured key-locked trigger housing mechanism;

(L) Within 100 feet of a slide, ski or skating area. A snowmobile may enter this area for the purpose of servicing the area or for a medical emergency; and

(M) On a railroad or railroad right-of-way, except railroad, public utility or law enforcement personnel while in the performance of their duties. (Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

### ' 73.22 ACCIDENTS.

The operator of a snowmobile involved in an accident resulting in injury to or death of any person, or property damage in an estimated amount of \$100 or more shall, immediately by the quickest means of communication, notify a state police officer or the Sheriff=s office of the county or to the office of the Police Department of this city wherein the accident occurred. The police agency receiving the notice shall complete a report of the accident on forms prescribed by the Director of the Department of State Police and forward the report to the Department of State Police. (Ord. 84, passed 3-24-1975)

### ' 73.23 APPEARANCE TICKETS.

(A) A peace or police officer may issue appearance tickets for violation of this subchapter pursuant to Public Act 175 of 1927, Ch. 4, ' ' 9a to 9e, as amended, being M.C.L.A. ' ' 764.9a to 764.9e.

(B) In a proceeding for a violation of this subchapter involving prohibited operations or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of the offense.

(C) An operator of a snowmobile who is given by hand, voice, emergency light or siren a visual or audible signal by a peace, police or conservation officer acting in the lawful performance of his or her duty, directing the operator to bring his or her snowmobile to a stop, and who willfully fails to obey the direction by increasing speed, extinguishing his or her lights, or otherwise attempts to flee or elude the officer is guilty of a misdemeanor. The officer giving the signal shall be in uniform. A vehicle or snowmobile which is used by an officer at night for purposes of enforcing this subchapter shall be identified as an official law enforcing vehicle or snowmobile.

(Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

' 73.24 UNATTENDED VEHICLES.

No operator or owner shall allow a snowmobile:

(A) To remain unattended on public property while the motor is running; and

(B) To remain unattended on public property with the keys for starting the snowmobile left in the ignition or otherwise in open view.

(Ord. 84, passed 3-24-1975) Penalty, see ' 73.99

**MOTORCYCLES**

' 73.35 PREAMBLE.

This subchapter regulates the operation of motorcycles and other similar vehicles on the private property of another, and prescribes the penalties for the violation of these regulations.

(Ord. 75, passed 9-9-1974)

' 73.36 SHORT TITLE.

This subchapter shall be known as the motorcycle control ordinance and may elsewhere be referred to as such, hereinafter shall be referred to as Athis subchapter.@

(Ord. 75, passed 9-9-1974)

' 73.37 PURPOSE.

This subchapter is enacted to prohibit the operation of motorcycles on any private property where the one owning or otherwise lawfully possessing the property has not expressly consented to the operation on the property of these vehicles.

(Ord. 75, passed 9-9-1974)

' 73.38 DEFINITION.

For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**MOTORCYCLE.** All vehicles of that type including, but not limited solely to, vehicles popularly known as or called motorcycles, motorbikes, mini-bikes, trail bikes or motor scooters, these vehicles being self-propelled and having two or three wheels.

(Ord. 75, passed 9-9-1974)

' 73.39 GENERAL PROVISION.

The operation of any motorcycle as defined herein is prohibited on any private property not owned or lawfully possessed by the motorcycle operator unless permission to do so is first requested and received from the person owning or otherwise in lawful possession of the property; provided however, that the evidence shall not be required of nor shall the operation of a motorcycle be deemed a violation of this subchapter where the operator thereof is a member of the immediate family of the owner or one lawfully in possession of the property or the operator is accompanied by or operating the motorcycle in the presence of and with the approval of the one owning or in lawful possession of the property.

(Ord. 75, passed 9-9-1974)

' 73.40 EVIDENCE OF PERMISSION.

The permission as required herein must be received in writing from the person requested to

consent to the operation. The written evidence shall then be required to be shown to any peace officer requesting to see it.

**' 73.41 INABILITY TO SHOW PERMISSION; VIOLATION.**

The inability or refusal of a motorcycle operator to show written evidence of the prior receipt of permission to operate a motorcycle on the property shall afford any peace officer charged with enforcing this subchapter with sufficient cause and belief to regard the motorcycle operator's presence on the property as being in violation of this subchapter, the inability or refusal being a violation of this subchapter in and of itself.

(Ord. 75, passed 9-9-1974)

**' 73.99 PENALTY.**

(A) *Bicycles.*

(1) *Municipal civil infraction payment of costs.* Any person violating a provision of ' ' 73.01 and 73.02 upon receiving a notice of violation may pay civil costs to the City Municipal Parking Bureau in the amount provided under the city parking violation regulations as prescribed below.

(2) *Costs.*

(a) A person 16 years old or younger shall pay costs in the amount of \$10 for a first offense, \$20 for a second offense and \$40 for a third offense.

(b) A person older than 17 years of age shall pay costs in the amount of \$10 for a first offense, \$30 for a second offense and \$50 for a third offense.

(Ord. 75, passed 9-9-1974)

(3) *Penalty.* Any person who is given a notice of violations and who fails to pay the notice of violation within 30 days or has received and paid costs for notices of violations and is charged with a fourth violation may be issued a citation to be adjudicated in the 52-2 District Court, or if a juvenile, the appropriate jurisdiction. Penalty for the violation shall be a civil infraction and shall pay fines and costs not to exceed \$500, which costs may include all expenses, direct or indirect, for which the city incurred in connection with the violation.

(B) *Snowmobiles.*

(1) Any person who shall violate ' ' 73.15 through 73.24 shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500 and costs of prosecution or by imprisonment in the county jail for a period not to exceed 90 days, or by both a fine and imprisonment in the discretion of the court.

(2) Any person guilty of a violation ' ' 73.15 through 73.24 shall also be subject to civil proceedings for damages and/or injunctive relief by the city or by any person, firm or corporation injured or damaged by the violation.

(3) Both criminal and civil proceedings may be commenced against a person violating ' ' 73.15 through 73.24 and commencement of any proceedings shall not constitute an election of remedies preventing the commencement of the other proceedings against the violator.

(C) *Motorcycles.* Any person or persons violating any of the provisions of ' ' 73.35 through 73.41 shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment not to exceed 90 days in the county jail, or both a fine and imprisonment in the discretion of the court.

(Ord. 75, passed 9-9-1974; Ord. 84, passed 3-24-1975; Ord. 139(1), passed 11-13-2007)



