Chapter 24
TRAFFIC*

Charter references: Notice to city of injury caused by negligence to be given to city within 60 days of occurrence of injury, § 17.1; notice to city of claim for injury arising from street defects, § 17.2.

Cross references: Throwing litter from vehicles, § 10-11; truck loads not to cause litter, § 10-12; preventing junk from falling on streets, § 13-7; junked, dismantled motor vehicles, § 13-21 et seq.; noisy vehicles, sounding of horns, § 16-29; driving or walking on new pavement, § 22-3; downtown development authority, Ch. 30.

State law references: Michigan Vehicle Code, M.S.A., § 9.1801 et seq.; municipal authority, § 9.2306.

Art. I. In General, §§ 24-1– 24-10

Art. II. Uniform Traffic Code, §§ 24-11– 24-23

Art. III. Auto Parking System, §§ 24-24– 24-39

Art. IV. Parking Violations Bureau, §§ 24-40– 24-57

Art. V. Impoundment of Vehicles, §§ 24-58

Art. VI. Michigan Motor Vehicle Code, §§ 24-59– 24-61

ARTICLE I.
IN GENERAL

Secs. 24-1– 24-10. Reserved.

ARTICLE II.
UNIFORM TRAFFIC CODE*

Editor's note: Former Art. II, §§ 24-11 through 24-13, relative to the Uniform Traffic Code, was derived from the original codification of this Code and Ord. No. 768, § 1, adopted Feb. 1, 1971. Said Article was repealed in its entirety by Ord. No. 939, § 1, adopted Oct. 30, 1978, which ordinance also enacted a new Art. II, §§ 24-11 through 24-13 as herein set forth.

Sec. 24-11. Amendments to Uniform Traffic Code adopted.

The Uniform Traffic Code was adopted on October 30, 1978 under Chapter 24, Article II of the City of Midland Code of Ordinances. Since that date amendments have occurred to the Uniform Traffic Code, all of which were promulgated by the Director of Department of State Police effective January 27, 1981 and published in the quarterly supplement number 5 to the 1979 edition of the Michigan Administrative Code in accordance with 1956 P.A. 262

supplement number 3 to the 1979 edition of the Michigan Administrative Code in accordance with 1956 P.A. 262 are hereby adopted by reference amending and adding similarly numbered sections of said Uniform Traffic Code to the City of Midland Code of Ordinances including subsections to the current Article II, Chapter 24-11 and further to adopt by the ordinance from which this section derives future amendments as may occur to the Uniform Traffic Code as if fully recited herein.

(Ord. No. 939, § 1, 10-30-78; Ord. No. 1485, 8-14-00; Ord. No. 1504, 4-9-01)

Sec. 24-12. References in code.

References in the Uniform Traffic Code for Michigan cities, townships and villages to "governmental unit" shall mean the City of Midland.

(Ord. No. 939, § 1, 10-30-78)

Sec. 24-13. Changes in code.

The following sections and subsections of the Uniform Traffic Code for cities, townships and villages are hereby amended or deleted as set forth and additional sections and subsections are added as indicated in this section. Subsequent section numbers used in this section shall refer to the like numbered sections of the Uniform Traffic Code.

Sec. 2.25a. After Section 2.25 add Section 2.25a as follows:

Sec. 2.25a. City manager to be traffic engineer.

References in the Uniform Traffic Code for Michigan cities, townships and villages to the "traffic engineer" shall mean the city manager.

(Ord. No. 939, § 1, 10-30-78)

Sec. 2.36c. After Section 2.36b add Section 2.36c as follows:

Sec. 2.36c. Regulation of operation, parking and speed of motor vehicles on property of the school district for the City of Midland.

(1) Any person who shall drive or operate a motor vehicle on any property owned or otherwise used by the school district for the City of Midland, except on established and designated roads and automobile parking areas, shall be guilty of a misdemeanor.

(2) Any person who shall park or cause to be parked a motor vehicle upon any property owned or otherwise used by the school district for the City of Midland not designated and established as a motor vehicle parking area shall be guilty of a misdemeanor.

(3) Any person who operates a motor vehicle upon property owned or otherwise used by the school district for the City of Midland in a careless or negligent manner shall be guilty of a misdemeanor.

(4) The penalty for violation of this section shall be as provided by Section 9.3 of the Uniform Traffic Code.

(Ord. No. 939, § 1, 10-30-78)

Sec. 2.36d. After Section 2.36c add Section 2.36d as follows:

Sec. 2.36d. Fire routes.

The traffic engineer is hereby authorized to designate fire routes upon streets or highways or parts of streets or highways and prohibit standing or parking thereon upon certification by the fire chief that such streets or highways or parts of streets or highways are especially required for use in attending fires.

(Ord. No. 939, § 1, 10-30-78)

Sec. 2.48a. After Section 2.48 add Section 2.48a as follows:

Sec. 2.48a. One-way streets.

The traffic engineer is hereby authorized to determine and designate streets or highways or parts of streets or highways upon which vehicular traffic shall proceed in one direction and maintain appropriate markings, signs, barriers, or other devices to give notice thereof.

(Ord. No. 939, § 1, 10-30-78)

Sec. 3.12. Enforcing violations on private roads and private property. Section amended to read as follows:

Sec. 3.12. Enforcing violations on private roads and private property.

Notwithstanding any other provision of law, a police officer may enter upon a private road or other private property to enforce violations of this code, and a city employee assigned for the purpose of issuing parking violations by the city manager may enter upon a private road or other private property for the purpose of issuing notices of parking violations.

(Ord. No. 976, § 1, 5-5-80)

Sec. 5.98b. After Section 5.98a, add Section 5.98b as follows:

Sec. 5.98b. Removal of disabled vehicle.

When a vehicle becomes stalled, or for any reason cannot be moved by its own power, and in consequence obstructs a highway, the owner or operator shall cause the prompt removal of the same by towing or otherwise.

(Ord. No. 935, § 1, 10-30-78)

Sec. 8.13a. After Section 8.13 add Section 8.13a as follows:

Sec. 8.13a. Parking between sidewalk and curb.

No person shall drive upon, park or stand any vehicle between the curb or curb line and the lot line nearest the street, said area being commonly known as the lawn extension or outlawn, whether or not any sidewalk or curb is actually in place on such street, except when authorized by official signs.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.17a. After Section 8.17 add Section 8.17a as follows:

Sec. 8.17a. Regulation of central business district loading zones.

No person shall be allowed to double-park a commercial vehicle for loading or unloading purposes in the Central Business District (defined as the area bounded by the Tittabawassee River; Jerome, Ellsworth and Cronkright Streets) except in accordance with the following restrictions:

(a) Each loading or unloading operation shall be continuous, and such activity shall not cease for more than ten (10) minutes.

(b) Any loading or unloading operation shall not be permitted on weekdays between the hours of 4:00 p.m. and 6:00 p.m. on all streets in the Central Business District, and, in addition, shall not be permitted from 11:30 a.m. to 1:00 p.m. on Main, Ashman and Rodd Streets in the Central Business District.

(c) Double-parked commercial vehicles at any one time in a single block of a street in the Central Business District shall be in the same traffic lane.

(d) Notwithstanding any of the foregoing, if a loading zone is available or becomes available during loading or unloading within one hundred (100) feet of the door or entrance where the loading or unloading is taking place or is to take place, a commercial vehicle shall not be permitted to double-park and must use said loading zone.

(Ord. No. 939, § 1, 10-30-78; Ord. No. 1485, 8-14-00; Ord. No. 1504, 4-9-01)

Sec. 8.17b. After Section 8.17a, add Section 8.17b as follows:

Sec. 8.17b. Additional regulation of Main Street loading zones.

No person shall park a commercial vehicle of over one ton carrying capacity as rated by the manufacturer or over seventeen (17) feet long (measurement to be overall length including both the commercial vehicle and its load) on Main Street, between George Street and Fitzhugh Street in the city, except for loading and unloading purposes and then not to exceed thirty (30) minutes continuous time.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.21a. After Section 8.21, add Section 8.21a as follows:

Sec. 8.21a. Separate violations for metered parking zone violations or overtime parking violations beyond one hour or fraction thereof.

Whenever a vehicle is parked in a metered parking zone for a longer period of time than is permitted by Section 8.21 above, or is parked at a place beyond the time limits prescribed by official signs as described in Section 8.10(r) above, the traffic ticket or other notice of violation issued for such violation shall indicate in writing the time at which such violation is alleged to have occurred. If the vehicle is not moved within one hour from the time the original traffic ticket or other notice of violation was issued, a second traffic ticket or other notice of violation shall again indicate in writing the time at which it was issued. Thereafter, successive traffic tickets or other notices of violation of like nature shall be issued for each hour the vehicle remains parked in violation of this section.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.25. After Section 8.24 add Section 8.25 as follows:

Sec. 8.25. Power to establish parking lots.

The city may establish parking lots on property owned or leased by the city. The council may, by resolution, fix the regulations, control and maintenance of said parking lots and determine the rate to be charged the public for the use of the same.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.25a. After Section 8.25 add Section 8.25a as follows:

Sec. 8.25a. Regulation of parking lots.

No person shall park, stand, stop or operate a vehicle contrary to any posted regulations in any public parking grounds operated or maintained by the city.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.26. After Section 8.25a add Section 8.26 as follows:

Sec. 8.26. Parking in parks, footwalks, etc.

No person shall park, stand or stop a vehicle on the footwalks, bridge paths, sidewalks, grass plots or planted places of any park or boulevard, except in such areas as may be designated for the parking of automobiles, nor shall any motor vehicle be driven over any lawn, grass plot, bridle path, walkway, or pedestrian trails in any park.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.27. After Section 8.26 add Section 8.27 as follows:

Sec. 8.27. Authority to purchase parking meters.

The city is hereby vested with the authority to enter into a contract for the purchase and installation of parking meters and to provide payment therefore exclusively from the receipts obtained by the city from their operation, and such means of payment shall be in addition to any other purchasing powers heretofore granted the city by its charter or by the laws of the State of Michigan. The city is also authorized, at its discretion, to sell or otherwise dispose of parking meters no longer deemed necessary by the traffic engineer. Sale of such meters will be done in compliance with section 2.22 of the Code of Ordinances.

(Ord. No. 939, § 1, 10-30-78; Ord. No. 1504, 4-9-01)

Sec. 8.27a. After Section 8.27 add Section 8.27a as follows:

Sec. 8.27a. Destruction of parking meters.

It shall be unlawful for any unauthorized person to tamper with, open, willfully break or destroy any parking meter.

(Ord. No. 939, § 1, 10-30-78)

Sec. 8.28. After Section 8.27a add Section 8.28 as follows:

Sec. 8.28. Parking on streets between 3:00 a.m. and 6:00 a.m. prohibited.

Unless given a special police permit, no person shall park a vehicle between the hours of 3:00 a.m. to 6:00 a.m. on

the streets in the city.

(Ord. No. 939, § 1, 10-30-78)

Sec. 9.4a. After Section 9.4 add Section 9.4a as follows:

Sec. 9.4a. Current regulations.

All intersection stops and yield right-of-way requirements, regulations on stopping, standing or parking; prima facie speed limits; one-way streets, roadways and alleys; crosswalks; restricted turns; through streets; angle parking zones; all-night parking restrictions; curb-loading zones; public carrier stands; parking meter zones and spaces; weight restrictions; no-passing zones; traffic-control devices and traffic-control orders heretofore established and effective on the effective date of the code shall be deemed established hereunder, and shall remain effective until rescinded or modified as herein provided.

(Ord. No. 939, § 1, 10-30-78)

Secs. 24-14– 24-23. Reserved.

ARTICLE III.
AUTO PARKING SYSTEM

Sec. 24-24. System designated.

All street parking spaces where parking fees or charges are collected by means of parking meters, and all off-street parking lots and facilities acquired by the city, shall be maintained and operated by the city as one separate municipal system on a public utility basis, to be known as the City of Midland Automobile Parking System, hereinafter referred to as "the system," and shall include all parking meters, lots, buildings, facilities, equipment or accessories used or useful in connection therewith.

Sec. 24-25. City manager to run system.

The system shall be and remain under the management, supervision and control of the city manager, who may employ or designate such person or persons, or such board or commission, in such capacity or capacities as he deems advisable, to carry on the efficient management and operation of the system. The city manager may make such rules, orders and regulations as he deems advisable and necessary to assure the efficient management and operation of the system, subject, however, to the rights, powers and duties in respect thereto which are reserved by law to the city council.

Sec. 24-26. Fiscal year.

The system shall have an operating or fiscal year commencing on July 1st and ending on June 30th of each year.

Sec. 24-27. Fees and charges.

The parking fees, rates and charges to be collected for the use of street parking spaces by means of parking meters of the system and for off-street parking shall be as established pursuant to city ordinance. Any such ordinance shall contain appropriate penalties for nonpayment of such rates or charges, or for violation of time restrictions.

Sec. 24-28. Purpose of rates and charges.

Rates and charges for the use of the facilities of the system shall be in such amount as to produce revenues sufficient to

Rates and charges for the use of the facilities of the system shall be in such amount as to produce revenues sufficient to provide the following in relation to the system:

(1) Pay all operation and maintenance expenses of the system.

(2) Pay the principal and interest on all bonds or other evidences of indebtedness of the city issued for the purposes of the system or any additional parking facilities therefor.

(3) Provide for a reasonable reserve for other needed additions and improvements to the system, including the acquisition of additional parking facilities and traffic control equipment or devices.

Sec. 24-29. Certain funds established; operation of same.

The revenues of the system are hereby ordered to be set aside as collected and deposited in a bank duly qualified to do business in Michigan, in an account to be designated Automobile Parking System.

A budget, showing in detail the estimated costs of administration, operation and maintenance of the system for the next ensuing operating year, shall be prepared simultaneously with the general city budget and approved by the city council.

(Ord. No. 1485, 8-14-00; Ord. No. 1504, 4-9-01)

Sec. 24-30. Records to be kept; annual operating statement; annual audit.

The city manager shall cause to be maintained and kept, proper books of record and account, in which shall be made full and correct entries of all transactions relating to the system. Not later than four (4) months after the close of each fiscal year, the city manager shall cause to be prepared, a statement in reasonable detail, showing the cash income and disbursements of the system at the beginning and close of the operating year and such other information as may be necessary to enable any taxpayer of the city or user of the service furnished to be fully informed as to all matters pertaining to the financial operation of the system during such year. Such annual statement shall be filed in the office of the city clerk, where it shall be open to public inspection. Such books of record and account shall be audited annually by a certified public accountant, to be designated by the city council, and a certified copy of such audit shall be filed with the city clerk.

(Ord. No. 1403, § 1, 1-26-98)

Sec. 24-31. Fines.

Fees for violations of this section shall be imposed as provided in Chapter 21, Article 8.

(Ord. No. 1485, 8-14-00; Ord. No. 1504, 4-9-01)

Secs. 24-32– 24-39. Reserved.

ARTICLE IV.
PARKING VIOLATIONS BUREAU

Sec. 24-40. Parking violations bureau established; treasurer to supervise.

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, being MCL Section 600.8395, a parking violations bureau, for the purpose of accepting civil infraction admissions in parking violation cases occurring within the city and for collecting and retaining civil fines and costs as prescribed by this article, is hereby established. The

parking violations bureau shall be under the supervision and control of the city treasurer.

(Ord. No. 1403, § 2, 1-26-98)

Charter references: Council authorized to established traffic violations bureau, § 9.14.

State law references: Parking violations bureau authorized, M.S.A., § 27A.8395.

Sec. 24-41. Duties of treasurer.

The city treasurer shall, subject to the approval of the city council, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau, and adopt rules and regulations for the operation thereof.

Sec. 24-42. Disposition of violations.

Any violation not scheduled in section 21-130 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and, in any case, the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

(Ord. No. 1403, § 2, 1-26-98)

Sec. 24-43. Settling violations.

No violation may be settled at the parking violations bureau, except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.

Sec. 24-44. Ticket issuance; information on ticket.

The issuance of a traffic ticket, or notice of violation by a police officer of the city or by a city employee assigned for the purpose of issuing parking violations by the city manager, shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom such ticket was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued, and shall advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limit.

(Ord. No. 939, § 2, 10-30-78)

Sec. 24-45. Dismissal of parking violation without penalty.

If, after investigation, any police officer assigned by the police chief or the city treasurer or any employee assigned by the treasurer, shall certify that because of a defective parking meter, improper or missing sign, stolen vehicle, or that if

all material facts had been known at the time, the parking violation should not have been issued; or, that the parking violation notice is incomplete in a material detail, erroneous, issued to a vehicle licensed out of state, is the responsibility of a nonresident of the state, or that it is not feasible to determine the identity of the violator, the violation may be disposed of by the parking violations bureau without penalty, and the certificate attesting such facts shall be attached to the notice of violation.

(Ord. No. 1403, § 2, 1-26-98)

Sec. 24-46. When complaint shall be sworn for parking offenders.

Quarterly during each year, all parking violations which have been issued for more than thirty (30) days and which have not been disposed of at the parking violations bureau, shall be delivered by the bureau to the police department. If more than two (2) parking violations against a vehicle remain undisposed of at the bureau, notices shall be delivered by the bureau to the police department without waiting for the end of the quarter. Upon receipt of any such undisposed of parking violation, the police department shall have any person having knowledge of the facts make a sworn complaint before any court having jurisdiction of the offense as provided by law.

Sec. 24-47. Collection of penalties.

The parking violations bureau is authorized to collect any penalties due hereunder in any appropriate manner, including but not limited to the use of a third party or agency, provided that any agreement for such collection services is approved by the city council.

(Ord. No. 1403, § 3, 1-26-98)

Sec. 24-48. Right to appeal.

Parking violations may be appealed to the parking violations bureau by the alleged violator. Appeals may be filed on forms available at the parking violations bureau located at the city treasurer's office. The appeal shall be reviewed pursuant to section 24-45. The alleged violator shall be notified in writing of the decision regarding the appeal.

(Ord. No. 1403, § 4, 1-26-98)

Secs. 24-49– 24-57. Reserved.

ARTICLE V.
IMPOUNDMENT OF VEHICLES*

Editor's note: Prior to its reenactment by Ord. No. 1403, § 5, adopted Jan. 26, 1998, Art. V, §§ 24-58– 24-71, was repealed in its entirety by Ord. No. 1349, § 1, adopted June 10, 1996. The former Art. V pertained to bicycles, and derived from Ord. No. 1104, adopted April 7, 1986.

Sec. 24-58. Procedure for impoundment of vehicles.

The impounding of vehicles shall be done in accordance with the Uniform Traffic Code section 2.5 or when any vehicle is identified and located whose owner has failed to answer six (6) or more parking violation notices or citations regarding illegal parking.

No person shall willfully interfere with the removal of a vehicle impounded, or being impounded, pursuant to this article. No person shall remove or attempt to remove an impounded vehicle from storage except in accordance with the procedure established by this article.

(Ord. No. 1403, § 5, 1-26-98; Ord. No. 1485, 8-14-00; Ord. No. 1504, 4-9-01)

ARTICLE VI.
MICHIGAN MOTOR VEHICLE CODE

Sec. 24-59. Code adopted.

The Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923 and as subsequently amended, is adopted by reference.

(Ord. No. 1543, § 1, 9-23-02)

Sec. 24-60. Reference in code.

References in the Michigan Motor Vehicle Code to "local authorities" shall mean the city.

(Ord. No. 1543, § 1, 9-23-02)

Sec. 24-61. Penalties.

The penalties provided by the Michigan Motor Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Motor Vehicle Code for which the maximum period of imprisonment is greater than ninety-three (93) days.

(Ord. No. 1543, § 1, 9-23-02)