

ORDINANCE NUMBER 190

AN ORDINANCE TO REGULATE THE PARKING OF MOTOR VEHICLES WITHIN THE CITY OF LUNA PIER AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE ORDINANCE

Section 1. Title

This ordinance shall be known as the Luna Pier Parking Ordinance.

Section 2. Definitions

For purposes of this Ordinance the following words and phrases are hereby defined:

- 2.01** “Authorized City Official” means a police officer of the City or any other personnel of the City legally authorized by ordinance to issue a municipal civil infraction or a municipal civil infraction violation notice.
- 2.02** “Bureau” means the Municipal Ordinance Violation Bureau established by City of Luna Pier Ordinance Number 161.
- 2.03** “Citation” means a written complaint or notice to appear in court upon which an authorized City official records the occurrence or existence of one or more alleged municipal civil infractions by the individual cited.
- 2.04** “Disabled Person” means a person who is determined by a physician or optometrist as specifically provided in this section licensed to practice in this state to have 1 or more of the following physical characteristics identified in the Michigan Public Act 1949, No. 300 as amended, the Michigan Motor Vehicle Code Section 19(a).
- 2.05** “Municipal Ordinance Violation Notice” means a notice, other than a citation, directing a person to appear at the Municipal Ordinance Violations Bureau in the City of Luna Pier and to pay the fine and costs prescribed by the ordinance for the violation.
- 2.06** “Parking Meter” means a meter located in a parking area, which dispenses pre-paid display parking permits.
- 2.07** “Pay-Display Parking Permit” means a pre-paid, parking permit obtained by depositing the requisite amount of coins in a parking meter to obtain a paper permit allowing parking in certain parking lots located in the City of Luna Pier.

2.08 “Resident Parking Permit” means a parking permit obtained by filing an application with the City Clerk, which shall contain the following information: (1) Name of the owner of the vehicle to be registered; (2) Residential address of the owner; (3) Make, model and license registration number of the vehicle; and (4) The principle operator’s driver’s license number. Upon the finding that the applicant meets the requirements set forth above, the Clerk shall issue the appropriate parking permit which shall remain valid for such time as the permit holder continues to reside in the City of Luna Pier.

Section 3. Authority and Jurisdiction of Bureau.

3.01 The Municipal Ordinance Violation Bureau shall have the authority to accept admission(s) of responsibility and payment for municipal ordinance violation notices that have been properly issued and for which a fine has been scheduled.

3.02 The Bureau is not required to accept admission(s) of responsibility and payment for municipal ordinance violations when an authorized City official has issued a municipal civil infraction citation. Neither party shall be restricted or prohibited from bypassing the Bureau and having a violation processed before a court of appropriate jurisdiction.

3.03 The Bureau’s authority is limited to be accepting admission(s) of responsibility, without explanation, for municipal ordinance violation notices and collecting civil fines and costs as a result of those admissions. The Bureau shall not accept payment of a fine from any person who denies having committed the noticed offense. No City personnel at the Bureau may determine or try to determine the truth or falsify of any fact or matter relating to an alleged violation.

Section 4. Nature and Form of Municipal Ordinance Violation Notice for Parking Ordinance Violations.

4.01 An authorized City official shall cite violations of the Parking Ordinance by the issuance of a Municipal Ordinance Violation Notice which may be identified as a Parking Ticket.

4.02 The Violation Notice or Parking Ticket shall indicate the time period within which the person to whom it was issued must respond before the Bureau, the address of the Bureau, the hours during which the Bureau is open, the manners in which payment will be accepted, and the amount of the penalty scheduled for the offense for which the ticket was issued.

4.02.01 Payment of the scheduled fine as indicated on the Notice Violation or Parking Ticket shall be made either by first class

mail to the Bureau at the address listed thereon or in person at the Bureau during business hours.

- 4.03** If the Violation Notice or Parking Ticket is for an alleged violation of the parking meter requirement for the City Pier parking area and the City Bath House Parking Lot, as provided for in section nine (9) of this Ordinance, the Notice or Ticket shall contain the meter number of the alleged violation.

Section 5. Prohibited Parking; violation as municipal civil infraction; unpaid fines.

- 5.01** Parking a vehicle in any of the following places is prohibited and shall be deemed a municipal civil infraction except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- 5.01.01** On a sidewalk.
- 5.01.02** In front of a public or private driveway.
- 5.01.03** Within an intersection.
- 5.01.04** Within 15 feet of a fire hydrant.
- 5.01.05** On a crosswalk.
- 5.01.06** Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.
- 5.01.07** Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway.
- 5.01.08** Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.
- 5.01.09** Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign.
- 5.01.10** Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.

- 5.01.11** On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
- 5.01.12** Upon a bridge or other elevated highway structure or within a highway tunnel.
- 5.01.13** At a place where an official sign prohibits stopping or parking.
- 5.01.14** Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village.
- 5.01.15** In front of a theater.
- 5.01.16** In a place or manner that block immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- 5.01.17** In a place or manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- 5.01.18** In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.
- 5.01.19** On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.
- 5.01.20** Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.
- 5.01.21** In violation of an official sign restricting the period of time for or manner of parking.
- 5.01.22** In a place or in a manner that blocks the use of an alley.
- 5.01.23** In a place or in a manner that blocks access to a space clearly designated as a fire lane.

5.02 Parking a vehicle in a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for use, unless the individual is a disabled person as described in section 2.04 or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:

(i) A certificate of identification of windshield placard issued under section 675 of the Michigan Motor Vehicle Code to a disabled person.

(ii) A special registration plate issued under section 803d of the Michigan Motor Vehicle Code to a disabled person.

(iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(iv) A similar special registration plate issued by another state to a disabled person.

(v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

5.03 Parking a vehicle in a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 7 of this ordinance.

5.04 A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

5.05 A bus, for the purpose of loading on or discharging passengers, may be stopped at a place described in sections 5.01.02, 5.01.04 or 5.01.06 on the roadway side of a vehicle illegally parked in a legally designated bus-loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in section 5.01.13 if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.

5.06 Fines for violations

- 5.06.01** Any violation of 5.01.01 through 5.01.23 shall be \$25.00.
- 5.06.02** Any violation notice, parking ticket, or municipal civil infraction citation for violation of 5.01.01 through 5.01.23 not paid within five (5) days after issuance, shall double.
- 5.06.03** Any violation of section 5.03 shall be in the amount of \$5.00.
- 5.06.04** Any violation notice, parking ticket, or municipal civil infraction citation for violation of section 5.03 not paid after five (5) days, the fine shall increase to \$25.00
- 5.06.05** Any violation of section 5.02 (handicapped parking) shall be in the amount of \$50.00.
- 5.06.06** Any violation notice, parking ticket, or municipal civil infraction citation for violation of section 5.02 not paid after five (5) days, shall increase to \$100.00.

Section 6. Payment at Bureau; Failure to pay; Issuance of Civil Infraction Citation.

- 6.01** A person receiving a Municipal Ordinance Violation Notice shall either appear at the Bureau and pay the specified fine and costs at or by the time specified in the Violation Notice or shall inform the Bureau that he or she denies responsibility and will not pay the fines and costs.
 - 6.01.01** An appearance may be made by mail; in person or by representation.
 - 6.01.02** If a person does not pay the fine and costs, a municipal civil infraction citation may be filed with the District Court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address.
 - 6.01.03** The citation shall consist of a sworn complaint containing the allegations stated in the Municipal Ordinance Violation Notice and shall fairly inform the alleged violator how to respond to the citation.
 - 6.01.04** The City Treasurer or other designated city official shall retain a copy of all Municipal Ordinance Notices and shall account to the City Council at such intervals as the City Council may require concerning the number of admissions and denials or responsibility for ordinance violations with the jurisdiction of the Bureau and the amount of fines/costs collected with respect to

such violations. The civil fines/costs collected shall be deposited in the general fund of the City.

- 6.01.05** The Municipal Ordinance Violation Bureau may authorize payment of a Notice Violation or Parking Ticket to be made by installation of a duly designated drop box located at the Luna Pier Police Department.

Section 7. Installation of Metered Parking Zone

- 7.01** The parking of motor vehicles within the City Pier parking area and the City Bath House parking lot shall be regulated by the installation and maintenance of a pay-display parking meter, which shall be utilized by all persons who park a vehicle in such designated area.
- 7.02** No person shall park a vehicle in a pay-display designated parking area or parking lot without first obtaining a display parking permit from the parking meter located in within said parking area or parking lot and affixing said display parking permit to the windshield of the vehicle while it is parked in the parking lot.
- 7.03** Parking areas to be governed by the pay-display permit shall be established as parking meter zones by traffic control order as adopted by the Mayor and City Council.
- 7.04** Unless otherwise designated, no person shall park any motor vehicle in any parking meters zone without displaying the pay-display permit on the windshield of their vehicle.
- 7.05** Unless otherwise designated, no person shall, during a 24 hour period, park any vehicle overtime in any parking meter zone without obtaining an additional pay-display parking permit from the parking meter.
- 7.06** All motor vehicles registered to a resident of the City of Luna Pier are exempt from the pre-paid pay-display parking permit required in section 7.02 so long as the residential parking permit is affixed to the rearview mirror of the vehicle.

Section 8. Penalty

A person who violates this Ordinance is responsible for a civil infraction and shall be responsible for the payment of a fine as determined by the aforementioned schedule.

Section 9. Parking restrictions on certain public highways

- 9.01** No persons shall park any motor vehicle on South First Street, in the City of Luna Pier, or any part thereof, except for a vehicle displaying a valid residential parking permit.
- 9.02** The parking of motor vehicles shall be limited to a one-hour time limit upon Luna Pier Road, within the City limits of Luna Pier.
- 9.03** The parking of motor vehicles on one-way streets within the City limits of Luna Pier shall be forbidden.

Section 10. Repeal of Ordinance in Conflict Herewith

All ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance, are hereby repealed. Except as herein amended, all other provisions not in conflict herewith shall remain in full force and effect.

EFFECTIVE DATE:

This Ordinance shall become effective 20 days after publication has been accomplished as provided by law and the City Charter.

ADOPTED: April 27, 2006

PUBLISHED: May 4, 2006

EFFECTIVE: May 24, 2006

P. Michelle Cureton, Clerk
City of Luna Pier

I, P. Michelle Cureton, Clerk, City of Luna Pier, do hereby certify, that the foregoing Ordinance was duly adopted at the Regular Meeting of Luna Pier City Council held on April 27, 2006.

P. Michelle Cureton, Clerk
City of Luna Pier