

ALPENA COUNTY BOARD OF COMMISSIONERS

BOARD ACTION

To: County Clerk, Maintenance Superintendent

FROM: Alpena County Board of Commissioners

SUBJECT: PARKING ORDINANCE

Date and Time requested funds or facility use required: \_\_\_\_\_

BOARD ACTION: Moved by Commissioner Male and supported by Commissioner Vam to adopt the Parking Ordinance as attached and that the effective date of the ordinance be January 1, 1991. Roll call vote was taken.

Moved by Commissioner Cramer and supported by Commissioner Gilmet to exclude the Parks in the Parking Ordinance.

This action was XXXXXXX APPROVED \_\_\_\_\_ DISAPPROVED

BY: Ayes 8, Naves 0, Absent \_\_\_\_\_, Abstaining \_\_\_\_\_

Prosecutors opinion if required: \_\_\_\_\_

Prosecutor's approval (when required) \_\_\_\_\_

Alpena County Board Chairman's Signature David L. Cole

Alpena County Board Vice-Chairman's Signature \_\_\_\_\_

Date of the Board Meeting November 13, 1990

## ALPENA COUNTY PARKING ORDINANCE

AN ORDINANCE enacted pursuant to and in conformance with the statutory language of MCL 46.201 regulating the parking of all motor vehicles on county-owned parking lots; to establish rules and regulations governing the use of said parking lots by individuals and corporations for parking purposes; to provide for installation and maintenance of parking signs, parking controls, parking gates, painted lines, marks, areas, and zones necessary to distinguish parking facilities on said lands; to authorize the establishment of parking facilities for the use and convenience of county employees; to provide for the creation of speed limits and time-zone spaces where signs, devices, or controls may be installed upon said parking lots; and to provide for the enforcement of this ordinance and the rules and regulations established pursuant thereto and the penalties thereto.

WHEREAS, by reason of the continuing increase in traffic congestion, the public safety is imperiled and the convenience of the public cannot be served, and therefore it is decreed necessary that parking of motor vehicles on the parking lots within the County of Alpena that are owned by said County, be limited, regulated, restricted or prohibited by an ordinance of the Alpena County Board of Commissioners.

BE IT ORDAINED by the Board of Commissioners of the County of Alpena, State of Michigan, that the following ordinance shall function and be known as the "ALPENA COUNTY PARKING ORDINANCE FOR COUNTY OWNED PARKING LOTS."

CHAPTER ONE - STATEMENT OF PURPOSE

Sec. 1.1 - Purpose

It is the intent of the Alpena County Board of Commissioners to establish this Alpena County Parking Ordinance for county-owned parking lots for the protection and preservation of the health and property of the residents of this county.

CHAPTER TWO - STATEMENT OF AUTHORITY

Sec. 2.1 - Authority

This ordinance is enacted by the Board of Commissioners of Alpena County pursuant to and in accordance with the authority and responsibility of said Board as provided by MCL 46.201

CHAPTER THREE - ORDER TO OBEY

Sec. 3.1 - Duty of General Public

This ordinance is adopted in the interest of public safety and convenience and designed to promote the general peace, health, safety, welfare and good government of the County of Alpena. Every person, firm, or corporation, shall comply with, observe and obey, when applicable to him or it, all the provisions, requirements, and regulations contained herein and the orders of the Board of Commissioners of

Alpena County and the police officers designated to enforce said ordinance, issued pursuant to said ordinance.

CHAPTER FOUR - ENFORCEMENT OF ORDINANCE

Sec. 4.1 - Enforcement

Members of the Alpena County Sheriff's Department, City of Alpena, Police Department, State of Michigan Police Department or special police officers, appointed by the County of Alpena Sheriff's Department and assigned to traffic duty, are hereby authorized to enforce this ordinance.

CHAPTER FIVE - DEFINITIONS OF WORDS AND PHRASES

Sec. 5.1 - Definitions

The following words and phrases when used in this ordinance shall have the meaning respectively ascribed to them in this chapter, unless the context clearly indicates a different meaning.

Sec. 5.2 - Words and phrases

Board - The Alpena County Board of Commissioners. The legislative and administrative body of Alpena County, State of Michigan.

Employee - A person in the employ of the County of Alpena or any agency thereof.

Freight - Any item of movable matter, whether in the physical condition of gas, liquid, or solid, which may be transported by, upon, or in a vehicle on the public streets, highways, or passageways.

Handicapped Person - Any person who possesses a

material incapacity for ambulation due to some sickness or disability.

Legal Holiday - New Year's Day, Memorial Day, Independence Day, and any other day as may be so designated by the Board.

Loading Zone - Any space or area of a street, driveway or passageway which has been set aside for the exclusive use of loading or unloading persons or freight.

May - To be considered in the permissive sense.

Operator - Every person who drives or has actual control of a vehicle.

Owner - Any person in whose name a vehicle is registered in conformance with statutory provisions relating to such registrations.

Park or Parking - To allow a vehicle to stand, whether occupied or not, except when said standing is in the obedience of a traffic signal or regulation.

Parking Gate - Any device which may be installed at the entrance and exit of a parking lot, which regulates and limits the number of cars parked in a certain area, and those cars specifically designated to park in any given area set aside for parking on lands owned by Alpena County.

Person - Every natural person, firm, co-partnership, association, or corporation and their respective agents.

Shall - to be considered in the mandatory sense.

Stand or Standing - To maintain the position of a vehicle after a complete cessation of its movement.

Vehicles - Any device in, upon or by which any person or freight may be transported upon a street, highway, or passageway except those that operate exclusively upon stationary rails or tracks.

Authorized Emergency Vehicle - Any vehicle of the fire department, police vehicles, ambulance, maintenance, or emergency vehicles of governmental departments.

#### CHAPTER SIX - DESIGNATION OF PARKING AREAS

##### Sec. 6.1 - Creation of Parking

The Board may from time to time designate areas on county-owned land to be set aside for the parking or standing of vehicles, provided by this ordinance for the Board.

The Board of Alpena County may temporarily designate areas on county-owned land to be set aside for the parking or standing of vehicles, provided that said areas are to be suitably marked and posted as such, indicating any limitations or prohibitions which may apply to a specific area, for a period of not more than 60 days.

##### Sec. 6.2 - Posting of Signs

The Board or any other person designated by the Board, shall post or cause to be posted, suitable signs or markings for all areas where speed and parking is limited or

prohibited, indicating such limitations or prohibitions, as provided by this ordinance of the Board.

#### CHAPTER SEVEN - EMPLOYEE PARKING

##### Sec. 7.1 - Creation

The Board may designate a parking area or areas on county-owned lands to be set aside, exclusive from the general public, for the use of county employees and establish rules and regulations determining eligibility for parking therein and governing the use of said parking area or areas.

##### Sec. 7.2 - Time Limit

The Board may designate assigned parking areas reserved for the sole use of County Officials, County Employees, and Police Agencies during the hours of eight (8) o'clock a.m. until six (6) o'clock p.m. during the Weekdays of Monday through Friday.

#### CHAPTER EIGHT - PARKING RULES AND REGULATIONS

##### Sec. 8.1 - Permission to Park

No person shall park any vehicle on any portion of the land owned by the County of Alpena restricted by the Board for County purposes, and parking shall be permitted only in the places and areas designated from time to time by said Board, and in accordance with any regulations said Board may see fit to establish by this ordinance or hereafter. The Board may establish monetary fees to be charged for the privilege of parking on any county-owned land.

##### Sec. 8.2 - Prohibited Parking Places

At any time it shall be unlawful to permit any vehicle to park or stand in any of the following places or manners, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic control device:

- (a) In any intersection
- (b) In a crosswalk
- (c) At any place where the vehicle would block the use of a driveway.
- (d) At any place where the vehicle would block traffic.
- (e) On any sidewalk, parkway or driveway.
- (f) At any place where official signs prohibit parking.
- (g) Within fifteen feet of a fire hydrant.
- (h) In any place or in any manner so as to block immediate egress from emergency exit.
- (i) In any manner that would use more than 1 (one) designated parking space.
- (j) In any area designated for parking by a county official, county employee or police agency.

#### Sec. 8.3 - Obstructing Traffic

No person shall park any motor vehicle in designated areas and spaces for parking in such a position as to deny ingress or egress to other drivers of vehicles to or from designated areas or spaces, or to exits therefrom, except that a driver may stop, or stand a vehicle temporarily during the actual loading or unloading of passengers or when



necessary in obedience to traffic signs or the signals of a police officer.

#### Sec 8.4 - Improper Parking

No person shall park, stop or stand a motor vehicle in an area or space prohibited for parking by limitations, restrictions, or prohibitions as designated by markings of a sign, signals, painted lines, parking gates and devices or when parking, fail to park such vehicle wholly within an area or space as designated by such signs, signals, painted lines, controls and devices.

#### Sec. 8.5 - Time Limit

Parking shall be prohibited between the hours of six (6) o'clock p.m. and five (5) o'clock a.m., daily on the county-owned lands herein or hereafter designated by the Board to be used for parking lots and parking purposes, excluding authorized emergency vehicles, parking by County Officials, County Employees, Police Agencies and persons utilizing a County building or land for any reason approved by the Board or a County Official.

#### Sec. 8.6 - Time Limit

No person shall park a vehicle on any county-owned lands for a period of time longer than twenty-four (24) hours, excluding authorized emergency vehicles, areas under special lease agreements, or areas the Board may see fit to designate for longer periods of parking.

#### Sec. 8.7 - Loitering

No person shall loiter, idle, or congregate in any County parking lot unless given permission by the Board.

This section shall not prohibit the public from gathering in a county parking lot to view a parade or other civic function.

CHAPTER NINE - PARKING RULES AND REGULATIONS

Sec. 9.1 - Unattended Motor Vehicles

No person shall park any motor vehicles and leave it unattended without first stopping the motor, effectively setting the brakes thereon, removing the ignition keys and locking the ignition of said vehicle.

Sec. 9.2 - Display or Repair of Vehicles

No person shall stand or park a vehicle on county-owned lands for the principal purpose of

(a) Displaying it for sale or as an advertising display.

(b) Using said vehicle for the sale or advertisement of goods or services, or a political candidate or a political issue. This subsection shall not prohibit bumper or window stickers less than 75 square inches each.

(c) Servicing or repairing said vehicle except for repairs necessitated by an emergency.

(d) Using said vehicle, or its accessories for the creation of music or excessive noise.

Sec. 9.3 - Improper Parking

It shall be unlawful for a driver of a passenger vehicle to stand or park said vehicle for a period of time longer than is necessary to load, unload, and deliver said

freight, not to exceed fifteen (15) minutes in any place designated as a loading zone and marked as such.

Sec. 9.4 - Angle to Curb

No person shall stand any vehicle at right angles to the curb for the purpose of loading or unloading persons or freight if said vehicle obstructs traffic in any manner unless signs or marking permitting the same are posted at such places.

Sec. 9.5 - Gate Parking Zone

When parking gates are erected at the entrance and/or exit of any given land set aside by the Board for parking, such space shall be a gate regulated parking zone and no person shall enter or exit such lots without properly operating such gates, in said area or through the use of some designated pass or permit.

Sec. 9.6 - Parking for Handicapped

The Board may from time to time designate specific spaces in a parking lot owned by the County as "Parking for Handicapped Only" or some similar wording. The use of such space shall be governed by state statute and not by this ordinance.

Sec. 9.7 - Owner Presumed Violator

In the case of any alleged violation of this ordinance involving a vehicle, the owner, the operator, or the person in charge, may be proceeded against in a court of competent jurisdiction within Alpena County. The registered owner of the vehicle at the time of the violation shall be presumed

to be the violator, as well as the actual operator or person in charge.

#### CHAPTER TEN - PENALTIES

##### Sec. 10.1 - Penalties for Violations

Violations of this ordinance shall be processed in the same manner as a civil infraction under MCL 257.1 to 257.923.

Any person, who shall violate any of the provisions of this ordinance, or who shall aid, abet, or assist in the violation of the aforesaid ordinance shall upon conviction thereof be punished by a fine of ten dollars (\$10.00).

##### Sec. 10.2 - Impoundment of Vehicles

Improper parking as defined in Section 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, and 9.2 is hereby declared a nuisance which may be abated by any police officer, by impounding said vehicle either by placing a tag or ticket thereon which shall plainly indicate the nature of the violation or by removing or conveying said vehicle to a vehicle pound which may be designated by the Board. After the vehicle is impounded by the means of a tag or ticket, a copy of such shall be transmitted to the Sheriff's Department where record shall be made showing the kind of vehicle and the nature of the violation. The owner or operator of such vehicle may have the same removed from such impoundment by paying the Sheriff's Department a fee for each violation as set forth by the scheduled penalty or penalties for such violation. Before the owner or operator may remove any

vehicle which has been impounded in the vehicle pound, he shall pay to the Sheriff's Department all penalties for his, her, or their violations of the provisions of this ordinance, and all towing and impounding fees as designated by this ordinance or hereafter by the Board which have accrued against such vehicle during the time of her, his, or their ownership. All other vehicles in violation of this ordinance may be tagged or ticketed as outlined above, but not towed away and impounded.

#### Sec. 10.3 - Release of Impounded Vehicles

If at the time of impoundment by tag or ticket or seizure for impoundment, the vehicle has been sold to a bona fide purchaser and transfer of title has been duly made, such new owner may have the vehicle released from such impoundment forthwith by showing his new certificate of title to the proper officers, subject to the payment of the existing fines charged thereon.

#### Sec. 10.4 - Sale of Impounded Vehicles

Any vehicle seized by and for impoundment under this ordinance may, after one month from date of seizure, be sold in the same manner wherein applicable as provided by Sec. 252, Chapter II, Act 300 of the Public Acts of Michigan 1930, as amended, for the taking into custody and sale of abandoned vehicles.

#### Sec. 10.5 - Receipt for Monies from Impoundment by Seizure

It shall be the duty of the Sheriff's Department to receive any monies in payment of a violation involving

impoundment by seizure and to issue a receipt therefore in duplicate, one of which shall be handed to the person paying same, the other to be filed in said Sheriff' Department, stating the make of such vehicle, the manufacturer's number of said vehicle. It shall then be the duty of said Sheriff' Department to pay the monies to the appropriate governmental units or units according to the statutory guidelines.

#### CHAPTER ELEVEN - SPEED RESTRICTIONS

##### Sec. 11.1 - Speed Restrictions

It shall be unlawful to drive any motor vehicle, upon any driveway, street or passageway under the jurisdiction of the Board in excess of fifteen (15) miles per hour or in excess of posted speed limits.

#### CHAPTER TWELVE - SEVERANCE PROVISION

##### Sec. 12.1 - Severability

If any part of parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board does hereby declare that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

#### CHAPTER THIRTEEN - LIMITATION OF LIABILITY

##### Sec. 13.1 - Liability

The use of any county-owned lands for parking, whether by general public or county employees, is deemed a privilege and a courtesy by the Board, and therefore, the Board does

not assume any liability for injuries or damages to persons or property while upon or using the established parking areas.

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