

City of Coleman Residents Please Take Notice

At a Regular Meeting of the Coleman City Council Rydman made a motion to have the first reading to introduce Ordinance # 119 which pertains to parking and traffic control. Reese Seconded. Yea: Rydman, Reese, Kroll, Lewis, Parker.

Excused: Marsh Nay: None.

**Tammy Goffnett
City Clerk**

ORDINANCE NO. 119

AN ORDINANCE TO REGULATE PARKING AND TRAFFIC CONTROL IN THE CITY OF COLEMAN, COUNTY OF MIDLAND, MICHIGAN.

The City of Coleman, County of Midland, Michigan ordains, pursuant to the authority vested in it by Act 279 of the Public Acts of the State of Michigan of 1909, as amended, the following Ordinance.

SECTION 1. Title. This ordinance shall be known and cited as the “City of Coleman Parking and Traffic Control Ordinance.”

SECTION 2. Scope. The scope of this Ordinance is and its provisions shall apply to all streets and highways in the City of Coleman and to all parking lots owned by the City of Coleman. References to “street”, “highway” or “parking lot” shall collectively include all streets and highways in the City of Coleman and to all parking lots owned by the City of Coleman.

SECTION 3. Definitions. As used in this Ordinance the following terms shall have the meanings ascribed to them herein.

- A. “Chief of Police” shall mean that individual appointed and serving as the chief officer of the City of Coleman Police Department.
- B. “City” shall mean the City of Coleman and its territorial limits.
- C. “City Street Administrator” shall mean that individual appointed by the City Council of the City for purposes of the administration, duties and authority set forth in this Ordinance.
- D. “Parking violations bureau” shall mean the bureau established by Section 9 of this

Ordinance to accept payment and acknowledgment of responsibility for Parking Violation Notices.

- E. "Parking violations notice" shall mean a notice, other than a municipal civil infraction citation, directing a person to appear at the Parking Violations Bureau and to pay the fine and costs prescribed by this Ordinance.
- F. "Traffic control devices" shall mean all signs, signals, markings and devices placed or erected by the authority of the City of Coleman, any other public body having jurisdiction of the streets, highways or parking lots located with the City of Coleman or their officials having authority to do so, for the purpose of regulating, warning or guiding traffic.
- G. "Traffic control order" shall mean orders regarding traffic control, movement and parking established pursuant to Section 6 of this Ordinance.

SECTION 4. Parking Prohibitions. No person shall park or stand a motor vehicle, motor driven cycle or other conveyance on any highway, street or parking lot contrary to the following:

- A. There shall be no parking on streets and highways in the City between the hours of 3:00 a.m. and 7:00 a.m.
- B. There shall be no parking in any parking lot owned by the City for a period in excess of 48 hours. The limitations on parking in this sub-section do not apply to the parking lots on the grounds of the City operated housing project 406, 407 and 415 East Webster Street.
- C. There shall be no parking contrary to posted signs, signals of traffic control devices prohibiting parking.
- D. There shall be no parking contrary to temporary or permanent traffic control orders.
- E. There shall be no parking contrary to emergency no parking signs placed pursuant to Section 7 of this Ordinance.

SECTION 5. Litter, Debris and Obstructions.

- A. No person shall throw or deposit upon any highway, street or parking lot, any glass bottle, glass, nails, tacks, wire, cans, rubbish, garbage or other substances likely to cause injury to any persons, motor vehicles or other property.
- B. Any person who drops or throws, or permits to be dropped or thrown, upon any highway, street or parking lot any destructive, injurious or hazardous material shall immediately remove the same or cause it to be removed.
- C. Any person removing a wrecked or damaged vehicle from a highway, street or

parking lot shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

- D. No person shall place any object or motor vehicle in the traveled portion of a highway, street or parking lot or engage in any activities which hinders, obstructs or delays movement of traffic.

SECTION 6. Traffic-Control Orders. The City Council of the City of Coleman and the City Street Administrator are herein authorized and empowered to establish traffic-control orders applicable to the highways, streets and parking lots in the City. Traffic control orders shall cover matters of traffic movement and control in the City, including but not limited to parking, metered parking, traffic direction, one-way streets, traffic control devices, signage, obstruction, loading and unloading, prohibition of traffic found to be incompatible with the normal and safe movement of traffic.

- A. The City Street Administrator is hereby authorized to regulate traffic and said regulation shall be exercised by issuance of traffic-control orders that shall specify the rules and regulations adopted or established by him or her. The traffic-control orders shall become effective upon being filed with the City Clerk and upon erection of adequate signs or signals to give notice of the existence of the regulation.
- B. Traffic-control orders may be issued by the City Street Administrator on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and these temporary traffic-control orders shall not be renewed or extended, except upon approval by the City Council.
- C. Permanent traffic-control orders shall be issued by the City Street Administrator, approved by the City Council, and filed with the City Clerk.
- D. Temporary traffic-control orders shall become permanent orders upon being approved by the City Council, and filed with the City Clerk.
- E. All traffic-control orders and any actions that modify or repeal the orders shall be kept by the City Clerk in a separate book that shall be known as the traffic-control order book.
- F. A copy of a traffic-control order, certified by the City Clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic-control sign, signal, or device that conforms to the provisions in this ordinance was erected or in place when the alleged violation of this ordinance occurred, it shall be prima facie evidence of the existence of a lawful traffic-control order that authorizes the traffic control, sign, signal, or device, and it is not necessary for the

prosecution to affirmative show the existence of a valid traffic-control order in these cases, unless and until the presumption is rebutted by competent evidence.

- G. All traffic-control orders issued by the City Street Administrator, whether temporary or permanent, shall be in accordance with Traffic Engineering Handbook, Fifth Edition, published by the Institute of Transportation Engineers.

SECTION 7. Emergency No Parking. The City Street Administrator, the Chief of Police and their subordinates are hereby authorized to put temporary “no parking” signs on any highway, street or parking lot in the City of Coleman for a reasonable length of time as necessary in case of emergency.

SECTION 8. Impoundment of Vehicles. The City Street Administrator, Chief of Police and their subordinates may provide for the immediate removal of a vehicle from streets, highways, parking lots or other public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances. The owner of the vehicle shall pay the towing, storage and other expenses related to the impoundment and the vehicle shall be held until the expenses are paid.

- A. When a vehicle is parked or standing in violation of this Ordinance.
- B. When a vehicle, not properly parked in accordance with this Ordinance, is left unattended on a street, highway or parking lot or where the vehicle constitutes an obstruction to traffic.
- C. When a vehicle is found on the streets, highways or parking lots in an unsafe condition that endangers persons or property.
- D. When the driver of the vehicle is taken into custody by a law enforcement agency and the vehicle would thereby be left unattended.

SECTION 9. Parking Violations Bureau. There is herein created the City of Coleman Parking Violations Bureau, the administration of which shall be by the City Clerk.

- A. Owners or operators of motor vehicles, or other persons who receive a Parking Violation Notice, may admit the parking violation by payment to the Parking Violations Bureau of the scheduled amount of parking fine, set forth in Section 10, within the time period set forth in the Parking Violation Notice.
- B. In the event that the owner or operator of the motor vehicle or other person to whom the Parking Violation Notice was issued does not timely pay the scheduled fines, a municipal civil infraction citation may be issued and served by first-class mail upon the alleged violator or the vehicle owner at the registered address of the owner of the motor vehicle or other last known address. The citation shall be filed with the Midland County District Court

SECTION 10. Civil Fines Paid to Parking Violations Bureau. Civil Fines for parking violations of this Ordinance paid to the Parking Violations Bureau shall be as follows:

A. Parking in No Parking Zone \$25.00.

SECTION 11. Penalties. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs. Those costs may include all expenses, direct or indirect, to which the City has been put in connection with the municipal civil infraction, not more than \$500.00. The owner or operator in control of a vehicle in which a violation of this Ordinance occurs is responsible for the violation to the same extent as the person(s) who conduct the activity giving rise to the violation.

SECTION 12. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged invalid by a Court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 13. Repealer. All ordinances of the City of Coleman in conflict with this Ordinance, including specifically, Ordinance No. 25 (Vehicles; Storage on Streets), Ordinance No. 36 (Parking Regulations), Ordinance No. 46 (Littering Highways), Ordinance No. 50 (Parking; Winter) and Ordinance No. 92 (Parking on Sixth Street), are repealed.

SECTION 14. Effective Date. This Ordinance shall become effective 30 days after publication hereof.