

TITLE X – TRAFFIC

CHAPTER 145 TRAFFIC

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TITLE X - TRAFFIC
CHAPTER 145
TRAFFIC

10.1. Code adopted.

(1) **Adoption of the Uniform Traffic Code.** The Uniform Traffic Code for Cities, Townships, and Villages promulgated by the Commissioner of State Police on January 14, 1958, and published in Supplement No.13, as amended on February 14, 1961, and published in Supplement No. 25, on February 26, 1968, and published in Supplement No. 54, on July 20, 1976, and published in Supplement No. 88 and as last amended February 10, 1978, and published in Supplement No. 94, all of said Supplements being to the 1954 Michigan Administrative Code, and in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this Chapter modified. All future amendments of the Uniform Traffic Code for Cities, Townships, and Villages may be adopted by resolution of the City Council of Charlevoix.

(2) **Adoption of the Michigan Motor Vehicle Code.** The Michigan Motor Vehicle Code, Public Act 300 of 1949, as amended, being MCL 257.1 to 257.923, is hereby adopted by reference by the City of Charlevoix. All references in the Michigan Motor Vehicle Code to "local authorities" shall be construed as referencing the City of Charlevoix.
(Ord. No. 692, 11-24-03)

10.2. References in Code.

References in the Uniform Traffic Code for Michigan Cities, Townships, and Villages to "Governmental Unit" shall mean the City of Charlevoix, references to "this Ordinance" shall mean Chapter 145 of this Code.

10.3. Copies to be available.

The city clerk, having published the ordinances adopting said Uniform Traffic Code in the manner required by law and having published supplementary notices setting forth the purpose of the said Uniform Traffic Code and of the fact that complete copies of the code are available to the public at all time, shall maintain copies in accordance with such supplementary notices.

10.4. 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. Subsequent section numbers used in this chapter shall refer to the like numbered sections of the Uniform Traffic Code.

Sec. 2.5 and Sec. 2.5a are hereby repealed and replaced with a new Sec. 2.5 and new Secs. 2.5a through 2.5g which shall read in its entirety as follows:

Sec. 2.5. Reports of stolen and recovered vehicles. A police agency, upon receiving reliable information that any vehicle registered under this act has been stolen, shall immediately report the theft through the law enforcement information network. Upon receiving information that a vehicle previously reported as stolen has been recovered, the police agency shall immediately report the fact of the recovery through the law enforcement network.

Sec. 2.5a. Abandoned vehicle procedures.

- (1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or private property for a period of 48 hours after a police agency or other governmental agency designated by the police agency has affixed a written notice to the vehicle.
- (2) If a vehicle has remained on public or private property for a period of time so that it appears to the police agency to be abandoned, the police agency shall do all of the following:
 - (a) Determine if the vehicle has been reported stolen.
 - (b) Affix a written notice to the vehicle. The written notice shall contain the following information:
 - (i) The date and time the notice was affixed.

- (ii) The name and address of the police agency taking the action.
 - (iii) The name and badge number of the police officer affixing the notice.
 - (iv) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.
 - (v) The year, make, and vehicle identification number of the vehicle, if available.
- (3) If the vehicle is not removed within forty-eight (48) hours after the date the notice was affixed, the vehicle is deemed abandoned and the police agency may have the vehicle taken into custody.
- (4) A police agency which has a vehicle taken into custody shall do all of the following:
- (a) Recheck to determine if the vehicle has been reported stolen.
 - (b) Within twenty-four (24) hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network.
 - (c) Within seven (7) days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the Secretary of State, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the Secretary of State. Each notice form shall contain the following information:
 - (i) The year, make, and vehicle identification number of the vehicle if available.
 - (ii) The location from which the vehicle was taken into custody.

- (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The business address of the custodian of the vehicle.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
- (5) The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within twenty (20) days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the

vehicle for the accrued towing and storage fees.

- (6) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (7) If the owner does not redeem the vehicle or request a hearing within twenty (20) days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the police agency for its accrued costs.
- (8) Not less than twenty (20) days after the disposition of the hearing described in subsection (5) or, if a hearing is not requested, not less than twenty (20) days after the date of the notice, the police agency shall offer the vehicle for sale at a public sale pursuant to section 2.5g.
- (9) If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the Secretary of State does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than thirty (30) days after public notice of the sale has been published.

Sec. 2.5b. Abandoned scrap vehicle procedures.

- (1) As used in this section:
 - (a) "Registered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
 - (i) Is on public or private property.
 - (ii) Is seven (7) or more years old.

- (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.
 - (iv) Is currently registered in the State of Michigan or displays current year registration plates from another state.
 - (v) Is not removed within forty-eight (48) hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
- (b) "Unregistered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
 - (i) Is on public or private property.
 - (ii) Is seven (7) or more years old.
 - (iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.
 - (iv) Is not currently registered in this state and does not display current year registration plates from another state.
 - (v) Is not removed within forty-eight (48) hours after a written notice as described in section 2.5a(2)(b) is affixed to the vehicle.
- (2) A police agency may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
 - (a) Determine if the vehicle has been reported stolen.

- (b) Take two (2) photographs of the vehicle.
 - (c) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle. The report shall contain the following information:
 - (i) The year, make and vehicle identification number if available.
 - (ii) The date of abandonment.
 - (iii) The location of abandonment.
 - (iv) A detailed listing of the damage or the missing equipment.
 - (v) The reporting officer's name and title.
 - (vi) The location where the vehicle is being held.
 - (d) Within twenty-four (24) hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
- (3) Within twenty-four (24) hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the Secretary of State and apply for a certificate of the title or a certificate of scrapping. Upon receipt of the release form and application, the Secretary of State shall issue a certificate of title or a certificate of scrapping.
- (4) The release form described in subsection (3) shall be furnished by the Secretary of State and shall include a certification executed by the applicable police agency when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).

- (5) The Secretary of State shall retain the records relating to an abandoned scrap vehicle for not less than two (2) years. The two (2) photographs taken pursuant to subsection (2)(b) shall be retained by the police agency for not less than two (2) years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.
- (6) A police agency may have a registered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:
- (a) Determine if the vehicle has been stolen.
 - (b) Take two (2) photographs of the vehicle.
 - (c) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle. The report shall contain the following information:
 - (i) The year, make and vehicle identification number if available.
 - (ii) The date of abandonment.
 - (iii) The location of abandonment.
 - (iv) A detailed listing of the damage or the missing equipment.
 - (v) The reporting officer's name and title.
 - (vi) The location where the vehicle is being held.
 - (d) Within twenty-four (24) hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.
 - (e) Within seven (7) days after taking the vehicle into custody, send to the

registered owner and secured party, as shown by the records of the Secretary of State, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the Secretary of State. Each notice form shall contain the following information:

- (i) The year, make, and vehicle identification number of the vehicle if available.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The business address of the custodian of the vehicle.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.
- (7) The registered owner of a registered abandoned scrap vehicle may contest the fact

that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within twenty (20) days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount as determined by the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly deemed abandoned, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

- (8) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (9) If the owner does not redeem the vehicle or request a hearing within twenty (20) days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (10) Not less than twenty (20) days after the disposition of the hearing described in subsection (7) or, if a hearing is not requested, not less than twenty (20) days after the date of the notice described in subsection (6)(e), the police agency shall follow the procedures established in subsections (3) to (5).

Sec. 2.5c. Vehicle removed from private property.

- (1) When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the police agency from whose jurisdiction the vehicle was towed. The custodian shall supply that information which is necessary for the police agency to enter the vehicle into the law enforcement information network.
- (2) Upon receipt of the notification described in subsection (1), the police agency

immediately shall do all of the following:

- (a) Determine if the vehicle has been reported stolen.
 - (b) Enter the vehicle into the law enforcement information network.
- (3) The owner of the vehicle removed as described in subsection (1) may obtain release of the vehicle by paying the accrued towing and storage fees to the custodian of the vehicle. Upon release of the vehicle, the custodian shall notify the police agency of the disposition of the vehicle.
- (4) If the vehicle described in subsection (1) is not claimed by the owner within seven (7) days after the police agency has been notified by the custodian that it has been taken into custody, the vehicle is deemed abandoned and the procedures prescribed in section 2.5a(4)(c) to (9) shall apply.

Sec. 2.5d. Vehicle removed by police.

- (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:
- (a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
 - (b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
 - (c) If a vehicle is parked in a posted tow away zone.
 - (d) If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.

- (e) If the vehicle must be seized to preserve evidence of a crime, or when there is reasonable cause to believe that the vehicle was used in the commission of a crime.
 - (f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
 - (g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
 - (h) If the vehicle is stopped, standing, or parked in a space designated for handicapper parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapper parking.
- (2) A police agency which authorizes the removal of a vehicle under subsection (1) shall do all of the following:
- (a) Check to determine if the vehicle has been reported stolen.
 - (b) Within twenty-four (24) hours after removing the vehicle, enter the vehicle into the law enforcement information network if the vehicle has not been redeemed. This subdivision does not apply to a vehicle that is removed from the scene of a motor vehicle traffic accident.
 - (c) If the vehicle has not been redeemed within ten (10) days after moving the vehicle, send to the registered owner and the secured party as shown by the records of the Secretary of State, by first-class mail or personal service, a notice that the vehicle has been removed; however, if the police agency informs the owner or operator of the vehicle of the removal and the location of the vehicle within twenty-four (24) hours after the removal, and if the vehicle has not been redeemed within thirty (30) days and upon complaint from the towing service, the police agency shall send the notice within thirty (30) days

after the removal. The notice shall be by a form furnished by the Secretary of State. The notice form shall contain the following information:

- (i) The year, make, and vehicle identification number of the vehicle if available.
 - (ii) The location from which the vehicle was taken into custody.
 - (iii) The date on which the vehicle was taken into custody.
 - (iv) The name and address of the police agency which had the vehicle taken into custody.
 - (v) The location where the vehicle is being held.
 - (vi) The procedure to redeem the vehicle.
 - (vii) The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily storage fees.
 - (viii) A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the police agency's action.
 - (ix) A warning that the failure to redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.
- (3) The registered owner may contest the fact that the vehicle was properly removed or the reasonableness of the towing fees and daily storage fees by requesting a hearing.

A request for a hearing shall be made by filing a petition with the court specified in the notice within twenty (20) days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to sections 2.5e and 2.5f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the court in an amount equal to the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the court finds that the vehicle was not properly removed, the police agency shall reimburse the owner of the vehicle for the accrued towing and storage fees.

- (4) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- (5) If the owner does not redeem the vehicle or request a hearing within twenty (20) days, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle prior to the date of the sale.
- (6) Not less than twenty (20) days after the disposition of the hearing described in subsection (3) or, if a hearing is not requested, not less than twenty (20) days after the date of the notice described in subsection (2)(c), the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed. The public sale shall be held pursuant to section 2.5g.
- (7) If the ownership of a vehicle which has been removed under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the Secretary of State does not reveal ownership, the police agency may sell the vehicle at public sale pursuant to section 2.5g, not less than 30 days after public notice of the sale has been published.

Sec. 2.5e. Abandoned vehicle, jurisdiction of court.

- (1) The following courts shall have jurisdiction to determine if a police agency has acted properly in processing a vehicle under section 2.5a, 2.5b(6) to (10), 2.5c, or 2.5d:

- (a) The district court.
 - (b) A municipal court.
- (2) The court specified in the notice prescribed in section 2.5a(4)(c), 2.5b(6), 2.5c(4), or 2.5d(2)(c) shall be the court which has territorial jurisdiction at the location from where the vehicle was removed or deemed abandoned. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being section 600.8312 of the Michigan Compiled Laws.
- (3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure release of the vehicle under section 2.5a, 2.5b, 2.5c, or 2.5d shall be used to pay the towing and storage fees.

Sec. 2.5f. Abandoned vehicle, duties of court.

- (1) Upon receipt of a petition prescribed in section 2.5a, 2.5b, 2.5c, or 2.5d, signed by the owner of the vehicle which has been taken into custody, the court shall do both of the following:
- (a) Schedule a hearing within thirty (30) days for the purpose of determining whether the police agency acted properly.
 - (b) Notify the owner and the police agency of the time and place of the hearing.
- (2) At the hearing specified in subsection (1) the police agency shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in processing the abandoned vehicle or vehicle removed pursuant to section 2.5d.
- (3) After the hearing the court shall make a decision which shall include one (1) or more of the following:

- (a) A finding that the police agency complied with the procedures established for the processing of an abandoned vehicle or a vehicle removed under section 2.5d, and an order providing a period of twenty (20) days after the decision for the owner to redeem the vehicle. If the owner does not redeem the vehicle within twenty (20) days, the police agency shall dispose of the vehicle pursuant to section 2.5b or 2.5g.
- (b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vehicle or a vehicle removed pursuant to section 2.5d. After making such a finding, the court shall issue an order directing that the police agency is responsible for the accrued towing and storage charges.
- (c) A finding that the towing and daily storage fees were reasonable.
- (d) A finding that the towing and daily storage fees were unreasonable and issue an order directing an appropriate reduction.

Sec 2.5g. Abandoned vehicle, public sale.

- (1) A public sale for a vehicle which has been deemed abandoned under section 2.5a or 2.5c or removed under section 2.5d shall be conducted in the following manner:
 - (a) It shall be under the control of the police agency or agent of the police agency.
 - (b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or agent of the police agency.
 - (c) Except as provided by sections 2.5a(9) and 2.5d(7), it shall be held not less

than five (5) days after public notice of the sale has been published.

- (d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.
- (2) The money received from the public sale of the vehicle shall be applied in the following order of priority:
- (a) Towing and storage charges.
 - (b) Expenses incurred by the police agency.
 - (c) To the secured party, if any, in the amount of the debt outstanding on the vehicle.
 - (d) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government that the police agency represents.
- (3) If there are no bidders on the vehicle, the police agency may do one (1) of the following:
- (a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
 - (b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:
 - (i) Paying the towing and storage charges.
 - (ii) Applying for title to the vehicle.

- (c) Hold another public sale pursuant to subsection (1).

- (4) A person who acquires ownership of a vehicle under subsection (1) or (3), which vehicle has been designated as a distressed vehicle, shall make application for a salvage certificate of title within fifteen (15) days after obtaining the vehicle.

- (5) Upon disposition of the vehicle, the police agency shall cancel the entry into the law enforcement information network.

Sec. 2.25 is hereby amended to read:

Sec. 2.25. Traffic Engineer. The office of traffic engineer is hereby established. The authority of the traffic engineer shall be vested in the chief of police and the chief of police of the City of Charlevoix shall serve as the traffic engineer. The traffic engineer shall exercise the powers and duties provided in this Chapter in a manner consistent with prevailing traffic engineering and safety practices and in the best interests of this governmental unit.

Sec. 2.30. Section added to read:

Sec. 2.30. Special Parking Permits.

- (1) The city may provide parking permits for service vehicles, repair and maintenance trucks and other such commercial vehicles to allow parking in any metered space in the city upon payment of such annual fee as the council shall prescribe.

- (2) Commercial establishments shall pay such annual fee as the council shall prescribe for truck unloading zones established at their request by the city council.

- (3) A special request to hood or cover a meter or meters shall be allowed upon approval of the chief of police and on advance payment of one dollar (\$1.00) per meter per day. Such approval shall only be given for the purpose of construction, refurbishment or maintenance for an adjacent building. Special consideration, at no charge, for the purpose of funerals, special events or other requests deemed proper by the chief of

police, will be allowed.

Sec. 2.41 is hereby amended to read:

Sec. 2.41. Parking Meter Zones. The traffic engineer is hereby authorized to determine and designate parking meter zones, as approved by resolution of the governmental unit. The traffic engineer is hereby authorized to install and maintain as many parking meters as necessary in said metered parking zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control, and inspection of the parking of vehicles.

Sec. 2.42 is hereby amended to read:

Sec. 2.42. Angle Parking Zones. The traffic engineer shall determine and establish the location of angle parking zones, as approved by the City Council of Charlevoix by resolution, and shall erect and maintain appropriate signs indicating the same and giving notice thereof.

Sec. 2.53(a) is amended to read as follows:

Sec. 2.53(a). Traffic Control Orders. The authority to regulate traffic contained in this chapter shall be exercised by the traffic engineer by the issuance of traffic control orders which shall specify the rules and regulations adopted or established by said traffic engineer. Such traffic control orders shall become effective upon being filed with the clerk and upon erection of adequate signs or signals giving notice of the existence of such regulations, if signs or signals are required by the provisions of this Chapter pertaining to such regulation. Traffic control orders may be issued by the traffic engineer on his own authority, and approved when necessary under this Chapter by the City Council of Charlevoix by resolution. All such traffic control orders and resolutions and any action modifying or repealing such orders or resolutions, shall be kept in a separate book by the Clerk to be known as the Traffic Control Order Book.

Sec. 2.50 is hereby amended to read as follows:

Sec. 2.50. Truck Routes, Load Limits. The Traffic Engineer is hereby authorized to designate, with the approval of the City Council of Charlevoix by resolution, designated streets as Truck Routes and

is hereby authorized to prohibit the use of said designated streets by trucks or any other commercial vehicles, and to impose limitations as to the weight of vehicles on designated streets, but said prohibitions and limitations shall not become effective until notice thereof is given by means of official signs.

Sec. 2.59. Section added to read:

Sec. 2.59. Current Regulations. All intersection stops and yield right-of-way requirements, regulations on stopping, standing or parking; one-way streets, roadways and alleys, crosswalks; restricted turns; through streets; play streets; angle parking zones; all-night parking restrictions; curb loading zones; public carrier stands; parking meter zones and spaces; weight restrictions; no passing zones; speed limits and traffic control devices heretofore established and effective on the effective date of this Code shall be deemed established hereunder and shall remain effective until rescinded or modified as herein provided.

Sec. 2.60. Section added to read:

Sec. 2.60. Permit Parking. The Traffic Engineer is hereby authorized, subject to the approval of the City Council of Charlevoix by resolution, to determine and designate permit parking zones, permit fees, permit fines for violations, hours during which said permits will be effective, and the periods of the year during which permit parking is authorized, and to promulgate any regulations pertaining thereto. All determinations and designations of permit zones, permit fees, permit fines, permit hours, and days of the year during which said permit parking will be effective shall be listed in a traffic control order containing schedules listing the above and shall maintain a record of all such traffic control orders and schedules.

Sec. 2.61. Section added to read:

Sec. 2.61. Meter Regulations. The Traffic Engineer is hereby authorized, subject to the approval of the City Council of Charlevoix by resolution, to determine and designate the fees for meters, the fines for violation of the rules and regulations of metered parking, and the hours during which said metered parking shall be in force and effective. The traffic Engineer is hereby authorized to establish and designate without the approval of the City Council of Charlevoix, the hours of the day during which metered parking shall be effective and in force and to establish and designate parking restrictions by

time period during which vehicles may be parked within a parking space. All determinations and designations by the Traffic Engineer as hereinabove set forth shall be listed in a Traffic Control Order containing schedules listing such determinations and designations.

Sec. 2.62. Section added to read:

Sec. 2.62. Meter Regulations. Parking meters shall be placed upon the curb immediately adjacent to the individual parking space. Notice to the public shall be given by appropriate sign upon the parking meter stand, or in the immediate vicinity, setting forth the length of time for which parking is permitted and the conditions thereof, including instructions relating to the operation of said meter. The instructions shall contain a statement that the parking meters are not in operation on Sundays or holidays. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use. Whenever a vehicle shall be parked in an individual parking space where a parking meter has been installed, the person parking such vehicle shall immediately thereafter deposit coin or coins of United States money in said parking meter, in accordance with the instructions on said meter. Deposit of coin shall not be required unless such meter displays the sign that legal parking is permitted only upon such deposit. The instructions herein referred to shall be such as have or may be from time to time established by the Traffic Engineer and approved by the City Council of Charlevoix by resolution.

Upon deposit of coin or coins and the performance of such act as may be required by the instructions on said meter to register the deposit of said coin or coins, as specified above, parking shall be permitted for the period of time set forth on the meter.

Sec. 2.63. Section added to read:

Sec. 2.63. Parking Regulations. It shall be unlawful for any person to park in a parking meter zone or lot or permit zone or lot except within the areas designated, or to fail to neglect to deposit the proper coin or coins or to display a proper permit. If said vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space the parking meter shall, by its dial and pointer, indicate such illegal parking. In that event such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and the parking of a vehicle overtime or beyond the period of legal parking time in any parking meter zone lot or permit zone or lot shall be a violation of

this Chapter and punishable as hereinafter provided.

Sec. 2.64. Section added to read:

Sec. 2.64. Overtime Parking. It shall be unlawful and a violation of the provisions of this Chapter for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to be parked overtime or beyond the period of legal parking time, as shown by the instructions on the meter.

Sec. 2.65. Section added to read:

Sec. 2.65. False Coins. It shall be unlawful to deposit or cause to be deposited in any parking meter, any slug, device or metallic substitute for a coin of the United States.

Sec. 2.66. Section added to read:

Sec. 2.66. Proof of Illegal Parking. The fact that a vehicle is parked in a metered parking space, during the hours of limited parking without meter time signal showing permitted parking, shall be prima facie evidence that the vehicle has been parked at such space longer than the lawfully permitted parking period, or parked without the deposit of the necessary coin.

Sec. 2.67. Section added to read:

Sec. 2.67. Damaging Meters. It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Code.

Sec. 2.68. Section added to read:

Sec. 2.68. Unloading Trucks. Commercial trucks may park in the parking zones to load or unload merchandise without depositing coins for a period not to exceed thirty (30) minutes, and passenger vehicles may likewise without depositing coins discharge or take on passengers. Should any truck or delivery car be parked longer than thirty (30) minutes said violator will be given a ticket and

classed as a violation, and the regular penalty imposed.

Sec. 2.69. Section added to read:

Sec. 2.69. Violations. It shall be the duty of police officers of the City, witnessing a violation hereunder, to report to the Clerk:

- (1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parking in violation of any of the provisions of this Code.
- (2) The State license number of such vehicle.
- (3) The time during which such vehicle is parking in violation of any of the provisions of this Code.
- (4) Any other facts, a knowledge of which is necessary to a through understanding of the circumstances attending such violation.

Each police officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parking in violation of the provisions of this Code and notifying such owner or operator of his option to settle the violation at the city traffic violations bureau.

Each hour of parking after attachment of such notice to said vehicle without deposit of coin in the parking meter adjacent thereto in an amount sufficient for the period during which said vehicle remains so parked shall constitute a separate and distinct violation of this Code. The failure of such owner or operator to make payment as herein provided, within the period herein provided, shall render such owner or operator subject to the penalty hereafter provided for violation of the provisions of this Code.

Sec. 3.4 is hereby amended to read in its entirety as follows:

Section 3.4 Use of Bicycle and Skating Apparatus restricted, violation as a civil infraction:

- (1) The word "skating apparatus" shall mean and include any device propelled by human power consisting of a platform or shoe mounted on a wheel or wheels upon which a person may stand, sit or kneel, including, but not limited to, skateboards, roller skates and in-line skates.
- (2) A person who is on a bicycle or skating apparatus shall not:
 - (a) Use the device in the Bridge Street right-of-way between the highway bridge and Hurlbut Avenue, except that a bicycle may be used on that traveled portion of Bridge Street which is intended for use by motor vehicles.
 - (b) Use of the device on public owned land or street right-of-way between Bridge Street right-of-way and Round Lake and between Belvedere Avenue and the Pine River Channel, or use the device in Hoffmann Park between Park Avenue and the Pine River Channel walkway, except that bicycles can be used on that traveled portion of a street, alley or public parking lot which is intended for use by motor vehicles. A bicycle can be walked and a skating apparatus can be carried in any of these areas.
 - (c) No bicycle or skating apparatus may be secured to a sign post, street light post or tree by a chain, cable or other such device, nor shall the owner or operator of said device leave same unattended on a sidewalk in such a manner as to interfere with the free flow of pedestrian or vehicular traffic.
- (3) A person who violates this section is responsible for a civil infraction.

(Ord. No. 660, DATE ADOPTED?)

Sec. 5.82 is hereby added which reads in its entirety as follows:

Sec. 5.82. Mandatory child restraints.

- (1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled

Laws, or federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

- (a) Any child less than one (1) year of age in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, except as provided in subsection (6).
 - (b) Any child one (1) year of age or more but less than four (4) years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, except as provided in subsection (6).
 - (c) Any child one (1) year of age or more but less than four (4) years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).
- (2) This section does not apply to any child being nursed.
 - (3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.
 - (4) A person who violates this section is responsible for a civil infraction.
 - (5) Points shall not be assessed for a violation of this section.
 - (6) The Secretary of State may exempt by rules promulgated pursuant to Act No. 306 of the Public Acts of 1969, as amended, a class of children from the requirements of this section, if the Secretary of State determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The Secretary of State may specify alternate means of

protection for children exempted under this subsection.

Sec. 5.83 is hereby added which reads in its entirety as follows:

Sec. 5.83. Safety belt required; enforcement.

- (1) This section shall not apply to a driver or passenger of:
 - (a) A motor vehicle manufactured before January 1, 1965.
 - (b) A bus.
 - (c) A motorcycle.
 - (d) A moped.
 - (e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons.
 - (f) A motor vehicle which is not required to be equipped with safety belts under federal law.
 - (g) A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services.
 - (h) A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.
- (2) This section shall not apply to a passenger of a school bus.
- (3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened safety belt, except

that a child less than four (4) years of age shall be protected as required in section 5.82.

- (4) Each driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt. If the motor vehicle is transporting more children than there are safety belts available for use, all safety belts available in the motor vehicle are being utilized in compliance with this section, and the driver and all front seat passengers comply with subsection (3), then the driver of a motor vehicle transporting a child four (4) years of age or more but less than sixteen (16) years of age for which there is not an available safety belt is in compliance with this subsection, if that child is seated in other than the front seat of the motor vehicle. However, if that motor vehicle is a pickup truck without an extended cab or jump seats, and all safety belts in the front seat are being used, the driver may transport such a child in the front seat without a safety belt.
- (5) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this act.
- (6) Failure to wear a safety belt in violation of this section may be considered evidence of negligence and may reduce the recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle. However, such negligence shall not reduce the recovery for damages by more than five (5) percent.
- (7) A person who violates this section is responsible for a civil infraction.
- (8) Points shall not be assessed for a violation of this section.

Sec. 5.97 is hereby repealed and replaced with a new Sec. 5.97 which shall read in its entirety as follows:

Sec. 5.97. School buses; overtaking, meeting, or passing.

- (1) The driver of a vehicle overtaking or meeting a school bus which has stopped and is displaying two (2) alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than twenty (20) feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper but not greater than ten (10) miles an hour and with due caution for the safety of passengers being received or discharged from the school bus. The driver of a vehicle who fails to stop for a school bus as required by this subsection, who passes a school bus in violation of this subsection, or who fails to stop for a school bus in violation of an ordinance that complies with this subsection, is responsible for a civil infraction.
- (2) The driver of a vehicle upon a highway which has been divided into two (2) roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.
- (3) In a proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation was in violation of subsection (1), together with proof that the defendant named in the citation was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- (4) In addition to a civil fine and costs, the judge, district court referee, or district court magistrate may order a person who violates this section to perform not to exceed one hundred (100) hours of community service at a school.

Sec. 5.100. Section added to read:

Sec. 5.100. Removal of snow, ice or slush: Obstruction of safety vision or driver:

- (1) As used in this section:
 - (a) "Person" shall not include the state or a political subdivision of the state or an employee of the state or a political subdivision of the state operating within the scope of his duties.
 - (b) "Safety vision" means an unobstructed line of sight enabling a driver to travel upon, enter or exit a roadway in a safe manner.
- (2) A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles.
- (3) A person shall not deposit, or cause to be deposited, snow, ice or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.
- (4) A person shall not deposit, or cause to be deposited, snow, ice, or slush on any roadway or highway.

Sec. 8.25. Section added to read:

Sec. 8.25. All night parking. No person shall park a vehicle on the streets or any public parking lot of the city from December 1 to April 1, inclusive, between the hours of 2 a.m. and 6 a.m.

Chapter 10 SNOWMOBILES

Sec. 10.1. Chapter 10--Snowmobiles of the Uniform Traffic Code for cities, townships and villages is deleted and the following is substituted:

Sec. 10.2. Adoption of Public Act 74. Act 74 of the Public Acts of the State of Michigan, for 1968, as amended, is adopted by the City of Charlevoix, as part of this Chapter, and any amendments thereto shall become part of this Chapter.

Section 10.3 *Additional Regulations.* In addition to State law which pertains to snowmobiles, the following provisions shall apply to snowmobiles operating within the City of Charlevoix.

- (1) Snowmobiles may only be operated within the City of Charlevoix as shown in the map denominated "Designated Snowmobile Routes within the City of Charlevoix". That map shall depict two types of designated snowmobile routes which are Type A routes and a Type B route and areas where snowmobiles may park. Type A routes consist of the following streets:
 - (a) Division Street from Michigan Avenue to Mercer Boulevard
 - (b) Sherman Street to Charlo Street to Carpenter Street, along the east perimeter fence of the Charlevoix Airport to US 31.
 - (c) The Garfield/May Street intersection south on May Street to Eaton Avenue to Ferry Avenue to Stover Road

The Type B route consists of the following areas: Ferry Avenue from the intersection of Eaton Avenue and Ferry Avenue and Belvedere Avenue from its intersection with Ferry Avenue to the downtown snowmobile area. The downtown snowmobile area is located south of the Clinton Street right of way, east of the Bridge Street right of way, north of the Belvedere Avenue right of way and west of Round Lake.

- (2) No snowmobile may be operated on U.S. 31 within the City limits of Charlevoix, except when crossing U.S. 31.
- (3) When a snowmobile is normally stored at a location in the City which is not on a Designated Snowmobile Route, the snowmobile may be operated only on the most direct route to or from a Designated Snowmobile Route.
- (4) No person may operate a snowmobile within the City of Charlevoix at a rate of speed greater than it is reasonable and proper giving due regard for conditions then existing and in no event in excess of any posted vehicular speed limit.

- (5) A snowmobile may be operated on a Type A route only for the purpose of ingress to the City of Charlevoix or egress from the City of Charlevoix. A snowmobile may be operated on the Type B route to access a residence, a business or municipal parking area directly adjacent to the route or at the end of the route, or to return from a residence, business or municipal parking area directly adjacent to the route or at the end of the route.
- (6) Snowmobiles shall not be driven on any sidewalks within the City of Charlevoix.
- (7) No person shall operate a snowmobile on a city street under the age of sixteen (16) years old unless said person is at least twelve (12) but less than sixteen (16) years of age and has a valid snowmobile safety certificate in his or her immediate possession as issued pursuant to section 4B of Act 74 of the Public Acts of the State of Michigan for 1968 and is accompanied and supervised by parent, legal guardian, or person over sixteen (16) years of age with an automobile operator's license. All operators of snowmobiles within the city shall carry valid proof of age on their person while operating a snowmobile within the City of Charlevoix.
- (8) No person may operate a snowmobile on private property within the City of Charlevoix without consent of the property owner or his agent.
- (9) No person may operate a snowmobile within the city limits with more than two (2) people on a snowmobile.
- (10) Any person operating a snowmobile on a city street must:
 - (a) Travel as close to right edge of the plowed area of the street as practical.
 - (b) Obey all traffic signals, signs, and devices.
 - (c) Yield the right-of-way to all vehicular traffic and pedestrian traffic.
- (11) No snowmobile shall be operated across any street except at a street intersection.

- (12) No snowmobile shall be operated in the City of Charlevoix unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.
- (13) No snowmobile shall be operated on the Charlevoix Municipal Golf Course.
- (14) No snowmobile may be operated on any street, including any Designated Snowmobile Route, from 11:00 p.m. to 7:00 a.m.
- (15) A snowmobile may be operated on a City street or an area within the City open to the general public for a special event of limited duration conducted according to a prearranged schedule submitted to the City Council and after obtaining a permit from the City Council. The permit may designate which streets and/or areas may be used for snowmobiles, set hours of operation, and impose such other conditions as the Council determines are appropriate.
- (16) From December 1 through March 31 of each year, snowmobiles may be parked on snow covered ground in the downtown snowmobile area.

(Ord. No. 654, ADOPTION DATE?)

Sec. 10.4. Confiscation of snowmobiles. Any snowmobile or snow machine operated contrary to or in violation of any of the provisions of this chapter or contrary to or in violation of any provisions of Public Act 74 of 1968 of the Public Acts of the State of Michigan, as amended, may be confiscated at the direction of the police department of the City of Charlevoix. In the event a snowmobile is confiscated, the owner of the snowmobile must pay the cost of transportation, stowing, and storage and prove ownership of the snowmobile before it will be released to said person.

Sec. 10.5. Violation/misdemeanor. Any person who violates the provisions of this chapter is guilty of a misdemeanor.

Sec. 11. Section added to read:

Sec. 11. Repealer. Chapter 145, title X, entitled Traffic, as amended, and Chapter 146, title X, entitled Parking Meter Zones and Lots, as amended, be and the same are hereby repealed.

(Ord. No. 427, 05-16-83; Ord. No. 440, 01-14-85; Ord. No. 618, 01-16-95; Ord. No. 652, §43A-E., 09-20-99)

CHAPTER 146 RESERVED

(Ord. No. 427, 5/16/1983).

CHAPTER 147 VIOLATIONS BUREAU

10.51. Bureau established.

Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as amended by Public Act 154 of 1968, a Parking Violations Bureau, for the purpose of handling alleged parking violations within the City is hereby established. The Parking Violations Bureau shall be under the supervision and control of the Chief of Police.

10.52. Location.

The Chief of Police 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.

10.53. Disposition of violations.

No violation not scheduled in section 10.56 shall be disposed of by the Parking Violations Bureau. The scheduling of a particular violation herein shall not entitle the violator to disposition of the violation at the Bureau and in any event 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 of proper jurisdiction as

provided by law.

10.54. Procedure.

No violation may be settled at the Parking Violations Bureau except at the specific request of the 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 any person shall be entitled to have any such violation processed before a court having jurisdiction thereof if he so desires. 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.

10.55. Violation notices.

The issuance of a traffic ticket or notice of violation by a police officer of the City 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 the same 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 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 limited.

10.56. Schedule of fines.

The Traffic Engineer, as determined in Chapter 145, is hereby authorized, subject to the approval of the City Council of Charlevoix by resolution, to determine penalties and fines for violation of any of the provisions of Title X of the Charlevoix City Code. The Traffic Engineer shall maintain a Traffic Control Order specifying a schedule of all such fines.

**CHAPTER 148
FERRY BEACH PARKING AND BOAT CONTROL***

***Editor's note**—Ordinance No. 490, adopted April 18, 1988, amended the Code by adding a new Ch. 148 but did not assign Code section numbers to the new provisions. Sections 1-11 of the ordinance were codified as §§ 10.81—10.91 of the new chapter by the editor. Sections 12, “Separability” and 13, “Effective date,” of the ordinance were omitted as being covered by §§ 1.13 and 1.14 of the code.

(Ord. No. 490, §1, 04-18-88)

Cross reference(s)--Parks and public grounds, Title III.

10.81. Short title.

This chapter shall be known and may be cited as the Ferry Beach parking and boat control ordinance.

(Ord. No. 490, §1, 04-18-88)

10.82. Definitions.

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

Boat is any watercraft, including sea planes when not airborne, in or upon, or docked or moored at any place in any waterway or upon trailers within the boundaries of the city.

Ferry Beach parking lot shall mean the contiguous or nearly contiguous area generally located between the limits of Ferry Avenue, Stover Road, the waters of Lake Charlevoix, and the City of Charlevoix Ferry Beach Park.

Trailer or boat trailer means any vehicle or device so designed and constructed in such a manner as to allow the transport of a boat.

(Ord. No. 490, §1, 04-18-88)

10.83. Parking.

Parking in the Ferry Beach parking lot, including, but not limited to, the parking of vehicles and/or trailers, shall be regulated by traffic control orders issued by the city traffic engineer. The term "traffic engineer" is as defined in the Uniform Traffic Code as adopted in Chapter 145 of the City Code, as amended.

(Ord. No. 490, §3, 04-18-88; Ord. No. 526, §1, 05-07-90)

10.84. Permit required.

Any person launching a boat from the Ferry Beach boat launch; or parking a vehicle with or without trailer or parking a single trailer shall be required to obtain a permit from the city and display the permit on their vehicle. Charges for the permit shall be set by resolution of the city council. The city council, by resolution, may revise or waive fees for special or public events. The term "special or public events" shall mean a tournament, festival or other type of event, whether or not open to public participation or observation, the occurrence of which will, in the judgment of the city council, benefit the city economically or by virtue of the publicity surrounding the event.

(Ord. No. 490, §4, 04-18-88; Ord. No. 526, §2, 05-07-90)

10.85. Term of parking.

There shall be no parking in the Ferry Beach parking lot of any vehicles or trailers between the hours of 2:00 a.m. and 4:00 a.m.

(Ord. No. 490, §5, 04-18-88)

10.86. USE OF FERRY BEACH CITY BOAT LAUNCHING RAMPS.

It shall be unlawful for any person to moor or tie up at the Ferry Beach City launching docks unless the moorage is associated with the launching of a boat and in no case shall said moorage exceed fifteen (15)

minutes in length. The Charlevoix City Manager, his designee, or a member of the Charlevoix City Police Department (hereafter referred to as "city agents") shall have the authority to board any boat moored in violation of any provision of this chapter. These City agents may move the boat which is in violation of this chapter themselves or may cause it to be moved by an independent contractor. These City Agents may hold or cause the boat to be held until all costs incurred in the removal and/or storage have been paid.

(Ord. No. 490, 04-18-88; Ord. No. 546, 05-20-91)

10.87. Boat rental prohibited.

No person shall conduct any boat rental business on or at the Ferry Beach parking lot or Ferry Beach launching docks.

(Ord. No. 490, § 7, 4-18-88)

10.88. Exemptions.

Persons using the Ferry Beach parking lot for use of the Ferry Beach public beach shall not require a parking permit for their vehicle under section 10.84. This exemption for parking permit contained in this section shall not apply to persons launching a boat from the Ferry Beach boat launch. The requirement for parking permits to be obtained for the parking of vehicles within the Ferry Beach parking lot shall not apply to single attended vehicles parked in such a manner to allow the viewing of Lake Charlevoix. Notwithstanding anything to the contrary, no permit shall be required for usage of the Ferry Beach parking lot or boat launch for the time period of November 1 through May 1.

(Ord. No. 490, §8, 04-18-88)

10.89. Establishment of written regulations, etc.

The Charlevoix city police chief or his designee is authorized to establish all written regulations and traffic-control devices, including the placement of traffic-control devices, necessary to implement and enforce the provisions of this chapter.

(Ord. No. 490, §9, 04-18-88)

10.90. Prohibition for commercial usage of fish cleaning station.

No person shall use the fish cleaning station located or to be located at the Ferry Beach parking lot for the cleaning of fish for resale or commercial purposes.

(Ord. No. 490, §10, 04-18-88)

10.91. TERM OF MOORING BOATS.

It shall be unlawful to moor or anchor a boat or other vessel capable of travel on water within 250 feet from the shore of Ferry Beach between the hours of 2:00 a.m. and 4:00 a.m. The Charlevoix City Manager, his designee, or a member of the Charlevoix City Police Department (hereafter referred to as "city agents") shall have the authority to board any boat moored in violation of any provision authority to board any boat moored in violation of any provision of this chapter. Subject to the procedures set forth below, these City Agents may move the boat which is in violation of this Chapter themselves or cause it to be moved by an independent contractor. These City Agents may hold or cause the boat to be held until all costs incurred in the removal and/or storage have been paid. Prior to the removal of a boat which is in violation of this chapter, an agent of the City shall place a violation notice on the boat. If the boat remains in violation of this chapter for 48 hours after the placement of the violation notice, then the boat is subject to removal and storage as described then the boat is subject to removal and storage as described above. The violation notice shall state that the boat is in violation of a City Ordinance and is subject to removal after 48 hours.

(Ord. No. 546, 05-20-91)

10.92 PENALTY.

Any person violating a traffic control order regarding the parking of motor vehicles as regulated by this Chapter shall be guilty of a civil infraction with the amount of penalty to be set pursuant to Section 10.56 of Chapter 147 of the City Code. Any person violating a provision of this Ordinance unrelated to the parking of motor vehicles shall be guilty of a misdemeanor and shall be subject to such penalty as is prescribed by State law for a misdemeanor. Every day in which Section 10.86 or 10.91 of this Chapter is violated shall constitute a separate offense and shall be punished as a separate offense. The term "person" as used in this chapter shall include corporations, partnerships and associations as well as human beings.

(Ord. No. 490, §11, 04-18-88; Ord. No. 526, §3, 05-07-90; Ord. No. Ord. No. 652, §44, 09-20-99)

10.091. Penalty.

Any person violating sections 10.84, 10.85 or any traffic-control order issued pursuant to section 10.89 of this Chapter shall be responsible for a civil infraction. Any person violating sections 10.86, 10.87 or 10.90 of this Chapter shall be responsible for Municipal Civil Infraction pursuant to section 1.12 of this Code. (Ord. No. 490, 04-18-88; Ord. No. 526, 05-07-90; Ord. No. 652, 09-20-99)