

## Chapter 36

### TRAFFIC AND VEHICLES\*

#### Article I. In General

- Sec. 36-1. Michigan vehicle code adopted.
- Sec. 36-2. Uniform Traffic Code adopted.
- Sec. 36-3. Operating motor vehicle on frozen lake, stream or pond.
- Secs. 36-4 – 36-30. Reserved.

#### Article II. Stopping, Standing and Parking

##### Division 1. Generally

- Sec. 36-31. Overnight parking.
- Secs. 36-32 – 36-50. Reserved.

##### Division 2. Parking Violations Bureau

- Sec. 36-51. Established.
- Sec. 36-52. Location; administration.
- Sec. 36-53. Disposition of scheduled violations.
- Sec. 36-54. Powers.
- Sec. 36-55. Traffic tickets.
- Sec. 36-56. Penalties for parking violations.
- Sec. 36-57. Waiver of penalty.

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\***Charter reference** – Streets and public grounds, art. XII.

**Cross references** – Used motor vehicles dealerships, V 8-101 et seq.; removal of junk vehicles by city, § 12-38; law enforcement, ch. 18; offenses, ch. 20; throwing missile from moving automobile, § 20-182; operation of motor vehicles in parks, § 22-50; streets, sidewalks and other public places, ch. 32.

**State law references** – Michigan vehicle code, MCL 257.1 et seq.; regulation by local authorities, MCL 257.605, 257.606, 257.610.

POTTERVILLE CODE

**ARTICLE I. IN GENERAL**

**Sec. 36-1. State vehicle code adopted.**

(a) The state vehicle code, Public Act No. 300 of 1949 (MCL 257.1 et seq.) is hereby adopted by reference as the traffic code of the city.

(b) References in the state vehicle code to governmental unit shall mean the City of Potterville.  
(Ord. No. 198, §§ 71-1, 71-2, 11-11-2002)

**State law reference** – Authority to adopt the Michigan Vehicle Code by reference, MCL 177.3.

**Sec. 36-2. Uniform Traffic Code adopted.**

(a) The Uniform Traffic Code, including all amendments effective as of the date of publication of notice of adoption of the ordinance from which this section is derived, is hereby adopted by reference as the supplemental traffic code of the city.

(b) References in the Uniform Traffic Code to governmental unit shall mean the City of Potterville.  
(Ord. No. 199, §§ 73-1, 73-2, 11-11-2002)

**State law reference** – Authority to adopt uniform traffic code by reference, MCL 257.951.

**Sec. 36-3. Operating motor vehicle on frozen lake, stream or pond.**

(a) No person shall operate or drive any motor vehicle on a frozen public lake, stream or pond.

(b) Notices, large enough for a reasonably observant person to be able to read, shall be posted in prominent locations near any lake, pond or stream forbidding such activity.

(c) Such notices shall read as follows: Motor vehicles shall not be driven or operated upon any frozen lake, pond or stream in the city.  
(Ord. No. 143, §§ 83.2(b), 83.3, 8-3-1993)

**Sec. 36-4 – 36-30. Reserved.**

**ARTICLE II. STOPPING, STANDING AND PARKING**

**DIVISION 1. GENERALLY**

**Sec. 36-31. Overnight parking.**

(a) No person, except a physician on an emergency call, shall park a vehicle or permit a vehicle previously parked by him, other than an emergency vehicle in actual use as such, to remain parked on any street or alley between the hours of 2:00 a.m. and 6:00 a.m. of any day.

(b) A person who violates this section is responsible for a civil infraction.  
(Ord. No. 185, § 72-7, 12-20-2000)

**Sec. 36-32. – 36-50. Reserved.**

**DIVISION 2. PARKING VIOLATIONS BUREAU\***

**Sec. 36-51. Established.**

Pursuant to section 8395 of the revised judiciary act, as added by Public Act No. 154 of 1968 (MCL 600.8395), 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 city clerk.

(Code 1972, § 72-1)

**Sec. 36-52. Location; administration.**

The city clerk 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 bu-

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\***State law reference** – Parking violations bureau, MCL 600.8395.

POTTERVILLE CODE

reau, and adopt rules and regulations for the operation thereof.  
(Code 1972, § 72-2)

**Sec. 36-53. Disposition of scheduled violations.**

Any violation scheduled in this division shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau, and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before the court having jurisdiction of the offense as provided by law.  
(Code 1972, § 72-3; Ord. No. 185, 12-20-2000)

**Sec. 36-54. Powers.**

No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth, or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they

so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.  
(Code 1972, § 72-4)

**Sec. 36-55. Traffic tickets.**

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 ticket was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, and 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 person fails to respond within the time limited.  
(Code 1972, § 72-5)

**Sec. 36-56. Penalties for parking violations.**

All penalties due in the amounts and for the causes established in this section shall be payable within 72 hours from the hour and date of issuance as noted upon the traffic citation. Saturdays and Sundays shall not be included within the 72-hour period. Penalties paid after the lapse of the 72-hour period shall be in the amounts established in this section.

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<i>Offense</i>	<i>Section</i>	<i>Penalty If Paid Within 72 Hours</i>	<i>Penalty After 72 Hours</i>
(1) Parking too far away from the curb or edge of roadway	MCL 257.675(1)	\$15.00	\$30.00
(2) Angle parking violation	UTC 28.1803, rule 803	\$15.00	\$30.00
(3) Failure to obtain a permit for parking at an angle for loading or unloading	UTC 28.1804, rule 804	\$15.00	\$30.00
(4) Parking so as to obstruct traffic	MCL 257.676b	\$20.00	\$40.00
(5) Violation of lighting of parked car	UTC 28.1809,	\$20.00	\$40.00

TRAFFIC AND VEHICLES

<i>Offense</i>	<i>Section rule 809 MCL 257.674</i>	<i>Penalty If Paid Within 72 Hours</i>	<i>Penalty After 72 Hours</i>
(6) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in any of the following places:			
a. On a sidewalk		\$20.00	\$40.00
b. In front of a public or private driveway		\$20.00	\$40.00
c. Within an intersection		\$20.00	\$40.00
d. Within 15 feet of a fire hydrant		\$20.00	\$40.00
e. On a crosswalk		\$20.00	\$40.00
f. Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways		\$20.00	\$40.00
g. Within 30 feet of the approach to a flashing beacon, stop sign, or traffic control signal located at the side of a highway		\$20.00	\$40.00
h. Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking		\$20.00	\$40.00
i. Within 50 feet of the nearest rail of a railroad crossing		\$20.00	\$40.00
j. Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign		\$20.00	\$40.00
k. Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic		\$20.00	\$40.00
l. On the roadway side of a vehicle stopped or parked at the edge or curb of a street		\$20.00	\$40.00
m. Upon a bridge or other elevated highway structure or within a highway tunnel		\$20.00	\$40.00
n. At a place where an official sign prohibits stopping or parking		\$20.00	\$40.00
o. Within 200 feet of an accident at which a police officer is in attendance		\$20.00	\$40.00
p. In front of a theater		\$20.00	\$40.00
q. In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a build-		\$20.00	\$40.00

POTTERVILLE CODE

<i>Offense</i>	<i>Section</i>	<i>Penalty If Paid Within 72 Hours</i>	<i>Penalty After 72 Hours</i>
r. In a place or in a manner that blocks or hampers the immediate use of an egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building		\$20.00	\$40.00
s. In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display one of the following: <ol style="list-style-type: none"> <li>1. A certificate of identification or windshield placard issued under MCL 257.675 to a disabled person.</li> <li>2. A special registration plate issued under UTC 28.1803, rule 803d, to a disabled person.</li> <li>3. A similar certificate of identification or windshield placard issued by another state to a disabled person.</li> <li>4. A similar special registration plate issued by another state to a disabled person.</li> <li>5. A special registration plate to which a tab for persons with disabilities is attached issued under state law.</li> </ol>		\$100.00	\$200.00
t. In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities			
u. On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb cut or ramp by persons with disabilities		\$100.00	\$200.00
v. Within 200 feet of a fire at which fire apparatus is in attendance. A vehicle parked legally previous to the fire is exempt from this subdivision.		\$20.00	\$40.00
w. In violation of an official sign restricting the period of time for or manner of parking		\$20.00	\$40.00
x. In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has		\$20.00	\$40.00

TRAFFIC AND VEHICLES

<i>Offense</i>	<i>Section</i>	<i>Penalty If Paid Within 72 Hours</i>	<i>Penalty After 72 Hours</i>
expired, unless the vehicle properly displays one or more of the items listed in MCL 257.675(8).			
y. On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States Postal Service		\$20.00	\$40.00
z. In a place or in a manner that blocks the use of an alley		\$20.00	\$40.00
aa. In a place or in a manner that blocks access to a space clearly designated as a fire lane			
(7) In an alley	UTC 28.1813, rule 813	\$20.00	\$40.00
(8) Between 2:00 a.m. and 6:00 a.m.	Code section 36-31	\$20.00	\$40.00
(9) Parking for prohibited purpose:	UTC 28.1814, rule 814		
a. Display of vehicle for sale		\$15.00	\$30.00
b. Washing or repairing vehicle		\$15.00	\$30.00
c. Displaying advertising		\$15.00	\$30.00
d. Selling merchandise		\$15.00	\$30.00
e. Storage for more than 48 continuous hours		\$20.00	\$40.00
(10) Wrong side of boulevard roadway	UTC 28.2815, rule 815	\$20.00	\$40.00
(11) Loading zone violation	UTC 28.1818, rule 818	\$20.00	\$40.00
(12) Bus or taxi, parking at other than designated stop	UTC 28.1819, rule 819	\$15.00	\$30.00
(13) Meter violations	UTC 28.1821, rule 821	\$15.00	\$30.00
(14) Meter, not parked within space	UTC 28.1822, rule 822	\$15.00	\$30.00
(15) Failure to set brakes	MCL 257.676	\$20.00	\$40.00
(16) Parked on grade, wheels not turned to curb	MCL 257.676	\$20.00	\$40.00
(17) Failure to remove ignition key or failure to turn off	MCL 257.676	\$20.00	\$40.00

(Code 1972, § 72-6; Ord. No. 0528-09-01, 5-28-2009)

**Sec. 36-57. Waiver of Penalty**

Upon written request made to the Chief of Police or his or her designee and a showing of good cause, the Chief may waive any penalty provision of Chapter 36 of the Code to allow

temporary parking that would otherwise violate Chapter 36. The request must be made before parking occurs in violation of Chapter 36. The requester must receive specific confirmation from the Chief or his or her designee in order to be considered a valid waiver.  
(Ord. No. 0528-09-01, § 3, 5-28-2009)