

City of Muskegon
Muskegon County, Michigan
Ordinance No. 2353

THE CITY OF MUSKEGON ORDAINS:

Chapter 92, Section 92-33, "Changes in Uniform Traffic Code," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 92-33. Changes in Uniform Traffic Code.

The following rules of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth and additional rules are added as indicated. Subsequent rule numbers used in this section shall refer to the like-numbered rules of the Uniform Traffic Code for Cities, Townships and Villages.

Rule 1 (1) (k.1) is added to read as follows:

Rule 1 (1) (k.1). "Parkway" means that part of a street lying between the property lines and that portion of the street ordinarily used for vehicular travel.

Rule 106 is added to read as follows:

Rule 106. Impounding or immobilizing vehicles.

(1) The city may impound vehicles on public or private property and remove them or cause them to be removed to a storage facility, or immobilize vehicles, or do both under the circumstances set forth and described in this section and MCL 257.252a et seq., including, without limitation, when such impounding or immobilization is ordered or authorized by a court.

(2) The city may immobilize vehicles by the use of devices such as the boot, the club, or other device which prevents the movement of a

vehicle, which devices shall be in the control and possession of the police department of the city.

The city commission determines that the conditions and circumstances described in this section constitute situations requiring impoundment or immobilization of vehicles to safeguard the public safety, health and welfare, aid in traffic safety enforcement, minimize congestion and accomplish reasonable law enforcement objectives.

Rule 107 is added to read as follows:

Rule 107. Impounding of vehicles; failure to answer parking notices or citations.

(1) The police department or a police agency enforcing the city ordinances may immediately impound a vehicle found on public property or on a public street whose owner has failed to answer six or more parking violation notices or citations resulting from violations of provisions of this traffic code or any other ordinance of the city under which parking violations or citations have been issued, including but not limited to illegal parking at boat ramps, in parks, in spaces for parking for disabled persons, or at other locations in the city. The impoundment may take place whenever the police agency or department identifies the vehicle, whether during a parking violation after the sixth failure to answer or at any other time.

(2) The police agency or department which impounds a vehicle under this section shall follow the procedures set forth in rules 105 and 106 except that impoundment may take place immediately without notice. In addition:

- (a) Accrued charges to be paid by the owner shall include any previously incurred impounding fees, fines, costs, forfeitures or penalties arising out of the ownership or operation of such vehicle, or any other vehicle owned or operated by such person. Accrued charges shall also include previously unpaid and current reasonable charges for impound and storage of the vehicle. The owner shall also pay an impound fee as determined by city commission resolution.
- (b) If the owner or operator disputes liability as to any impoundment fees or any previously incurred impoundment fees, fines, costs, forfeitures or penalties, such owner or operator may have the vehicle released from impoundment by posting a cash deposit equal to the impound fee, the tickets, fines and the cost of towing and storage not to exceed \$500.00, to the clerk of the district court or the city's police department, pending final adjudication of the disputed liability. Upon the posting of the required cash deposit, the police department shall

execute a release of the vehicle from impoundment and, upon delivery of such release to the operator of the impound lot, the owner or operator of the vehicle shall thereupon be restored to possession thereof. If the district court determines that the owner or operator of the vehicle did not fail to answer six or more parking violation notices or citations regarding illegal parking the city shall refund the entire deposit and shall assume and pay all towing and storage fees. If the owner or operator is determined to have failed to answer said notices or citations legally hereunder which resulted in the vehicle impound, the city shall apply the cash deposit to the fees, fines and costs assessed by the district court, and refund the balance, if any, to the person who made the cash deposit.

- (3) "Unanswered" means failure to pay, have dismissed or appear in person at the city hall to respond to the citation.

Rule 108 is added to read as follows:

Rule 108. Immobilization of vehicles.

(1) A vehicle found on public property or on a public street and, in circumstances limited and defined under this section, a vehicle on private property, may be immobilized by the city using a device referred to in rule 106(2) under the following circumstances, deemed by the city to be necessary for the public health, safety and welfare, including traffic safety enforcement, minimizing of traffic congestion and accomplishing reasonable law enforcement objectives:

- (a) The conditions set forth in MCL 257.252a, 257.252b, 257.252d and rule 107.
- (b) The vehicle is subject to an impounding order of a court. Such immobilization may also be used on private property.
- (c) The vehicle is subject to an impounding procedure of this or any other jurisdiction and has been wrongfully removed from a storage facility or impounding company.

(2) Procedure for immobilization; impoundment. The city, by its police department, shall do the following with a vehicle subject to immobilization:

- (a) Affix a sticker to the windshield or driver's side window containing information pertaining to the reason for immobilization, time limits and circumstances for impoundment, and information regarding fee, payment of tickets or citations and redemption. The notice shall, if applicable, state if the

vehicle is subject to a court-ordered impoundment and, therefore, not redeemable except by the terms of the court order. The notice shall provide the following additional information:

- (1) Date and time the notice is affixed;
 - (2) Police department address;
 - (3) The name and badge number of the officer affixing the notice; and
 - (4) The year, make and vehicle identification number of the vehicle, if available.
- (b) Cause the immobilization device to be attached to the vehicle by trained personnel.
- (c) If a responsible person or the owner has not appeared at the police department to redeem the vehicle by paying outstanding tickets or citations, or accomplished other remedial actions and paying fees within 48 hours of the notice, the vehicle shall be impounded and the procedure under MCL 257.252d shall apply.
- (3) Redemption from immobilization. A responsible person may redeem a vehicle from immobilization as follows:
- (a) Paying all outstanding parking tickets or citations, default judgments and costs involving the vehicle, or posting a bond for the entire amount thereof; and
 - (b) Paying the immobilization fees.
 - (4) Removal of device. No immobilization device may be removed from a vehicle unless the vehicle is properly redeemed or the police department has impounded the vehicle. Unauthorized removal by any person shall constitute a misdemeanor.

Rule 109 is added to read as follows:

Rule 109. Court-ordered immobilized or impounded vehicle.

Any vehicle immobilized or impounded under a court impounding order shall not be redeemed or released except in accordance with the court order.

Rule 110 is added to read as follows:

Rule 110. Fees.

Fees shall be charged for immobilizations and impoundment to defray the cost of these enforcement procedures. The city commission shall determine the fees to be paid by resolution.

Rule 159 is added to read as follows:

Rule 159. Appointment of traffic engineer.

The city manager is hereby appointed to fill the office of traffic engineer established pursuant to rule 125.

Rule 416c is hereby amended to read as follows:

Rule 416c. Consumption of alcoholic liquor on a highway, public place, or area generally accessible to motor vehicles, including area designated for parking of vehicles; violation punishable by a misdemeanor.

(1) A person shall not consume alcoholic liquor upon a highway, street, alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises, or within the passenger compartment of a moving vehicle upon a highway or in any place open to the general public or generally accessible to motor vehicles, including an area designed for the parking of vehicles in the city.

(2) A person who violates this section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100.00, or both.

Rule 434 is amended to read as follows:

Rule 434. Obedience to no-turn signs; violation is civil infraction.

(1) When authorized signs are erected indicating that right, left, or U-turns are not permitted, a driver of a vehicle shall not disobey the directions of any such signs.

(2) A driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street, unless such movement can be made in safety and without interfering with other traffic. However, no such turn shall be made where a sign prohibiting such turn has been erected or at any intersection controlled by a traffic signal.

(3) A person who violates this section is responsible for a civil infraction.

Rule 453 is amended to read as follows:

Rule 453. Avoidance of traffic control devices prohibited; violation is civil infraction.

(1) No person shall drive or operate a motor vehicle through any gasoline filling station or service station driveway, unless for the purpose of obtaining service at such station, and no person shall drive or operate a motor vehicle through or upon any public parking lot, unless for the purpose of parking such motor vehicle in such parking lot.

(2) A driver of a vehicle shall not attempt to avoid obedience to any traffic control device by driving on or through any private property.

(3) A person who violates this section is responsible for a civil infraction.

Rule 500 is added to read as follows:

Rule 500. Trees and plants not to interfere with view of traffic at intersections.

(1) All trees, shrubbery or growing plants located on the parkway at or near the corners of any street intersection shall be kept trimmed or so maintained as not to obscure, obstruct or in any manner interfere with the view of pedestrians or drivers or operators of vehicles approaching or entering such intersections, and should the owner or person responsible therefor fail to so trim or maintain such trees, shrubbery or growing plants, it shall be the duty of the department of public works to trim or remove the same without notice.

(2) A person who violates this section is responsible for a civil infraction.

Rule 501 is added to read as follows:

Rule 501. Vehicles to be operated only in areas designated for vehicular travel.

(1) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadway or other such areas so designated for vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway, except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park, beach or other public area, except in those areas designated for vehicular travel therein.

(2) In all cases of violations under this section either the registered owner or the operator of such vehicle may be proceeded against in the district court, and 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 thereof.

(3) Any person who violates this section is guilty of a misdemeanor, and, upon conviction, shall be assessed a fine of not less than \$100.00 or sentenced to not less than ten days in the county jail, or both.

(4) Any person convicted of a second violation of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be assessed a fine of not less than \$200.00 or sentenced to not less than 20 days in the county jail, or both.

(5) Any person convicted of a third or subsequent violation of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be assessed a fine of not less than \$300.00 or sentenced to not less than 30 days in the county jail, or both.

Rule 628 is added to read as follows:

Rule 628. Registration.

(1) No bicycle shall be propelled or operated upon any of the public streets, sidewalks, avenues, lanes, alleys, parks, bridges or public places within the city, unless such bicycle is registered with the police department. Application for such registration shall be filed with the police department, stating the owner's name, residence address, the make and model of the bicycle, the serial number of the bicycle and such other information relative to the bicycle as the chief of police or his designated representative shall require. Such application shall be made upon blank forms furnished by the police department.

(2) The chief of police or his designated representative shall file all applications for registration of bicycles in the police department and keep a complete and accurate record of the facts appearing therein together with a numerical list of the license plate numbers assigned to each bicycle.

(3) The fee for the registration of a bicycle under this section shall be as currently established or as hereafter adopted by resolution of the city commission from time to time. All money derived from the registration of bicycles shall be paid by the police department into the general fund of the city.

(4) In the event of transfer of ownership of a bicycle registered under this section, the new owner shall, within ten days from such transfer, make application on a similar form for the transfer of registration to the new

owner, and shall accompany such application with a transfer fee as currently established or as hereafter adopted by resolution of the city commission from time to time.

(5) A person who violates this section is responsible for a civil infraction.

Rule 629 is added to read as follows:

Rule 629. License number and plate generally.

(1) Upon receipt of the fee prescribed by rule 628 and a satisfactory application pursuant to such section, the chief of police or his designated representative shall assign a number to each bicycle so registered and deliver to the applicant a license plate bearing the number so assigned. Such license plate shall be firmly attached to the rear of the bicycle and shall be valid for that bicycle only and shall not be transferred from one bicycle to another. Upon assigning such number and issuance of such plate, the number of such bicycle shall be stamped upon the framework of the bicycle so registered.

(2) All bicycle license plates shall remain the property of the city, and the chief of police or any of the policemen of the city are hereby authorized to confiscate and take possession and custody of any such plate attached to any such bicycle for which it was not issued, or when the person to whom the plate was issued has made or is making unlawful use thereof.

(3) In the event of the loss of a plate issued under this section, a duplicate plate may be obtained by paying the cost thereof to the city.

(4) A person who violates this section is responsible for a civil infraction.

Rule 630 is added to read as follows:

Rule 630. Removal, alteration, etc., of license or frame number, license plate, seal, etc.

(1) It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame registered pursuant to the article. It shall be unlawful for any person to remove, destroy, mutilate or alter any bicycle license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Nothing in this section shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which such number is illegible or insufficient for identification purposes.

(2) The police department is herewith empowered and authorized to impound any unlicensed bicycle or any bicycle found with the license or frame number removed, destroyed, mutilated or altered until such time as the person in possession, or the owner of the bicycle, can prove ownership. In the event proper ownership is not proven within 60 days after the date of impoundment, the bicycle can be sold at public auction.

(3) A person who violates this section is responsible for a civil infraction.

Rule 631 is added to read as follows:

Rule 631. Riding prohibited on limited access or multilane roadway.

(1) No person shall ride any bicycle on Seaway Drive, or any other limited access roadway within the city, where parking has been prohibited. Any person operating along these routes shall be required to use the pedestrian walkway adjacent thereto.

(2) A person who violates this section is responsible for a civil infraction.

Rule 632 is added to read as follows:

Rule 632. Operation in dangerous districts.

(1) If the safety of the operator of a bicycle, the condition of the sidewalk or highway, the foot or vehicular traffic, including the safety of pedestrians, is such in any district as to require the operator of the bicycle to dismount and push the vehicle or to avoid such district in the exercise of ordinary caution and prudence, it shall be the duty of such operator of any bicycle to dismount and push the same through such dangerous district or to avoid the district entirely while it is unsafe for the operation of such bicycle.

(2) A person who violates this section is responsible for a civil infraction.

Rule 633 is added to read as follows:

Rule 633. Pedal bicycle with helper motor not to be ridden on sidewalks.

(1) No person shall ride a pedal bicycle with helper motor on city sidewalks.

(2) A person who violates this section is responsible for a civil infraction.

Rule 634 is added to read as follows:

Rule 634. Racing and trick riding.

(1) It shall be unlawful for any person riding a bicycle to race with any other person riding a bicycle, to ride without using both hands on handlebars, or to indulge in other trick riding upon any streets, sidewalks, avenues, lanes, alleys, parks, bridges or other public places within the city.

(2) A person who violates this section is responsible for a civil infraction.

Rule 635 is added to read as follows:

Rule 635. Riding abreast, curving to and fro.

(1) It shall be unlawful to ride abreast on bicycles upon any highway or public street, or to ride curving to and fro thereon. It shall be unlawful for bicycles to be ridden abreast on the sidewalks of the city, except when passing.

(2) A person who violates this section is responsible for a civil infraction.

Rule 636 is added to read as follows:

Rule 636. Riding on private property.

(1) No person riding a bicycle shall ride the same upon or across the private property of another person without the permission of the owner of such property or the person in rightful possession thereof.

(2) A person who violates this section is responsible for a civil infraction.

Rule 717 is added to read as follows:

Rule 717. Standing in street or alley so as to interfere with vehicular traffic.

(1) No pedestrian shall stand or otherwise remain in any street or alley so as to obstruct the free movement of vehicular traffic.

(2) A person who violates this section is responsible for a civil infraction.

Rule 718 is added to read as follows:

Rule 718. Pedestrians: remaining in street or road.

(1) Where sidewalks are provided or where public beaches, parkland or other accessible public property is adjacent to a street or public right-of-way, it is unlawful for pedestrians to remain in the street or road, including traveled portions and parking areas in said street or road.

(2) A person who violates this section shall be responsible for a civil infraction.

Rule 825 is added_to read as follows:

Rule 825. Vehicles parked in restricted area deemed stationary if not moved more than 50 feet.

Vehicles parked in the restricted parking area, which are not moved, more than 50 feet during the limited parking period, shall be deemed to have remained stationary.

Rule 826 is added to read as follows:

Rule 826. Impounding of vehicles for failure to answer parking violation notices or citations.

In addition to the infractions and penalties set forth in this traffic code for parking violations, vehicles may be impounded in the circumstances set forth in Rule 107.

Rule 829 is added to read as follows:

Rule 829. Moving of parked vehicle at request of police officer or owner or occupant of abutting property.

(1) The operator of a vehicle which is parked shall move the same at any time at the request of a police officer, or at the request of the owner or occupant of the abutting property, if the vehicle has been parked over three hours, or if it is a commercial vehicle, after it has been parked over one hour.

(2) A person who violates this section is responsible for a civil infraction.

Rule 830 is added to read as follows:

Rule 830. Interference with enforcement.

(1) No person shall knowingly and willfully obstruct or interfere with the enforcement of any of the provisions of this traffic code regulating the standing or parking of motor vehicles nor shall any person knowingly or willfully obstruct or interfere with any police officer or other city employee while such police officer or other city employee is engaged in the enforcement of any of the provisions of this chapter regulating the standing or parking of motor vehicles.

(2) A person who violates this section is responsible for a civil infraction.

Rule 831 is added to read as follows:

Rule 831. Unlawful conduct at scene of accident.

(1) No person shall proceed to the scene of an accident or other emergency or stop and park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duties at the scene of such accident or other emergency, or for the purpose of advertising or offering any service for hire, nor shall any person thereat solicit gainful employment of any nature.

(2) A person who violates this section is responsible for a civil infraction.

Rule 903 is amended to read as follows:

Rule 903. Penalties; civil infraction and misdemeanor.

(1) *Civil infraction.* Any violation of the uniform traffic code adopted or amended by the city which is designated as a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense. Civil infraction fines shall be in any amount, if not specifically set forth, up to \$500.00, or set forth in a schedule adopted by the district court pursuant to statute. The fines shall be exclusive of costs, expenses or fees.

(2) *Misdemeanor.* Unless another penalty is expressly provided by the ordinances of the city, every person who is convicted of a misdemeanor violation of any provision of the uniform traffic code shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both.

Rule 1000 is added to read as follows:

Rule 1000. Adoption of state snowmobile statutes.

There is hereby adopted by reference the provisions of Part 821, Public Act No. 451 of 1994 (MCL 324.82101 et seq.), as if fully set out herein.

Rule 1001 is added to read as follows:

Rule 1001. Operation of snowmobile between 10:00 p.m. and 7:00 a.m.

A person shall not operate a snowmobile within the city during the hours from 10:00 p.m. until 7:00 a.m.

This ordinance adopted: March 22, 2016

AYES: Johnson, Gawron, Hood, Warren, German, Rinsema-Sybenga, and Turnquist

NAYS: None

ABSENT: None

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CITY OF MUSKEGON

By:

Ann Marie Meisch, MMC
City Clerk