

15-061 Moved by Councilman Randy Odette, seconded by Duderstadt, to approve the following amendment to Woodhaven Code of Ordinances:

**STATE OF MICHIGAN
COUNTY OF WAYNE
CITY OF WOODHAVEN**

AN ORDINANCE AMENDING WOODHAVEN CODE OF ORDINANCES, CHAPTER 98, TRAFFIC AND VEHICLES, ARTICLE II, TRAFFIC CODE

THE CITY OF WOODHAVEN ORDAINS:

THE CITY OF WOODHAVEN, BY ACTION OF THE CITY COUNCIL, ADOPTS THE FOLLOWING AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 98, TRAFFIC AND VEHICLES, ARTICLE II, TRAFFIC CODE

FIRST, DIVISION 2 – STATE VEHICLE CODE, SECTION 98-51 IS DELETED IN ITS ENTIRETY AND THE FOLLOWING SECTIONS 98-51 AND 98-51a ARE ADDED:

Sec. 98-51. - Adopted by reference.

The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 to 257.923), and all future amendments and revisions to the Michigan Vehicle Code when they are effective in this state, are hereby adopted by reference, as if fully restated in this section, with the following provision: If there is a conflict between, the Michigan Vehicle Code and the Uniform Traffic Code for Cities, Townships and Villages adopted by division 3 of this article or any other provisions of this article, the Michigan Vehicle Code shall prevail.

Sec. 98-51a. – References in Code

References in the Michigan Vehicle Code to “local authorities” shall mean the city of Woodhaven.

SECOND, THE FOLLOWING NEW SECTION 98-53 IS TAKEN FROM RESERVE AND ADDED TO DIVISION 2 – STATE VEHICLE CODE, AS FOLLOWS:

Sec. 98-53. – Penalties.

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city of Woodhaven may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Secs. 98-54—98-70. - Reserved.

THIRD, DIVISION 3 – UNIFORM TRAFFIC CODE, SECTION 98-71 IS DELETED IN ITS ENTIRETY AND THE FOLLOWING SECTIONS 98-71 and 98-71a ARE ADDED:

Sec. 98-71. - Adopted by reference.

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the director of the Michigan department of state police pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code for Cities, Townships, and Villages when they are promulgated and effective in this state are incorporated and adopted by reference.

Sec. 98-71a – Pedestrians rights and duties; pedestrian’s right of way in crosswalk.

(a) In addition to the general incorporation by reference set forth above in Section 98-71, the City of Woodhaven City Council, in the interests of the health and safety of persons within the City of Woodhaven and public safety in general, specifically adopts a public policy of strict enforcement of Part 7, Rules 701-716 of the Uniform Traffic Code for Cities, Townships and Villages.

(b) In accordance with the public policy adopted above, the City of Woodhaven city administrator, chief of police, or such person's designee, shall place appropriate Michigan Department of Transportation approved signage ("STATE LAW STOP FOR PEDESTRIANS IN CROSSWALK"), in areas deemed by the chief of police as high pedestrian traffic crosswalk areas, notifying the public of the following state and local law provision of the Uniform Traffic Code:

(1) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle that is so close that it is impossible for the driver to yield.

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

FOURTH, SECTION 98-73 IS DELETED IN ITS ENTIRETY.

FIFTH, THE FOLLOWING NEW SECTION 98-73, SECTIONS 98-73a TO 98-73g ARE ADDED TO DIVISION 3 – UNIFORM TRAFFIC CODE:

Sec. 98-73. – Additional Provisions.

The City of Woodhaven has adopted the following additional provisions, which are to be construed for purposes of enforcement to supplement the Uniform Traffic Code for Cities, Townships and Villages, in the interests of the health and safety of persons within the City of Woodhaven and public safety in general.

Sec. 98-73a. – No stopping, standing or parking zones.

The chief of police, or his or her designated traffic engineer, may determine and designate zones where stopping, standing or parking is prohibited due to hazardous conditions which may exist or where conditions exist which would cause undue delay to traffic. Such zones shall be designated by posting proper signs at such locations, and the distance between the signs shall not exceed 200 feet.

Section 98-73b. – Driving through drive-in establishments.

It shall be unlawful for any person to drive a vehicle in and out of the premises of a drive-in establishment without patronizing the establishment or to stop, stand or park a vehicle on such premises for an unreasonable length of time without patronizing the establishment.

Sec 98-73c. – Stopping, standing and parking, prohibited places and manner, between curb and sidewalk.

A vehicle shall not be parked within the space between a curb and a sidewalk whether on a driveway or otherwise.

Sec. 98-73d – Stopping, standing and parking, prohibited places and manner, sale of vehicle.

An owner of a vehicle shall not cause or permit such vehicle to be offered for sale by a sign placed in, upon or about such vehicle and communicating such vehicle is offered for sale at a time when such vehicle is standing or parked on private property which is not owned, leased or rented by such owner of such vehicle unless they have permission by the property owner.

An "owner of a vehicle" for purposes of this section is any person, firm, association or corporation set forth on the records of the Michigan Secretary of State as the owner of the vehicle. An "owner" of private property for purposes of this section shall be prima facie that person, whether natural person, firm, co-partnership, association or corporation that is set forth as the owner on the current tax rolls of the city. A person claiming to be an owner, lessee or renter of private property shall bear the burden of proving the claimed ownership or possessory estate in or to such private property in any prosecution under this ordinance.

Sec. 98-73e – Unauthorized entrance upon private parking area.

No owner or operator of any vehicle shall park or leave such vehicle unattended on any private parking lot, space, way or alley without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property except as is hereinafter provided:

- (a) It is expressly provided that in order for this provision to be effective in any such parking area, suitable signs as prescribed herein must first be posted which would apprise the ordinarily observant person of the restricted use of the parking area.
- (b) Whenever an owner or operator of any vehicle shall park or leave such vehicle unattended on any private parking lot, space, way or alley without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent or trustee of such property, such property owner may sign a criminal complaint therefor and, upon a warrant being issued pursuant to such complaint, the vehicle may be impounded by the police department. No such impounded vehicle shall be returned to the operator or owner thereof unless such owner or operator first pays the expenses of impounding and storing such vehicle which expense shall in no way affect the imposition of any penalty for violation of this section.
- (c) Anything to the contrary notwithstanding contained in this section, no vehicle shall be removed or ticketed or impounded as herein provided, nor shall penal provisions hereof be applicable, unless such private parking lot, space, way or alley is legally and plainly designated as such by appropriate sign or placard and registered with the city clerk. At least one such sign must be posted on each registered private parking area in the city. The sign must be at least two feet by four feet in area and contain the following wording:

"This is a private parking area registered under provision of chapter 98 of the Woodhaven City Code.

"Vehicles illegally parked here will be ticketed, removed, or impounded, in accordance with the terms of the parking ordinance."

Additional language as to the specific limitations and restrictions placed upon the use of such parking areas may be added to the above required language with the approval of the city council.

- (d) In any proceeding for violation of the provisions of this section, the registration plate displayed on the motor vehicle shall be prima facie evidence that the owner of such motor vehicle is the person who parked or placed such vehicle at the place where such violation occurred.

Sec. 98.73f – Parking trucks, tractors, trailers, recreational vehicles, campers, and related vehicles prohibited.

Except as otherwise herein expressly provided in this section:

- (a) It shall be unlawful for the owner or operator of any vehicle of more than two axles to park or permit such vehicle to be parked on any of the streets, alleys or public ways of the City of Woodhaven at any time.
- (b) It shall be unlawful for the owner or operator of any unattached recreational vehicle, trailer, boat, boat trailer, or camper to park or permit such vehicles to be parked on any of the streets, alleys, or public ways of the City of Woodhaven at any time.
- (c) It shall be unlawful for the owner or operator of any commercial vehicle or pickup truck weighing 6,000 pounds or more to park or permit such vehicle or truck to be parked on any of the streets, alleys or public ways of the City of Woodhaven at any time on Sundays and legal holidays, and between the hours of 9:00 p.m. and 7:00 a.m. on any other day.
- (d) It shall be unlawful for the owner or operator of any self-contained motor home, camper, or similar vehicle to park or permit such vehicle to be parked on any of the streets, alleys or public ways of the City of Woodhaven at any time on Sundays and legal holidays, and between the hours of 9:00 p.m. and 7:00 a.m. on any other day.
- (e) The provisions of this section shall not apply to a commercial vehicle which is parked while loading or unloading merchandise or passengers or otherwise parked pursuant to the terms of this chapter; nor shall the provisions of this section apply to the other vehicles named in this section while such vehicle are being loaded for use or being unloaded subsequent to such use.

Sec. 98.73g – Commercial vehicles on residential streets prohibited.

In order to protect residential streets from excessive wear and damage and to provide for the health and safety of the people of the City of Woodhaven, it shall be unlawful for the owner or operator of any commercial motor vehicle which, together with the load it carries, exceeds 6,500 pounds in weight upon any residential street; provided, however, any such vehicle shall be permitted to travel the necessary shortest distance on any residential street for the purpose of making a pickup or a delivery of materials at a particular location on any residential street in the city in the usual and ordinary course of the conduct of any business or occupation in which such vehicle is engaged; provided, further, that the city engineer and/or the building official in cases of construction projects on any such street shall designate the routes to be traversed by all such vehicles engaged at such construction project.

SIXTH, THE FOLLOWING NEW SECTION 98-75 IS TAKEN FROM RESERVE AND ADDED TO DIVISION 3 – UNIFORM TRAFFIC CODE, WITH SECTIONS 98-76 to 98-100 REMAINING IN RESERVE:

Sec. 98-75 Penalties.

The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference. For any provision in this Division for which no penalty is otherwise specified, a person who violates such provision is responsible for a civil infraction.

Secs. 98-76—98-100. - Reserved.

AYES: Duderstadt, Mayor Odette, Penix, Councilman Randy Odette, Bono-Beaton

NAYS: None

ABSENT: Belcher, Papineau

MOTION CARRIED.

EFFECTIVE DATE: This ordinance amendment was introduced on May 19, 2015 and adopted on June 2, 2015. The effective date of this ordinance shall be the 12th day of June, 2015.