

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF AUBURN HILLS

ORDINANCE NO. 22-928

**AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE VII, DIVISION 2- PARKING VIOLATIONS
BUREAU, OF THE CITY OF AUBURN HILLS CODE OF ORDINANCES, AS AMENDED, TO
AMEND SECTION 70-361 – PARKING OFFENSES; FINES..**

THE CITY OF AUBURN HILLS ORDAINS:

SECTION 1.

Sec. 70-361. Parking offenses; fines.

- (a) The following shall be deemed to be parking offenses in violation of this division, and the fine for each violation shall be as follows:
- (1) Parking in an area in violation of a no parking sign or street marking as authorized by the county road commission concerning county roads, by the state highway department concerning state highways, or by the City of Auburn Hills concerning public and private roads, drives or parking lots \$-- \$20.00
 - (2) Parking within 15 feet of a fire hydrant..... \$20.00
 - (3) Parking in a marked fire lane\$20.00
 - (4) Parking within 25 feet of a comer..... \$20.00
 - (5) Parking within five feet of a driveway or alley..... \$20.00
 - (6) Parking upon or partially upon a sidewalk or crosswalk..... \$20.00
 - (7) Parking within ten feet of the center of a street..... \$20.00
 - (8) Parking a vehicle for longer than permitted.....\$20.00
 - (9) Parking a vehicle more than one foot from a curb or curblin \$20.00 \$20.00
 - (10) Parking a vehicle in violation of any other parking provisions of any ordinance of the city \$20.00
 - (11) Parking a vehicle within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a highway, road or street..... \$20.00
 - (12) The following shall be deemed to be a parking offense in violation of this article and the fine for each violation shall be as follows:
 - a. Parking in an area in violation of a no standing, stopping, and parking, tow away zone sign or street marking as authorized by the county road commission concerning county

roads, by the state highway department concerning state highways, or by the city, concerning public and private roads, drives or parking lots.

b. The fine for each violation shall be.....\$20.00

- (13) Parking a vehicle within 50 feet of the nearest rail of a railroad crossing.....\$20.00
- (14) Parking a vehicle within 20 feet of the driveway entrance to any fire station \$20.00
- (15) Parking a vehicle alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic \$20.00
- (16) Parking a vehicle on the highway side of any vehicle stopped or parking at the edge or curb of a street \$20.00
- (17) Within an intersection \$20.00
- (18) Within 500 feet of an accident where police officers are in attendance when the scene of the accident lies outside of any city or village; provided, however, that motor buses, for the purpose of taking on or discharging passengers, may be stopped at the places designated in subsections (2), (5) and (7) of this subsection, or on the highway side of a vehicle illegally parked in a legally designated bus zone \$20.00
- (19) In front of any theatre \$20.00
- (20) Parking unauthorized vehicle in a handicapped lot of Oakland Community College \$20.00
- (21) Parking in the handicapped permit area of Oakland Community College without a permit \$20.00
- (22) Stopped or standing in a marked fire lane.....\$20.00
- (23) Parking in a marked handicapped space.....\$40.00
- (24) If a vehicle is illegally parked in any permit area of any Auburn Hills parking lot or parking structure without a valid parking permit, the police department may issue a citation to the registered owner of the vehicle. The police department may call a towing agency and impound the vehicle. If the vehicle is impounded, the police department must follow the procedures set forth in MCL 257.252d.
- (25) Parking a vehicle in city parks or recreational grounds of the city civic center from 5:00 pm or dusk, whichever is later, until 7:00 a.m.: except for the parking of city vehicles or the city authorized parking of vehicles of persons participating in and/or viewing a city sponsored activity and/or function in a city park or the recreational grounds of the city civic center.....\$20.00

The fines of this subsection shall be doubled concerning any violator who fails to appear within ten days of the date of the violation. In cases where the defendant has been found guilty by a court of law, the court may assess, in addition to the fines provided in this subsection, costs and judgement fees as provided by law.

- (b) Except as provided in section 70-351, the provisions of this division shall control the parking of vehicles on public highways, streets, roads and parking areas and drives and also on private parking lots, private drives, and private roads which are open to the public and for the use of patrons of any businesses, apartments, stores, offices, and clinics, providing that the owner

or owners of the private parking lots, private roads or private drives consent to the enforcement of parking ordinances of the city concerning parking violations occurring within the lot, roads or drives. It shall not be necessary for the owners of non-residentially zoned private properties containing a vacant building and/or vacant buildings to consent to the enforcement of section 70- 351 for violations of section 70-351 occurring on any non-residentially zoned private properties containing a vacant building and/or vacant buildings including but not limited to private parking lots located thereon and the city and its officers are authorized to enforce section 70-351 at said locations without the owners' consent. The penalties for violations of section 70-351 shall be as set forth in section 70-351(b) and not the penalties set forth in this division.

- (c) In any proceeding for a violation of this division, proof that the particular vehicle described in the complaint was parked in violation of any such provision or regulation, together with proof that the defendant named in the complaint was at the time of such offense the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

SECTION 2. Repealer.

All ordinances, or parts of ordinances, in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 3. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

SECTION 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

SECTION 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect upon publication in the manner prescribed by the Charter of the City of Auburn Hills.

SECTION 6. Adoption.

This Ordinance is hereby declared to have been adopted by the City Council of the City of Auburn Hills at a meeting thereof duly called and held on the 6th day of June, 2022, and ordered to be given publication in the manner prescribed by the Charter of the City of Auburn Hills.

(Ord. No. 149, § I, 2-9-72; Ord. No. 725, § 2, 10-6-03; Ord. No. 16-875 , 3-9-16)

AYES: 7 (Carrier, Hawkins, Kittle, Knight, Marzolf, McDaniel, Verbeke)
NAYS: None
ABSENTS: None
ABSTENTIONS: None

STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and acting Mayor and City Clerk for the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 22-928 adopted by the Auburn Hills City Council at a regular meeting held on the 6th day of June, 2022, the original of which is in my office.

IN WITNESS WHEREFORE, I hereby affix my signature on this 7th day of June, 2022.

Kevin R. McDaniel, Mayor

Laura M. Pierce, City Clerk