

Golden Township Parking Ordinance Ordinance No. Seventeen

An Ordinance to provide for the regulation of the parking of vehicles within the Township of Golden and to provide for penalties of any of the provisions of this ordinance.

The Township of Golden ordains:

Chapter I Words and Phrases Defined

Section 1.1 Words and Phrases

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this chapter. When ever any words and phrases used herein are not defined herein but are defined in Act 300, Public Acts of 1949, as amended, any such definition therein shall be deemed to apply to such words and phrases used herein.

Section 1.01. Parking.

“Parking” means standing a vehicle, whether occupied or not, upon a highway when not loading or unloading except when making necessary repairs.

Section 1.02. Stand or standing.

“Stand or Standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

Section 1.03. Stop or stopping.

“Stop or stopping” means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

Section 1.04. Street or highway

“Street or highway” means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Section 1.05. Parking-control devices.

“Parking-control devices” means all signs, signals, markings, and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating the parking, standing or stopping of vehicles.

Section 1.06. Vehicle.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Section 1.2. Tenses.

The present tense includes the past and future tenses; and the future, the present.

Section 1.3. Number; gender.

The singular shall include the plural and the plural shall include the singular; the masculine shall include the feminine and neuter, as requisite.

Section 1.4. "Shall" and "may"

"Shall means mandatory and "may" means permissive.

Chapter II

Traffic Administration and Authority

Section 2.1. Traffic engineer.

The office of traffic engineer is hereby established. The traffic engineer shall be appointed in a manner prescribed by the Township Board and shall exercise the powers and duties provided in this ordinance in a manner consistent with prevailing traffic engineering and safety practices and the best interests of this governmental unit. In the absence of the appointment of a traffic engineer the authority of such engineer shall be vested in the Township Supervisor.

Section 2.2. Duties of traffic engineer.

It is the general duty of the traffic engineer to plan and determine the installation and maintenance of parking-control devices; to cooperate with other officials in the development of ways and means to improve conditions relating to the parking, stopping or standing of vehicles; and to carry out the additional powers and duties imposed by the ordinances of this Township.

Section 2.3. Stopping, standing, or parking near hazardous or congested places.

The traffic engineer is hereby authorized to determine and designate by proper signs places in which the stopping, standing, or parking of vehicles would create a hazardous or disturbing condition or would cause unusual delay to traffic.

Section 2.4. Duty to erect parking signs.

It shall be the duty of the traffic engineer to cause to be erected and maintained appropriate signs giving notice of regulations relating to the stopping, standing, or parking of vehicles.

Section 2.5. Traffic control orders.

(A) The authority to regulate parking contained in the ordinance shall be exercised by the traffic engineer by the issuance of parking control orders which shall specify the rules and regulations adopted or established by him. Such parking control order shall become effective upon being filed with the Township Clerk, upon the approval by the Township Board, and upon erection of adequate signs or signals giving notice of the existence of such regulation, if signs or signals are required by the provisions of this ordinance pertaining to such regulation. Parking control orders shall be issued by the traffic engineer, approved by the Township Board and filed with the Township Clerk. All such orders and any action modifying or repealing such orders shall be kept in a separate book kept by the Township Clerk to be known as the parking control order book.

(B) Copies of parking control orders certified by the Township Clerk to be a true transcript compared by him with the original in his office, shall be evidence in all courts, and proceedings in like manner as the original would be if produced. If it shall appear that a parking control sign, signal, or device conforming to the provisions of this ordinance was erected or in place when the alleged violation of this ordinance occurred, such showing shall be prima facie evidence of the existence of a lawful parking control order authorizing such parking control, sign, signal or device, and it shall be unnecessary for the prosecution to affirmatively show the existence of a valid parking control order in such cases, unless and until such presumption is rebutted by competent evidence.

Section 2.6. Authority to impound vehicles.

Members of the Oceana County Sheriff's Department or any other law enforcement agency are hereby authorized to remove a vehicle from a street or highway to a nearby garage or other place of safety, or to a garage designated or maintained by this governmental unit under the circumstances hereinafter enumerated.

(A) When removal is necessary because the vehicle is parked, stopped or standing upon a street clearly marked as a "Tow Away Zone."

(B) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(C) When a vehicle is left unattended upon a street continuously for more than forty-eight hours and may be presumed to be abandoned.

(D) When removal is necessary in the interest of public safety because of fire, flood, storm, snow or other emergency reason.

Section 2.7. Notifying owner of impounded vehicle

Whenever an officer removes a vehicle from a street as authorized in this ordinance, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall promptly give or cause to be given notice in writing to such owner of the fact of such removal, and the reasons therefor, and the place to which such vehicle has been removed. In the event any such vehicle is stored in a garage, a copy of such notice shall be given the proprietor of such garage.

Section 2.8. Notifying secretary of state of impounded vehicle.

Whenever an officer removes a vehicle from a street as authorized in this ordinance, and does not know and is not able to ascertain the name of the owner, or for any reason is unable to give the notice to the owner as herein before provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall, within a reasonable period of time, send or cause to be sent a written report of such removal by mail to the secretary of state, and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

Chapter III. Parking Control Devices

Section 3.1 Authority in install parking control devices.

The traffic engineer shall place and maintain, or remove, parking control signs and other devices and shall determine the hours and days during which any parking control device shall be in operation or be in effect, when and as required under the parking ordinance of this Township to indicate and carry out the provisions of said ordinance, of this governmental unit and under State law, to regulate the parking, standing, or stopping of vehicles.

Section 3.2. Manual and specifications for parking control devices.

All parking control signs, signals, and devices shall conform to the official Michigan Manual of Uniform Traffic Control Devices. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout this Township. All parking control devices so erected and no inconsistent with the provisions of State law or this ordinance shall be official parking control devices.

Section 3.3. Limit to authority.

Notwithstanding the authority granted tot the traffic engineer under this ordinance, no parking control device shall be placed or maintained upon any trunkline highway under the jurisdiction of the state highway commissioner except by the latters permission or upon any county road without the permission of the county road commission having jurisdiction thereof.

Chapter IV Stopping, Standing, or Parking

Section 4.1. Prohibited parking.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or parking control device, at any place where official signs prohibit stopping, standing or parking.

Section 4.2. Parking signs required

Whenever by this or any other ordinance of this Township any parking time limit is imposed or parking is prohibited on designated streets, no such regulations shall be effective unless appropriate signs giving notice thereof are erected and in place a the time of any alleged offense.

Chapter V Miscellaneous

Section 5.1 Short title.

This ordinance shall be known and cited as the Parking Ordinance.

Section 5.2. Effect of ordinance; severability.

If any part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall no affect the validity or constitutionality of the remaining portions of this ordinance. The Township Board hereby declares that it would have passed this ordinance and each part or parts thereof. irrespective of the fact that any one part or parts be declared invalid or unconstitutional .

Section 5.3. Penalties.

Unless another penalty is expressly provided by the ordinances of this Township, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days or by both such fine and imprisonment.

Effective Date.

*This Ordinance shall be effective 30 days after publication thereof.
Passed and approved by the Golden Township Board on Mar., 1992
and published in Oceana Herald - Journal in its issue of Mar., 1992.*

