

410.04 CHANGES IN UNIFORM TRAFFIC CODE.

The following Uniform Traffic Code rules are amended and additional rules are added as indicated. Subsequent rule numbers used in this chapter shall refer to the like numbered rules of the Uniform Traffic Code.

Rule 1 Words and Phrases.

As used in this Code:

(1)

(t) "Parking" means standing a vehicle, whether occupied or not, upon a highway or other place open to the public when not loading or unloading, except when making necessary repairs.

(u) "Central Business District" means the C-4 Central Business District of the City as set forth in the Zoning Code, Chapter 1266 the boundaries of which district are delineated upon the Zoning District Map, as amended, such Map constituting a part of the Zoning Code.

(v) "Bicycle" means every mechanical means of transportation having at least two (2) tandem wheels, fully operable pedals, and propelled solely by human power or with an assistive electric motor of less than 750 watts, upon which any person or persons may ride.

Rule 105. Impounding of Vehicles; Authority; Procedure; Public Sale.

(1) Notwithstanding section 252d of the Act, a police agency may provide for the immediate removal of a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:

(a) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic .

(b) When a vehicle is found being driven on the streets or highways in an unsafe condition that endangers persons or property.

(c) When the driver of the vehicle is taken into custody by the Police Department and the vehicle would thereby be left unattended on the street.

(d) When the owner of a vehicle has failed to answer six or more parking violation tickets or citations regarding illegal parking.

(2) A police agency that authorizes the removal of a vehicle under subrule (1) of this rule shall comply with the requirements of section 252(2) to (7) of the Act.

Rule 105a. Immobilization of Motor Vehicles.

(1) In lieu of impounding a vehicle under the provisions contained in this Traffic Code, a police officer or a person authorized to issue and serve appearance tickets may attach or cause to be attached to such vehicle an immobilizing device which will prevent the vehicle from being moved or driven when the owner of such vehicle has failed to answer six or more parking violation tickets or citations regarding illegal parking.

(2) If an immobilization device is attached to a vehicle pursuant to this section, there shall also be attached securely to the vehicle a notice which shall state:

(a) An immobilization device has been attached to the vehicle.

(b) A warning that any attempt to move the vehicle may result in damage to the vehicle.

(c) Any attempt to move the vehicle or remove the immobilization device is a misdemeanor.

(d) How release of the vehicle can be obtained.

(3) Release of the vehicle can be obtained by:

- (a) Paying the total amount due on all outstanding parking violation tickets or citations, and the fee charged for attachment and removal of the immobilization device; or
- (b) Posting a bond with the City's contractor providing parking management services to cover all of the costs described in paragraph (3)(a) above and requesting a hearing. However, no bond may exceed five hundred dollars (\$500.00).
- (4) The owner of an immobilized vehicle shall have the right to contest at a formal or informal hearing:
 - (a) The unanswered tickets or citations; and
 - (b) That the vehicle was properly immobilized.
- (5) No person shall drive or otherwise move a vehicle immobilized under this rule. No unauthorized person shall remove or attempt to remove an immobilization device attached to a vehicle. A violation of this subsection shall constitute a misdemeanor.

Rule 137a. Central Business District; Loading and Unloading.

- (1) Purpose and Intent. This rule shall be deemed and construed to be an exercise of the police power of the City for the preservation and protection of public safety and for the purpose of relieving traffic congestion and expediting the movement of motor vehicles through the Central Business District of the City. All provisions of this rule shall be liberally construed with a view toward the effectuation of such purposes.
- (2) Time Limits.
 - (a) Except as otherwise provided, no person shall stop, stand or park any vehicle on any street located in the Central Business District between the hours of 6:00 a.m. and 3:00 a.m. of the following day for the purpose of unloading and delivery, or pick-up and loading, of any material or merchandise, in other than curb loading zones or specially designated curb loading zones.
 - (b) No vehicle shall remain in a specially designated curb loading zone for a period of time longer than is necessary to load or unload, or pick-up or deliver, any material or merchandise, nor shall a vehicle remain in such zone or such area while the operator thereof is engaged in other than loading and unloading of such vehicle. All such loading and unloading, or pick-up and delivery, shall be made by parallel parking of the vehicle at the curb.
- (3) Penalty. Any violation of this rule is a civil infraction, except that no provision of this rule shall affect or regulate the operation of any vehicle owned or leased by the United States or any instrumentality thereof.

Rule 201a. Code Provisions; Applicability to Operation of Vehicles on Public School Property. The provisions of this Code that relate to parking without fees and speed of motor vehicles shall apply to the properties of the Lakeview School District situated in the City, pursuant to Michigan Public Act 175 of 1958, as amended by Public Act 47 of 1967, and as requested by the Lakeview School District Board of Education through a resolution adopted at its regular meeting on October 21, 1985, such resolution having been presented to the City Commission at its regular meeting on November 5, 1985.

Rule 409b. Parks: Prima Facie Speed Limits; Violation is a Civil Infraction.

- (1) Except in those instances where a different speed is lawfully established and posted, it shall be prima facie unlawful for the driver of a vehicle to drive at a speed of more than fifteen miles an hour in City parks and playgrounds, including streets adjacent thereto when signs are duly posted giving notice of the reduced speeds.

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

Rule 447. Parades and Processions, Permit Required; Violation is a Misdemeanor.

(1) A procession or parade other than a procession or parade of the forces of the United States armed services, the military forces of this state and the forces of the police and fire departments shall not occupy, march, or proceed along any roadway, unless pursuant to a permit issued under the authority of the City Manager by the City Clerk. Such permit to be issued only upon receiving the advice and consent of the following:

- (a) The Traffic Engineer;
- (b) The Police Department;
- (c) The Fire Department; and
- (d) The Michigan Department of Transportation, whenever a state trunk line highway or state business route is involved.

(2) The fee for such permit shall be as set forth in the schedule provided for in Section 802.24 of the Business and Taxation Code and shall take into consideration traffic, time of day, day of the week and route over which the parade is proposed to travel.

(3) A person who violates this rule is guilty of a misdemeanor.

Rule 490b. Exhibition Driving Defined and Prohibited; Violation is a Civil Infraction.

(1) No operator of a motor vehicle shall engage in exhibition driving. "Exhibition driving" is the driving of a motor vehicle in an unusual manner or out of the usual flow of traffic, whether or not other traffic is present, such that it is likely to attract the attention of the public, whether or not there is anyone present, or consisting of any two or more of the following acts:

- (a) Rapid acceleration;
- (b) Squealing, peeling or burning of the tires;
- (c) The swaying of the motor vehicle from side to side, commonly referred to as fish-tailing;
- (d) Racing or running of the engine of a motor vehicle at such a speed (revolutions per minute) as to cause, in combination with the engaging of the gears, excessive or unusual noise;
- (e) Unnecessary and excessive changing of lanes; and
- (f) The emission of any unreasonably loud, raucous, disturbing or unnecessary noise from the engine or exhaust system of any motor vehicle.

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

Rule 490c. Clinging to Vehicles; Violation is a Civil Infraction.

(1) No person shall cling to, sit, lay or stand on, hang on to or out of a motor vehicle or otherwise attach themselves or another person to the outside of a motor vehicle while it is in operation on any highway, street, alley, parking lot or other place open to the public.

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

Rule 490d. Minimum Distance When Overtaking or Passing Bicycle; Violation is a Civil Infraction.

(1) When overtaking or passing a person operating a bicycle proceeding in the same direction, the driver of a motor vehicle shall exercise due care and may only overtake or pass a bicyclist when there is a safe distance, which shall minimally require allowing the bicyclist at least a three (3) foot separation between the right side of the driver's vehicle, including all mirrors or other projections, and the left side of the bicyclist at all times.

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

Rule 498. Opening Vehicle Doors; Violation as Civil Infraction.

(1) A person shall not open a door of a vehicle in a manner that interferes with or impedes the flow of traffic.

(2) No person shall open a door of a motor vehicle on the side facing the traveled portion of the roadway in such a manner as to interfere with vehicles, bicycles, or pedestrians lawfully proceeding on such public roadway.

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

Rule 498a. Impeding Traffic ; Violation is a Civil Infraction.

(1) No person shall drive or park a motor vehicle upon streets, alleys or places open to the public, including areas designated for parking, in a manner that impedes or obstructs the free and orderly flow of vehicular or pedestrian traffic thereon.

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

Rule 501. Restriction Upon Operation Of Trucks; Exemptions; Violation Is a Civil Infraction.

(1) As used in this rule, "truck" means a truck, tractor truck, trailer, semi-trailer, trailer coach, road tractor, farm tractor, implement of husbandry, or any combination thereof, the gross weight of which is four tons or more.

(2) No person shall operate, stand or park a truck on any street in the City except upon posted truck routes or as otherwise provided in this rule.

(3) A truck whose required destination is a location not on an established truck route shall leave the truck route at a point closest to the destination and proceed directly to such destination and return to the truck route by the same route.

(4) No provision of this section shall prohibit:

(a) The operation of authorized emergency vehicles upon any street in the City;

(b) The operation of trucks owned or operated by the City, by public utilities or by contractors thereof while engaged in the repair, maintenance or construction of streets, street improvements or public utilities within the City; or

(c) The operation of a truck upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

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

Rule 618a. Central Business District; Prohibitions Regarding Vehicles and Devices; Violation is a Civil Infraction.

(1) No person shall use an electric personal assistive mobility device (EPAMD) as defined by M.C.L.A. 257.13c, anywhere in the Central Business District.

(2) No person shall use or ride a bicycle, scooter, skateboard, roller skates or in-line skates upon any sidewalk in the Central Business District.

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

Rule 618b. Waterfront Areas and Parks; Prohibition regarding EPMADs; Violation is a Civil Infraction.

(1) No person shall use an electric personal assistive mobility device (EPAMD) as defined by M.C.L.A. 257.13c, on any sidewalk or path adjacent to a waterfront within the City limits.

(2) No person shall use an electric personal assistive mobility device (EPAMD) as defined by M.C.L. A. 257.13c, in a City Park within the City limits, including the Linear Park System, except where motor vehicle traffic is permitted.

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

Rule 713a. Pedestrians; Soliciting Ride, Employment or Business in Roadway Prohibited; Violation is a Civil Infraction.

(1) No person shall stand on a roadway, street or private road and solicit a ride from the operators of vehicles, other than duly licensed taxicabs, buses or other vehicles for hire. No operator shall stop his or her motor vehicle for the purpose of providing transportation to any person, except in areas where standing, stopping or parking is permitted.

(2) No person shall stand in a roadway, street or private road for the purpose of distributing written materials or any other objects to any occupant of any motor vehicle or for the purpose of soliciting employment, contributions or business from any occupant of any motor vehicle.

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

Rule 801a. Fire Lane Violation; Applicability to Vehicles Parked on Private Property.

(1) Definitions. As used in this rule:

(a) "Parking area" means an area used by the public as a means of access to and egress from, and for the free parking of motor vehicles by patrons of, a shopping center, business, factory, hospital, institution or similar building or location.

(b) "Shopping center" means a minimum area of three acres of land on which there is located one or more stores or business establishments, and where there is provided a parking area.

(2) Designation of Fire Lanes by Request. Provisions of this Code that relate to the designation of zones to prohibit the stopping, standing or parking of vehicles in areas specified as fire lanes shall apply to the following parking areas situated in the City pursuant to Act 235 of the Public Acts of 1969, as amended, as requested by either the owner or the person in charge of the general operation and control of said parking areas:

(a) Lakeview Square Mall; and

(b) Battle Creek Health Systems.

Rule 801b. Breakdowns; Violation is a Civil Infraction.

(1) In case of the breakdown of a vehicle, the driver shall immediately take all reasonable precautions to prevent accidents, by warning other drivers of such breakdown by raising the hood, using emergency flashers or using parking lights, flares or other signals. Such driver shall notify the Police Department of the breakdown and the location of the vehicle as soon as possible thereafter.

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

Rule 814a. Merchandising Within Highway Right of Way Prohibited; Exceptions; Violation is a Civil Infraction.

(1) No person, firm, or corporation shall sell or offer for sale, display or attempt to display for sale, goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of a highway within the City limits.

(2) This rule does not prohibit the use of logo signage within the right-of-way of limited access highways. For purposes of this subrule, "logo signage" means a sign containing the trademark or other symbol that identifies a business in a manner and at locations approved by the state transportation department.

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

Rule 814b. Stopping, Standing or Parking Vehicles; Violation is a Civil Infraction.

(1) This subsection requiring odd-even on-street parking from 2:00 a.m. until 6:00 a.m. is hereby repealed.

(2) Trucks, truck tractors, trailer coaches, road tractors, farm tractors, implements of husbandry, commercial vehicles or commercial vehicles with attached trailers or semi-trailers or any combination of the above, shall not be parked on a street, roadway or alley unless being loaded or unloaded. For angle parking of such vehicles the maximum period is one hour while loading and unloading. Such angle parking, where the free flow of traffic is interfered with, is prohibited, except by permission from the Chief of Police.

(3) No unattached trailer or semi-trailer shall be parked on a roadway at any time, except when it is necessary to temporarily disconnect such trailer or semi-trailer for convenience of loading or unloading.

(4) No person shall park a vehicle at any place clearly designated for a particular individual, official or agency where authorization or a permit is required.

(5) No person shall park a vehicle at any place clearly designated, by posted signs or markings on the pavement, as a specialized lane or zone for a particular purpose relating to public safety and welfare, including those zones designated as fire lanes.

(6) No person shall park a vehicle at any place designated as a required front yard or vacant lot, as set forth in Chapter 1293 of the Planning and Zoning Code.

(7) No person shall park a vehicle on a curb lawn, meaning that area between a curb, whether in good repair or not, and the adjacent sidewalk or property line;

(8) The use of the parking lot adjacent to the City Hall, except for those parking spaces designated for the handicapped, shall be regulated by the City administration and such lot shall be deemed a private lot. No person shall park a motor vehicle in a parking space in such private lot unless he or she has received authorization for parking of such vehicle by the City Manager or his or her designated agent.

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

Rule 825. Trespass by Parking: Violation is a Civil Infraction.

(1) No person shall park any motor vehicle on any private property without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

(2) A person who violates this section is responsible for a Civil Infraction.

Rule 904a. Current Regulations. All intersection stops and yield right of way requirements; regulations on stopping, standing or parking; prima facie speed limits; posted speed limit signs; one-way streets, roadways and alleys; crosswalks; restricted turns; through streets; angle parking zones; all night-parking restrictions; curb loading zones; public carrier stands; parking spaces; weight restrictions; no passing zones; school zones; and other traffic control devices heretofore

established and effective on the effective date of this Code, shall be deemed established hereunder and shall remain effective until rescinded or modified.

(Ord. 07-03. Passed 9-16-03; Ord. 10-03. Passed 11-11-03; Ord. 13-04. Passed 6-15-04; Ord. 26-06. Passed 10-17-06.)

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