

ORDINANCE REGULATING PARKING IN COUNTY PARKING LOTS

An Ordinance to provide for the regulation of parking in parking lots owned or maintained by Monroe County, Michigan, and for the penalties associated with parking violations.

THE PEOPLE OF THE COUNTY OF MONROE, MICHIGAN, DO ORDAIN:

Article 1. Purpose and Authority. Deeming it advisable in the interest of the citizens of Monroe County, as authorized by Act 58 of the Public Acts of 1945, as amended, being Section 46.201 of the Michigan Compiled Laws, the County of Monroe, Michigan, adopts this Ordinance for the regulation of parking in County owned and/or County maintained parking lots.

Article 2. Ordinance Title. The title of this Ordinance is the Monroe County Parking Ordinance.

Article 3. Definitions.

3.1. *Civil infraction.* Shall mean an act or omission prohibited by law which is not a crime as defined in Section 5 of Act No. 328 of the Public Acts of 1931, as amended, being Section 750.5 of the Michigan Compiled Laws, and for which civil sanctions may be ordered.

3.2. *Control Device.* Shall mean any sign, signal, marking and/or device erected or placed upon the property of the Authority and/or the County by the County governing the operation, speed and/or parking of vehicles on said property.

3.3. *County.* Shall mean the County of Monroe, State of Michigan.

3.4. *County parking lots.* Shall mean all parking areas owned by or under the control of Monroe County wherever located and all parking areas which are primarily maintained by the County of Monroe.

3.5. *Disabled person.* Shall mean a person determined to be disabled as defined in Section 19a of the Michigan Vehicle Code, being Section 257.19a of the Michigan Compiled Laws.

3.6. *Driver.* Shall mean any person who drives or is in actual physical control of a vehicle.

3.7. *Driveway.* Shall mean an area upon the property of the County reserved for vehicular ingress and egress to the areas designated for parking on said property.

3.8. *Motor vehicle.* Shall mean any motor-driven or self-propelled conveyance.

3.9. *Parking.* Shall mean standing a vehicle, whether occupied or not, when not loading or unloading, except when making necessary repairs.

3.10. *Parking Space.* Shall mean an area designated by a control device erected or placed by the on the property of the County as a parking area for a single vehicle.

3.11. *Property of the County.* Shall mean all property owned by or under the control of the County, whether in fee, under lease or otherwise, situated within the County of Monroe.

Article 4. Parking Regulations.

4.1. Motor vehicles must be parked completely within a single marked parking space, and may not be parked in any manner so as to block the access or movement of other motor vehicles. Motor vehicles may not be parked in any area designated by sign as No Parking.

4.2. Motor vehicles parked in a space designated by sign for use by a disabled person must display one (1) of the following:

(a) A certificate of identification or windshield placard issued under Section 675 of the Michigan Vehicle Code to a disabled person.

(b) A special registration plate issued under Section 803d of the Michigan Vehicle Code to a disabled person.

(c) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(d) A similar special registration plate issued by another state to a disabled person.

(e) A special registration plate to which a tab for persons with disabilities is attached issued under the Michigan Vehicle Code.

4.3. *Speed of Vehicles.*

(a) Any driver operating a vehicle upon the property of the County shall operate said vehicle at a careful and prudent speed, not greater than nor less than is reasonably proper, having due regard to the vehicle and pedestrian traffic, property surface and any other conditions then existing and at a speed not greater than will permit such driver to bring said vehicle to a stop within the assured clear distance ahead.

(b) Unless a lower speed shall be designated at any place by a control device erected by the County and subject to the provisions of subparagraph (a) of this Section, it shall be prima facie lawful for a driver of a vehicle to drive the same upon the property of the County on any driveway, parking are or place provided or designated for the operation of a vehicle at a speed not exceeding ten (10) miles per hour.

(c) It shall be unlawful for the driver of any vehicle to exceed the speed of ten (10) miles per hour or to exceed any lower speed designated by any control device erected by the County as aforesaid.

Article 5. Prima Facie Evidence; Parking Violators. In any proceeding for violation of the parking provisions in this Ordinance, the registration plate displayed on the motor vehicle shall constitute in evidence a prima facie presumption that the owner of the motor vehicle was the person who parked or placed the motor vehicle at the point where the violation occurred.

Article 6. Enforcement of Parking Violations; Civil Infraction. Violation of this Ordinance may be treated as a nuisance, and abated by local authorities by impoundment of the vehicle involved, by notice of violation, or by removal to a designated motor vehicle pound to be returned only upon payment of reasonable impoundment fees. Violation of this Ordinance shall be processed as a civil infraction for County parking ordinance violations, and monetary penalties shall be set forth by resolution by the Monroe County Board of Commissioners, which may be amended from time to time.

6.1 Parking Violation Citations.

(a) If a vehicle is parked in violation of this Ordinance or a control device erected by the County which prohibits or restricts the parking of a vehicle, the violation is a civil infraction and the person in whose name that vehicle is registered in this State or another State at the time of the violation is prima facie responsible for that violation and is subject to the penalties of this Ordinance.

(b) Any police officer who witnesses a violation of the provisions of this Ordinance with regard to parking may issue a parking violation citation to the registered owner of said vehicle by attaching a copy of said notice to the vehicle involved in a violation of this Ordinance and returning a copy of said notice to the First District Court.

6.2 Moving Violation Citations.

(a) Subject to Section 6.1 of this Ordinance dealing with parking violations,

(1) Any police officer who witnesses a person violating the provisions of Section 4.3 of this Ordinance may stop the person, detain the person temporarily for the purposes of making a record or vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a written citation, which shall be a notice to appear in court for on (1) or more civil infractions. If said officer witnesses a person violating any provision of this Ordinance, that officer may pursue, stop and detain the person outside the village, city, township, or county where the violation occurred for the purpose of exercising the authority and performing the duties prescribed in this Section.

(2) Any police officer may issue a citation to a person who is a driver of a vehicle involved in an accident while in a County parking lot when, based upon

investigation, the officer has reasonable cause to believe that the person is responsible for a civil infraction in connection with said accident.

(b) The form of the citation issued under subsection 6.2(a)(1) and 6.2(a)(2) above shall be as prescribed in MCL 257.743 and MCL 257.727c.

(c) The police officer issuing said citation shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender, and the original thereof shall be filed with the First District Court.

(d) Violation of a moving violation as set forth in Section 4.3 shall be made in accordance with and shall be processed in the same manner as a civil infraction under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

Article 7. Procedure for Enforcement of Penalties for Violations.

(a) Civil Infraction Action.

(1) A civil infraction is a civil action in which the defendant is alleged to be responsible for a violation of this Ordinance. A civil infraction action is commenced upon the issuance and service of a citation as provided for in this Ordinance. The Plaintiff in such a civil action shall be the County of Monroe.

(2) Subject to the provisions made in Article 6 of this Ordinance for the enforcement of this Ordinance, the First Judicial District Court of the State of Michigan shall have jurisdiction over civil infraction actions arising under this Ordinance.

(3) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend and the court shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

(b) Appearance of Person issued Citation.

(1) A person to whom a citation is issued under Article 6 of this Ordinance shall appear at or by the time specified in the citation and may respond to the allegation in the citation as provided in this section.

(2) If the person wishes to admit responsibility for the civil infraction, the person may do so by appearing in person, by representation or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions set forth in Article 8 of this Ordinance.

(3) If the person wishes to admit responsibility for the civil infraction “with explanation” the person may do so in either of the following ways:

(i) By appearing by mail.

(ii) By contacting the court in person, by mail, or by representation to obtain from the court a scheduled date and time to appear, at which time the person shall appear in person or by representation.

(4) If a person admits responsibility for a civil infraction “with explanation” under subsection (3), the court shall accept the admission as though the person has admitted responsibility under subsection (2) and may consider the person’s explanation by way of mitigating any sanction which the court may order pursuant to Article 8. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the person appeared in court, but the court may require the person to provide a further explanation or appear in court.

(5) If the person wishes to deny responsibility for a civil infraction, the person shall appear in the manner provided by this subsection and request an informal or formal hearing. Unless the hearing date is specified on the citation, the person shall contact the court in person, by representation, by mail, or telephone, and obtain a scheduled date and time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless the person expressly requests a formal hearing. If the person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to MCL 257.746. A formal hearing shall be conducted pursuant to MCL 257.747.

(c) Default. If the person to whom a citation is issued for a civil infraction fails to appear as directed by the citation or other notice at a hearing scheduled pursuant to the provisions of this Ordinance, the Court shall enter a default judgment against that person and shall subject that person to the default collection provisions as outlined in Article 8 of this Ordinance.

Article 8. Penalties.

(a) Finding of Responsibility.

(1) Any person admitting responsibility for a parking violation pursuant to this Ordinance shall be subject to a civil fine in accordance with the monetary penalties set forth by resolution of the Monroe County Board of Commissioners, which may be amended from time to time.

(2) Any person determined to be responsible for a civil infraction pursuant to this Ordinance shall be subject to a civil fine in accordance with the monetary penalties set forth by resolution of the Monroe County Board of Commissioners along with the assessment of costs as provided in this Article 8, subsection (b).

(3) Any person determined to be responsible “with explanation” for a civil infraction pursuant to this Ordinance *may* be subject to a civil fine in accordance with the monetary penalties set forth by resolution of the Monroe County Board of Commissioners and/or the assessment of costs as provided in this Article 8, subsection (b), within the discretion of the Court.

(b) If a civil fine is ordered to be paid under this Article 8, subsection (a)(1), (a)(2) or (a)(3), the Judge or magistrate shall summarily tax and determine the costs of the action, which shall not be limited to the costs taxable in ordinary civil actions, and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction, up to the entry of judgment.

(c) A district court magistrate shall impose the sanctions permitted under subsections (a)(1), (a)(2) or (a)(3) only to the extent expressly authorized by the chief judge of the First District Court.

(d) A default in the payment of a civil fine or costs ordered pursuant to a violation of this Ordinance or an installment of the fine or costs may be collected by any means authorized for enforcement of a judgment under Chapter 40 of Act No. 236 of the Public Acts of 1961, as amended, being Section 600.4001 to 600.4065 of the Michigan Compiled Laws, or Under Chapter 60 of Act No. 236 of the Public Acts of 1961, as amended, being Sections 600.6001 to 600.6097 of the Michigan Compiled Laws.

(e) Except as provided by MCL 257.321a(2), if a person fails to comply with an order or judgment issued pursuant to this Section, within the time prescribed by the court, the driver’s license of that person shall be suspended in accordance with MCL 257.321a.

Article 9. Conflict with Criminal Laws. Nothing in this Ordinance shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law.

Article 10. Construction. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include a feminine and neuter. The word “shall” is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted as defined in statutes, regulations, or codes to which they apply or if not so defined shall be defined in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any section of this Ordinance.

Article 11. Severability. The various parts, sections, subsections, paragraphs, sentences, phrases, and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or

invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Article 12. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Article 13. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Article 14. Effective Date of Ordinance. This Ordinance shall take effect thirty (30) days after notice of its adoption is published in a newspaper of general circulation in the County.

Adopted by the Monroe County Board of Commissioners at a regular meeting held at the Monroe County Board chambers, Monroe County Courthouse, Monroe, Michigan, on the 28th day of September, 2010.

William Sisk, Chairman
Monroe County Board of Commissioners

ATTEST:

Vickie Koczman, Deputy Clerk

CERTIFICATE OF COUNTY CLERK

I, VICKIE KOCZMAN, certify that I am the Deputy Clerk of the Monroe County Board of Commissioners, and I further certify that the attached Monroe County Parking Ordinance, is a true and complete copy of said Ordinance, duly adopted by a vote of a majority of all members of the Board of Commissioners of the County of Monroe at a regular meeting thereof held in the Chambers of the Board of Commissioners, Monroe County Courthouse, on the 28th day of September, 2010 at 7:00 p.m., at which meeting(s) a quorum was continually present and acting. Said Ordinance became effective upon publication of the Notices of Adoption of same.

WITNESS my official signature and the official seal of the County of Monroe, Michigan, this 29th day of September, 2010.

Vickie Koczman, Deputy Clerk
Monroe County Board of Commissioners