

## VILLAGE OF ALMONT

### PARKING ORDINANCE

#### ORDINANCE NO. 125.2

An Ordinance to regulate the parking of vehicles on alleys, streets, and parking lots within the Village of Almont; to provide for the adoption of parking control orders; to establish a parking violations bureau; to prescribe civil penalties for parking violations; to authorize the Village Police Department to tow away vehicles parked in violation of the Ordinance; and to repeal certain ordinances.

#### THE VILLAGE OF ALMONT ORDAINS:

##### Section 1. Definitions

For the purpose of this Ordinance, the following definitions shall apply:

“Parking” – The standing of a vehicle, whether occupied or not, upon any part of a street for any purpose other than:

While actually engaged in receiving or discharging passengers, loading or unloading merchandise, while in obedience to traffic regulations, signs or signals, or while involuntarily stopped by reason of causes beyond the control of the operator of the vehicle.

“Street” – Any public street, avenue, road, alley, lane, path, or other place open to the public and located within the Village of Almont.

“Vehicle” – Any device in, upon, or by which any person or property is or may be transported upon a street.

“Village” – The Village of Almont.

##### Section 2. Authority

The parking of vehicles on public streets and alleys and on parking lots open to the public shall be regulated by the provisions of this Ordinance and by the provisions of Chapter 257 of the Michigan Vehicle Code, as adopted by the Village.

### **Section 3. Parking Control Orders**

The Almont Village Council may adopt parking control orders, which designate parking restrictions on any public street or in any parking lot that is open to the public. Appropriate signs specifying the nature of the parking regulations shall be posted at the location where the regulation is to be enforced.

### **Section 4. Parking Lots**

The owner of a parking lot, which is open to the public, shall bear the responsibility for the posting of the appropriate signs specifying the nature of the parking regulation. Absent of such signing, no enforcement action shall be taken.

### **Section 5. Overnight Parking**

No vehicle shall be parked on any public street within the Village between the hours of 3:00 a.m. and 6:00 a.m.

### **Section 6. Parking Violations Bureau**

There is hereby established a Village Parking Violations Bureau. The Bureau shall be under the supervision of the Almont Village Manager.

### **Section 7. Violations**

- A. A person who violates a provision of this Ordinance or Chapter 257 of the Michigan Vehicle Code, as adopted by the Village, shall be responsible for a civil infraction. Any person receiving a parking violation notice may appear at the Parking Violations Bureau within the time specified on the notice, admit responsibility, and voluntarily pay the civil fine as established by resolution of the Almont Village Council.
- B. In the absence of an admission of guilt, or if the civil fine is not paid within 30 days of the violation date, a citation shall be filed with the District Court and a copy served by first-class mail upon the registered owner of the vehicle at the owner's last known address.
- C. In any proceeding for a violation of this Ordinance, proof that the particular vehicle described in the violation notice was parked in violation of the Ordinance and proof that the defendant was at the time the registered owner of the vehicle, shall constitute in evidence a presumption that the defendant was the person who parked the vehicle.

- D. In any proceeding for a violation of this Ordinance involving a leased motor vehicle, proof that the particular vehicle described in the violation notice was parked in violation of the Ordinance, together with proof that the defendant named in the notice was the lessee of the vehicle at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle, not the registered owner (lessor), was the person who parked or placed the vehicle at the point and for the time during which the violation occurred.
- E. Violations of this section shall be processed as a civil infraction. Any person determined to be responsible may be ordered by the Judge, Referee, or Magistrate of competent jurisdiction to pay a civil fine of not more than One Hundred Dollars (\$100.00) and costs in accordance with Section 257.907 of the Michigan Vehicle Code.

### **Section 8. Civil Penalties**

The civil penalties for violations of this ordinance shall be established by a resolution of the Almont Village Council and shall be posted at the Village office.

### **Section 9. Towing of Vehicles**

- A. Notwithstanding the civil penalty described in this Ordinance, the Village Police Department may cause a vehicle parked in violation of this Ordinance or of Chapter 257 of the Michigan Vehicle Code to be towed away to a place of storage at the expense of the owner of said vehicle.
- B. Failure to pay fines and costs as ordered, when a finding of responsibility for six (6) or more violations have been entered, shall result in the impoundment of the vehicle by means of which the violation occurred.

### **Section 10. Repeal**

Village Ordinance Number 125, Ordinance Number 125.1, and Ordinance Number 153 are hereby repealed in their entirety.

The undersigned President and Clerk of the Village of Almont hereby certify that this Amendatory Ordinance was adopted at a meeting of the Almont Village Council held on the 18th day of February, 2003 and was published in the *Tri-City Times* on the 26th day of February, 2003. The Ordinance was made effective as of said date of publication.

  
Sally McCreath  
Clerk

  
Steven Schneider  
President