

Chapter 26

TRAFFIC AND VEHICLES*

* **Cross References:** Any ordinances prescribing traffic regulations, including through streets, speed limits, one-way traffic, limitations on load of vehicles or loading zones saved from repeal, § 1-6(10); offenses and miscellaneous provisions, ch. 16; streets, sidewalks and other public places, ch. 22.

State Law References: Michigan Vehicle Code, MCL 257.1 et seq., MSA 9.1801 et seq.; regulations by local authorities, MCL 257.605, 257.606, 257.610, MSA 9.2305, 9.2306, 9.2310.

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ARTICLE I.

IN GENERAL

Secs. 26-1--26-30. Reserved.

ARTICLE II.

MICHIGAN VEHICLE CODE

Sec. 26-31. Adoption.

The Michigan Vehicle Code for Cities, Townships and Villages in accordance with Public Act No. 300 of 1949 (MCL 257.1 et seq., MSA 9.1801 et seq.) is hereby adopted by reference and made a part of this article. (Comp. Ords. 1987, § 20.001; Ord. No. 92-2, § 1, 1-20-1992; Ord. No. 2000-02, § 2, 3-20-2000)

Sec. 26-32. References in code.

References in the Michigan Vehicle Code for Michigan Cities, Townships and Villages to the term "local authorities" shall mean the Village of Capac. (Comp. Ords. 1987, § 20.002; Ord. No. 92-2, § 2, 1-20-1992; Ord. No. 2000-02, § 3, 3-20-2000)

Secs. 26-33--26-65. Reserved.

ARTICLE III.

VEHICLE OPERATION

Sec. 26-66. Purpose of article.

The purpose of this article is to regulate the weight of vehicles traveling on village streets in order to preserve the streets and to avoid traffic congestion and hazards. (Ord. No. 93-7, § 1, 10-4-1993)

Sec. 26-67. Prohibited operations; exceptions.

(a) No person shall operate or permit to be operated any vehicle on posted streets of the village if the vehicle has a gross vehicle weight rating (GVWR) of 26,001 pounds or more or a combination of vehicles having a total GVWR of 26,001 pounds or more and each towed vehicle not more than 10,000 pounds GVWR.

(b) The term "posted streets" shall be those streets recommended by the chief of police and approved by resolution of the village council. Signs on posted streets shall be erected in compliance with the Michigan

Manual for Traffic Control Devices.

(c) This article and penalties shall not apply to the following:

- (1) Vehicles using streets for the most direct route in the course of a delivery, maintenance or service to premises on a posted street.
- (2) Village public works vehicles.
- (3) Public or private school buses.

(Ord. No. 93-7, § 2, 10-4-1993)

Sec. 26-68. Sudden Acceleration

(A) No person operating a motor vehicle shall, on any street, highway or area open to the general public in the Village of Capac, shall suddenly accelerate such vehicle at an unreasonable speed or so as to cause any tires on such vehicle to spin against the surface of the street so as to throw rocks, dust or other debris from the ground.

(B) A person who violates this section shall be responsible for a municipal civil infraction, and shall be subject to the penalty provisions of §2-199 of the Village of Capac Code.

(Ord. No. 2010-02)

Sec. 26-69. Display of Power

(A) No person shall make unnecessary and/or annoying noises with a motor vehicle by squealing tires, excessive acceleration of engine, or by emitting unnecessary and loud exhaust system noises.

(B) A person who violates this section shall be responsible for a municipal civil infraction, and shall be subject to the penalty provisions of § 2-199 of the Village of Capac Code.

(Ord. No. 2010-02)

Sec. 26-70 Distracted Driving

(A) No person shall operate a motor vehicle, within the Village of Capac, while being a distracted driver. For purposes of this section, a person is a distracted driver if, while operating a motor vehicle, that person commits a moving violation while doing something within the motor vehicle, not required for operation of the motor vehicle, which distracts or divides their attention from the operation of the motor vehicle, including, but not be limited to, attending to personal hygiene, eating or drinking, reading, use of a cellular telephone or computer, physically attending to a passenger or pet, or observation of a video display.

(B) A person who violates this section shall be responsible for a municipal civil infraction, and shall be subject to the penalty provisions of §2-199 of the Village of Capac Code.

Secs. 26-71--26-100. Reserved.

ARTICLE IV.

STOPPING, STANDING AND PARKING*

* **Cross References:** Parking and loading requirements, § 30-496 et seq.

DIVISION 1.

GENERALLY

Sec. 26-101. Parking; where prohibited.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer or traffic control device in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of property lines at an intersection of streets.
- (7) Within 50 feet of the nearest rail of a railroad crossing.
- (8) Within 20 feet of the driveway entrance to any fire station.
- (9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (10) On the street side of any vehicle stopped or parked at the edge or curb of a street.
- (11) Within 200 feet of an accident at which police officers are in attendance.
- (12) In front of any theater.
- (13) In any place or in any manner so as to block immediate egress from any emergency exit

conspicuously marked as such of any building or hamper immediate use of any fire escape.

- (14) At any place where official signs prohibit standing, stopping and/or parking.
- (15) In a parking space clearly identified by an official sign as being reserved for the use by disabled persons which is on public property or private property available for public use, unless the person is a disabled person as described in section 19(a) of the Michigan Vehicle Code. A certificate of identification issued under such code to the disabled person shall be displayed on the lower corner of the front windshield or a special registration plate issued to a disabled person shall be displayed on the vehicle.
- (16) In an area designated as a "fire lane."
- (17) In such a manner as to obstruct or interfere with the free movement of traffic past the parked vehicle.

(Comp. Ords. 1987, § 20.301)

Sec. 26-102. Perpendicular parking.

Upon those streets which have been signed or marked for angle or perpendicular parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such sign or markings and shall park the vehicle headed into the space towards the curb or edge of the roadway or parking area indicated by such sign or markings.

(Comp. Ords. 1987, § 20.302)

Sec. 26-103. Parallel parking.

Except for streets or areas signed or marked to the contrary, vehicles shall be parked parallel to the curb or street line on the righthand side of the street heading in the same direction as the regular flow of traffic and off the regularly traveled portion of the street.

(Comp. Ords. 1987, § 20.303)

Sec. 26-104. Overnight parking.

No vehicle shall be parked within the limits of any public streets in the village between the hours of 3:00 a.m. and 6:00 a.m.

(Comp. Ords. 1987, § 20.304)

Sec. 26-105. Parking during a snow emergency.

- (a) The Village President or his/her designated official, may declare a snow emergency when he/she determines the presence of snow, freezing rain, sleet, ice or snow drifts create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency, or other vehicular traffic.
- (b) An announcement of a snow emergency shall be broadcast by the Village President or his/her

designee through radio or television stations with a normal operating range covering the Village of Capac and shall state the time after which the snow emergency will be in effect. The snow emergency shall continue until the snow emergency is cancelled by the Village President or his/her designee.

- (c) No vehicle shall be parked within the limits of any public street in the Village during a snow emergency that is declared under this Section.

(Comp. Ords. 1987, § 20.304A; Ord. No. 2008-03, § 1, 04-21-2008; Ord. No. 2008-03, § 3, 04-21-2008)

Sec. 26-106. Repealed.

(Comp. Ords. 1987, § 20.304B; Ord. No. 2008-03, § 2, 04-21-2008)

Sec. 26-107. Longterm parking in municipal lot.

Parking spaces along the south border of the municipal parking lot are hereby designated for one week longterm parking. To be in compliance with the conditions of using the longterm parking section of the municipal lot, the following steps shall be followed:

- (1) The police department must be notified and information concerning the owner's name, address, license number and length of stay shall be furnished.
- (2) Persons who do not comply with the regulations for longterm parking would be treated as a 48-hour parking vehicle and dealt with accordingly.

(Comp. Ords. 1987, § 20.305)

Sec. 26-108. Private parking lots.

No vehicle shall be parked in any private parking lot maintained in the village by any person, firm, corporation or school district without the permission of the owner or for a period longer than prescribed by the owner of such lot.

(Comp. Ords. 1987, § 20.306)

Sec. 26-109. Parking within limits of spaces.

Where parking spaces are marked or delineated on the surface of the street or parking lot, a vehicle shall be parked entirely within the limits of the delineated space.

(Comp. Ords. 1987, § 20.307)

Sec. 26-110. Towing of illegally parked vehicles.

In addition to the civil fines prescribed elsewhere in this Article for violation of its terms, the police department may cause a vehicle parked contrary to the provisions of this Code of Ordinances or contrary to any no parking signs authorized by the Village Council to be towed away to a place of storage at the cost and expense of the owner.

(Comp. Ords. 1987, § 20.311; Ord. No. 2014-01)

Sec. 26-111. Registered owner of vehicle; presumptions.

In any proceeding for a violation of this article, proof that the particular vehicle described in the notice was parked in violation of any such law or regulation, together with the proof that the defendant named in the notice was, at the time of such parking, 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, and for the time during, such violation occurred.

(Comp. Ords. 1987, § 20.312)

Secs. 26-112--26-130. Reserved.

DIVISION 2.

PARKING VIOLATIONS BUREAU

Sec. 26-131. Established; purpose.

There is hereby established a parking violations bureau for the village at which a person receiving a parking violation notice may appear, admit responsibility for the violation charged in the notice and pay the civil fine and costs as provided in section 26-132. Such bureau shall be under the supervision of the officer in charge of the village police department.

(Comp. Ords. 1987, § 20.308)

Sec. 26-132. Violations.

(a) A person who violates the provisions of this article is responsible for a civil infraction. Any person having received a parking violation notice for allegedly violating any of the provisions of this article may appear at the parking violations bureau within the time limited by such notice and voluntarily pay the civil fine and costs as prescribed in this article.

(b) If any admission of responsibility is not made and the civil fine and costs, if any, prescribed by this article are not paid at the parking violations bureau, a citation may be filed with the district court in the manner provided by law, and a copy of the citation may be served by first class mail upon the registered owner of the vehicle at the owner's last known address.

(Comp. Ords. 1987, § 20.309)

Sec. 26-133. Fines and costs.

The schedule of civil fines, costs and late charges is established for violations of the provisions of this article and a schedule of such fines and costs is on file and available in the village offices.

(Comp. Ords. 1987, § 20.310; Ord. No. 90-7, § 1, 11-28-1990)

Secs. 26-134--26-165. Reserved.

ARTICLE V.
SNOWMOBILES*

* **State Law References:** Snowmobiles generally, MCL 324.82101 et seq., MSA 13A.82101 et seq.

Sec. 26-166. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Highway or *street* means the entire width between the boundary lines of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular travel.

Operate means to ride in or on, and be in actual physical control of, a snowmobile.

Operator means any person who operates or is in actual physical control of a snowmobile.

Pedestrian walkway means any sidewalk, path, lane or any portion of land publicly maintained where any part thereof is designated or ordinarily used by the public for purposes of pedestrian travel.

Public right-of-way means that portion of a highway, less the roadway and any shoulder.

Roadway means that portion of a highway improved, designated or ordinarily used for vehicular travel.

Shoulder means that portion of a highway on either side of a roadway which is normally plowed of snow for the safety and convenience of vehicular traffic.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or an endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated.

(Comp. Ords. 1987, § 20.501)

Cross References: Definitions generally, § 1-2.

Sec. 26-167. Penalty for violation of article.

Any person who is convicted in any court of a competent jurisdiction of violating the terms of this article shall be punished in accordance with section 1-12.

(Comp. Ords. 1987, § 20.510)

Sec. 26-168. Operating restrictions.

It shall be unlawful for any person to operate a snowmobile on any street, alleyway or other public right-of-way within the village; provided, however, that, for the purpose of ingress or egress to a snowmobile area, a snowmobile may be operated within the street or street right-of-way under the following conditions:

- (1) The snowmobile is being operated in a direct route to or from a legal snowmobile area.
- (2) The snowmobile is being operated with the flow of traffic and in the extreme righthand side of the street or shoulder area, excluding pedestrian walkways.
- (3) The person operating the snowmobile comes to a complete stop before crossing any street or right-of-way, and all crossing of streets and rights-of-way shall be at right angles thereto.
- (4) When traveling within a street or right-of-way, the snowmobile shall not be operated at a speed greater than the minimum required to maintain forward movement.
- (5) No snowmobile shall be operated on Main Street or on Church Street between Neeper Street and Walker Street and on Mill Street between Neeper Street and Walker Street except to cross over at right angles from a side intersecting street.

(Comp. Ords. 1987, § 20.502)

Sec. 26-169. Erection of signs.

The chief of police shall erect, or cause to be erected, a sign on each street leading into the village, at the point where the street intersects with the corporate limits of the village. The sign shall conform to the Michigan Manual of Uniform Traffic Control Devices Standards and shall state: "Snowmobiling permitted on all village streets, for purposes of ingress and egress only, except Main Street, Church Street between Neeper Street and Walker Street, and Mill Street between Neeper Street and Walker Street -- 1968 PA 74."

(Comp. Ords. 1987, § 20.503)

Sec. 26-170. Prohibited operations.

A person shall not operate a snowmobile:

- (1) Upon any public school property without the express permission of the board of education.
- (2) On any railroad or railroad right-of-way, except railroad, public utility or law enforcement personnel when in the performance of their duties.
- (3) Within 100 feet of a slide, ski or skating area, except for the purpose of servicing the area or for a medical emergency.
- (4) While under the influence of, or while one's ability to operate a snowmobile is visibly impaired, due to the consumption of intoxicating beverages or drugs of any kind, or combination thereof.
- (5) In a careless or reckless way, or with disregard for the safety of persons or property, or at a speed greater than is reasonable and proper, having due regard for existing conditions.
- (6) Within 100 feet of a dwelling between 12:00 midnight and 6:00 a.m., at a speed greater than the minimum required to maintain forward movement.

- (7) In or upon the lands of another without the written consent of the owner as provided by state law.
- (8) To hunt, pursue, worry or kill any wild bird or animal within the village.
- (9) In any public park or lots, or any lands open to the use of the public for purposes other than vehicular traffic, including sidewalks.

(Comp. Ords. 1987, § 20.504)

Sec. 26-171. Age restrictions; operators; violations.

A parent or legal guardian shall not permit his child who is under the age of 12 to operate a snowmobile without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian. A person who is at least 12 but less than 16 years of age may operate a snowmobile in the village only if he is under the direct supervision of a person who is 18 years of age or older, or if he has in immediate possession a valid snowmobile safety certificate issued by the state department of natural resources, or unless he is on land owned or under the control of a parent or legal guardian. An owner of a snowmobile shall not permit his snowmobile to be operated contrary to this section.

(Comp. Ords. 1987, § 20.505)

Sec. 26-172. Use by intoxicated persons.

A snowmobile owner, dealer or rental agent shall not sell, lease, rent or otherwise allow any person to operate a snowmobile who is either under the influence of any intoxicating beverage or drug, or combination thereof, or whose ability to operate such snowmobile is visibly impaired by consumption of any intoxicating beverage or drug.

(Comp. Ords. 1987, § 20.506)

Sec. 26-173. Equipment requirements.

A snowmobile shall not be operated in the village unless it has at least one headlight, one taillight and adequate brakes capable of one of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more:

- (1) Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles per hour; or
- (2) Locking the snowmobile's traction belts.

All such snowmobiles shall be equipped with a muffler in good working order and meeting the requirements of MCL 257.1501 et seq., MSA 9.3200(1) et seq. No snowmobile shall be operated in the village unless it is maintained in a safe operating condition.

(Comp. Ords. 1987, § 20.507)

Sec. 26-174. Registration and identification.

A snowmobile shall not be operated in the village unless it has been registered in accordance with MCL

257.1501 et seq., MSA 9.3200(1) et seq. In any proceedings for the violation of this article involving prohibited operation or conduct, the registration number displayed on a snowmobile shall constitute prima facie evidence that the snowmobile owner was the person operating the snowmobile at the time of such violation, unless proof to the contrary is provided by the apprehension of the actual operator.
(Comp. Ords. 1987, § 20.508)

Sec. 26-175. Duty to stop upon signal of uniformed police officer.

An operator of a snowmobile who is given by hand, voice, emergency light or siren a visual or audible signal by any uniformed police officer of the village, acting in the lawful performance of his duty, directing the operator to bring his snowmobile to a stop, and who wilfully fails to obey such direction by increasing his speed, extinguishing his lights, or otherwise attempting to flee or elude the officer, is guilty of a misdemeanor and is punishable under the terms of this article.
(Comp. Ords. 1987, § 20.509)