

AN ORDINANCE TO AMEND SECTION 70.01(4), RULE 82~~5~~³(5) OF THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES WHICH HAS BEEN ADOPTED IN CHAPTER 70 "GENERAL PROVISIONS" OF THE CHEBOYGAN CITY CODE OF ORDINANCES REPEALING SAID SECTION 70.01(4), RULE 82~~5~~³(5) AND ADDING A NEW SECTION 70.01(4), RULE 82~~5~~³(5), WHICH WILL PREVENT ANY PERSON FROM PARKING A VEHICLE ON CITY STREETS OR ALLEYS FROM NOVEMBER 1 TO APRIL 1 OF EACH YEAR AND ON ANY PUBLIC PARKING LOT FROM DECEMBER 1 TO APRIL 1 OF EACH YEAR BETWEEN THE HOURS OF TWO (2:00) A.M. AND SEVEN (7:00) A.M.

**CHAPTER 70
GENERAL PROVISIONS
UNIFORM TRAFFIC CODE**

CITY OF CHEBOYGAN, MICHIGAN
Effective November 24, 2009

1. The City of Cheboygan hereby repeals Section 70.01(4), Rule 82~~5~~³(5).
2. The City of Cheboygan hereby ordains a new Section 70.01(4), Rule 82~~5~~³(5), which shall read as follows:

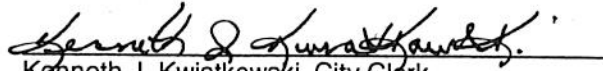
SECTION 70.01(4), RULE 82~~5~~³(5)

ALL NIGHT PARKING PROHIBITED. No person shall park a vehicle on the City streets or alleys from November 1 to April 1 of each year and on any public parking lot from December 1 to April 1 of each year between the hours of two (2:00) A.M. and seven (7:00) A.M.

3. The City Clerk for the City of Cheboygan shall publish a notice of adoption of this amendment to ordinance in the manner required by MCL 117.3(K) and shall at the same time publish the fact that complete copies of the Code as hereby amended are available at the office of the Clerk for inspection by and distribution by purchase to the public from 8:00 AM to 4:00 PM, Mondays through Fridays.
4. Any ordinance or part of ordinances in conflict herewith are subordinate hereto and this ordinance shall be deemed controlling.
5. This Ordinance is effective immediately as it is necessary for public health and safety.

CLERK'S CERTIFICATE

Kenneth Kwiatkowski, City Clerk for the City of Cheboygan, does hereby certify that the foregoing amendment to Ordinance was adopted at a regular meeting of the City Council of the City of Cheboygan on the 24 day of November, 2009, and notice thereof was caused to be published in the Cheboygan Daily Tribune on the 27 day of November, 2009; and, also, the fact that complete copies of the Code as hereby amended are available at the Office of the Clerk for inspection by and distribution to the public from 8:00 AM to 4:00 PM, Mondays through Fridays.


Kenneth J. Kwiatkowski, City Clerk

*amended
11/24/09*

4. PRESUMPTION FROM OWNERSHIP. In any proceeding for violation of the provisions of this Ordinance relative to parking, the registration plate displayed on the motor vehicle parked in violation hereof, shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such motor vehicle at the point where such violation occurred.
5. ALL NIGHT PARKING PROHIBITED. No person shall park a vehicle on the city streets or alleys from November 1 to April 1 of each year and on any public parking lot from December 1 to April 1 of each year ~~for a period of time longer than thirty (30) minutes~~ between the hours of 2:00 A.M. and 7:00 A.M., ~~except physicians on emergency calls.~~
6. UNMETERED PARKING ZONES. The Traffic Engineer for the City of Cheboygan with consent of the City Council by resolution shall designate such unmetered parking zones in the City of Cheboygan where it is determined that such zones shall be necessary to aid in the regulation, control and inspection of parking vehicles. Said unmetered parking zones shall be identified by the appropriate parking sign giving notice of the time limits in said parking zone. Parking in excess of the time provided in said unmetered parking zones shall be an offense under this Ordinance and shall carry with it a penalty which shall be established by resolution of the City Council from time to time upon recommendation of the City Manager for each offense if paid within 48 hours of the time noted on the violation notice. In the event the same is not paid within 48 hours, said violation shall bear a penalty which shall be established by resolution of the City Council from time to time upon recommendation of the City Manager.
7. VIOLATIONS BUREAU. Pursuant to §§ 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, being M.C.L.A. § 600.8395, as amended, a Parking Violations Bureau, for the purpose of handling alleged parking violations within the City is hereby established. The Parking Violations Bureau shall be under the supervision and control of the City Clerk.
8. LOCATION, EMPLOYEES, RULES. The City Clerk shall, subject to the approval of the City Council establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.
9. VIOLATIONS HANDLED. Violations scheduled in this section (Rule 823) shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau and in any case the person in charge of such Bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

Cheboygan - Traffic Code

10. JURISDICTION. No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from, any person who denies having committed the offense and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.
11. PARKING TICKETS. The issuance of a traffic ticket or notice of violation by a Police Officer or Parking Enforcement Attendant of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the Parking Violation Bureau. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advice that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time limited.

Offense	UTC Sections
Parking too close to curb	801
Parking on a 1-way street	802
Parking on streets angled for parking	803
Parking in alley	813
Parking for certain purposes	814
Parking in metered zones	821
Parking within metered spaces	822 and 823
Parking in designated spaces	823
All-night parking	823
Unmetered parking	823

Monetary penalty for the above shall be established by resolution of City Council from time to time upon recommendation of the City Manager.