

CHARTER TOWNSHIP OF HAMPTON

ORDINANCE NO. 38

SNOW AND ICE EMERGENCY ORDINANCE

An Ordinance prohibiting certain parking of vehicles within the Township during a declared snow emergency period, and providing penalties therefor.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN ORDAINS:

ARTICLE I.

GENERAL PROVISIONS

Section 1.1 Short Title

This Ordinance shall be known and cited as the "Snow and Ice Emergency Ordinance."

Section 1.2 Intent and Purpose

It is the intent and purpose of this Ordinance to facilitate the removal of snow, sleet and ice from the streets and roadways located within the Township during declared snow emergency periods, so as to provide for safer driving conditions within the Township during such emergency periods.

Section 1.3 Legal Basis

This Ordinance is enacted pursuant to the provisions of Public Act 359 of 1974, as amended.

ARTICLE II.

DEFINITIONS

Section 2.1 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

DEFINITIONS

- (a) "Authorized Personnel" means a person who has authority to declare a snow emergency period or to terminate the same,

as indicated in Section 3.1 (a) of this Ordinance.

- (b) "Chief of Police" means the Township Chief of Police.
- (c) "Superintendent" means the Township Superintendent.
- (d) "Improved Portion" means the portion of a street or roadway comprised of pavement, asphalt, chip-and-seal, gravel or other similar road surfacing material or any combination thereof.
- (e) "Parking" means standing a vehicle, whether occupied or not, upon a roadway or street, except when actually making necessary emergency repairs on said vehicle.
- (f) "Person" means a natural person, firm, copartnership, corporation or other legal entity.
- (g) "Police Department" means the Charter Township of Hampton Police Department.
- (h) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways, the term "roadway," as used herein shall refer to a roadway separated, but not to all such roadways collectively.
- (i) "Snow Emergency Lane" means the unimproved portion of a street or roadway within four (4) feet of the edge of the improved portion of a street or roadway.
- (j) " Snow Emergency Period" means that time during which the parking prohibitions of this Ordinance are in effect.
- (k) "Snow Emergency Route" means the improved portion of every street and roadway within the Township.
- (l) "Street or highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (m) "Supervisor" means the Township Supervisor.

(n) "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices moved by human power.

ARTICLE III.

PARKING ON SNOW EMERGENCY ROUTES AND LANES

Section 3.1 Determination of Snow Emergency.

- (a) The following persons are authorized, in the order of priority listed, to determine and declare that a snow emergency period is in existence in the Township or should be terminated:
- (1) Superintendent
  - (2) In the absence of the Superintendent, the Chief of Police.
  - (3) In the absence of both the Superintendent and the Chief of Police, the Supervisor.
  - (4) During the absence of the Superintendent, Chief of Police, the Supervisor shall designate in writing an acting representative who shall have authority to declare a snow emergency period or to terminate said period, as applicable.
- (b) Whenever an "Authorized Personnel" finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U. S. Weather Bureau or other weather service of such weather conditions, that weather conditions will make it necessary that vehicle traffic be expedited and that parking on Township streets and roadways be prohibited for snow plowing and other purposes, the "Authorized Personnel" shall put into effect a parking prohibition on all "Snow Emergency Routes and Lanes" by declaring a snow emergency period in a manner prescribed by this Ordinance.

(c) Once in effect, a parking prohibition shall remain in effect until terminated by an announcement of an Authorized Personnel in accordance with this Ordinance, except that any "Snow Emergency Route and Lane" which has already been substantially cleared of snow and ice shall be automatically excluded therefrom.

ARTICLE IV.

DECLARATION OF SNOW EMERGENCY

Section 4.1 Public Announcement.

- (a) The Authorized Personnel shall cause each declaration of snow emergency period (or termination thereof) to be publicly announced by means of radio or television from a station with a normal operating range covering the Township, and the Authorized Personnel may cause such declaration to be further announced in a newspaper of general circulation within the Township when feasible.
- (b) Each announcement shall describe the action taken by the Authorized Personnel, including the time when the snow emergency period became or will become effective or when said period terminated, as applicable.
- (c) The Authorized Personnel responsible for the announcement shall keep a record of each time and date when any declaration is announced to the public. Said record shall include the means by which the announcement was made.

ARTICLE V.

CONDUCT PROHIBITED

Section 5.1 Unlawful Parking.

Whenever a snow emergency period is declared to be in existence pursuant to this Ordinance, no person shall park or allow to remain parked any vehicle on any portion of a Snow Emergency Route or Snow Emergency Lane. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

ARTICLE VI.

ENFORCEMENT

Section 6.1 Issuing Citation.

Vehicles parked in violation of this Ordinance may be issued a citation by the police department.

Section 6.2 Removal or Impounding of Vehicles

(a) Officers of the police department are hereby authorized to remove or have removed a vehicle parked in violation of this Ordinance, when the vehicle is interfering or will interfere with snow, sleet and/or ice removal operations on the street or roadway. Such removal shall be at the risk and expense of the owner of said vehicle.

(b) It shall be the duty of the police department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, and the parking violation involved.

(c) This section shall be supplemental to any other provisions of law granting members of the police department authority to remove vehicles.

Section 6.3 Issuing Citation and Removal

A vehicle parked in violation of this Ordinance may be both cited under Section 6.1 and removed under Section 6.2.

Section 6.4 Prima Facie Evidence of Violator

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Ordinance, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Ordinance. This section shall not preclude a police officer from issuing a citation to the person actually responsible for parking a vehicle in violation of this Ordinance.

ARTICLE VII.

PENALTY

Section 7.1 Misdemeanor

Any person who violates Section 5.1 of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days

or a fine of not more than Five Hundred (\$500.00) Dollars or both in the discretion of the Court.

Section 7.2 Separate Violations

Each and every day on which a violation of this Ordinance continues shall constitute a distinct and separately punishable violation.

ARTICLE VIII.

SEVERABILITY

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

ARTICLE IX.

DECLARATION OF EMERGENCY AND EFFECTIVE DATE

This Ordinance is hereby declared to be an emergency Ordinance, requiring immediate adoption. Thus, the provisions herein shall become effective immediately upon publication following adoption, except that Section 6.1 shall not become effective until the 31st day after said publication following adoption.