

Chapter 114

VEHICLES & TRAFFIC

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[HISTORY: Adopted by the Village Council of the Village of Bellaire as indicated in article histories. Amendments noted where applicable. Amended 3-5-08 by Ord. No. 4-2008. Amended 1-6-2016 by Ord. No. 1 of 2016]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 75.
Traffic control — See Ch. 108.

Inoperable vehicles — See Ch. 118.

**ARTICLE I
Traffic and Parking
[Adopted 12-3-1992 by Ord. No. 27-1992]**

§ 114-1. Definitions.

The following definitions shall apply in the interpretation of this article:

CRAVEN PARK — That portion of the following property located in the Village of Bellaire, State of Michigan, and described as: the southwest 1/4 of the southwest 1/4 lying south of Craven Pond, Section 20, T30N, P17W; and the east 1/2 of the southwest 1/4 lying south and east of Craven Pond, Section 20, T30N, P17W.

MOTOR VEHICLE — Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in Section 2 of Act No. 419 of the Public Acts of 1976, as amended, being Section 125.1102 of the Michigan Compiled Laws.

§ 114-2. Parking restrictions; evidentiary presumption; notice. [Amended 6-5-1997 by Ord. No. 50-1997. Amended 11-18-2004 by Ord. No. 5-2004. Amended 6-7-06 by Ord. No. 3-2006. Amended 9-19-07 by Ord. NO. 6-2007. Amended 12-2-2015 by Ord. No.1 Of 2015]

- A. Restrictions. In addition to the provisions of the Uniform Traffic Code, the following parking restrictions shall be in force in the Village of Bellaire:
- (1) Between the hours of 8:00 a.m. and 6:00 p.m. on Mondays through Saturdays, it shall be unlawful to park a motor vehicle in excess of four (4) hours on Bridge Street (also known as "Highway M-88") from Cayuga Street to Bridge Lane; provided, however, that this section shall not apply on those days legally recognized as holidays by the State of Michigan.
 - (2) It shall be unlawful to park, stand, or stop a motor vehicle in Craven Park, except when such parking, standing or stopping is done under any of the following circumstances:
 - (a) On a designated campsite by a person officially registered as a camper in Craven Park or by a guest of a registered camper;
 - (b) In the area designated for parking east of the bridge in Craven Park, but only when the driver of or a passenger in the motor vehicle is actually fishing in Craven Pond; or
 - (c) In any other area specifically designated for the parking of motor vehicles within Craven Park.
 - (4) It shall be unlawful to park a motor vehicle at any time on Cayuga Street between Bridge Street and Division Street.
- B. Evidentiary presumption relating to parking violators. In any proceeding for a violation of this section, proof that the particular vehicle described in the complaint was parked in violation of this section, together with proof that the defendant named in the complaint 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 where, and for the time during which, such violation occurred.
- C. Notice of parking regulation. The Department of Public Works shall erect signs sufficiently legible as to be seen by an ordinarily observant person giving notice of the parking regulations contained herein, as required by state law.

§ 114-3. Spinning tires or losing traction with highway prohibited.

A person shall not start, move or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any other manner operate a motor vehicle so as to cause the tires of the motor vehicle to spin or the tires to lose traction with the surface of the highway, except in case of an emergency or where such spinning of tires is unintentional as a result of snow- and/or ice-covered streets.

§ 114-4. Penalties.¹

- A. Municipal civil infractions; penalties. Any person who violates any provision of this article shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 to 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this article is violated shall be considered as a separate violation.
- B. Enforcement officials. Officers of the Bellaire Police Department, and other Village officials designated by resolution of the Village Council, are hereby authorized to issue municipal civil infractions under this article directing offenders to appear in court.
- C. Nuisance per se. A violation of this article is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- D. Civil remedies. In addition to enforcing this article through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this article.

ARTICLE II
Motor Vehicle Code
[Adopted 1-2-2002 by Ord. No. 1-2002]

§ 114-5. Purpose of code.

The purpose of the Michigan Motor Vehicle Code is to provide for:

- A. The regulation of certain vehicles operated upon the public highways of the State of Michigan or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles within the State of Michigan.
- B. The regulation and use of streets and highways within the State of Michigan.
- C. The penalties and sanctions for a violation of the Michigan Motor Vehicle Code.
- D. Civil Liability of owners and operators of vehicles and service of process on residents of the State of Michigan and nonresidents.
- E. Enforcement of the Motor Vehicle Code.
- F. The creation of and specifications of the powers and duties of certain state and local agencies.

§ 114-6. Adoption by reference.

The Michigan Motor Vehicle Code, PA 300 of 1949, as amended (MCL §§ 257.1 to 257.923), is

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

hereby adopted by reference.

§ 114-7. References to "local authorities."

All references in the Michigan Motor Vehicle Code to "local authorities" shall mean the Village of Bellaire.

§ 114-8. Publication of article. [Amended 9-19-07 by Ord. No. 6-2007]

The Village Clerk shall publish this article in the manner required by law.

§ 114-9. Penalties.

The penalties provided by the Michigan Motor Vehicle Code are adopted by reference; provided, however, that the Village of Bellaire may not enforce any provision of the Michigan Motor Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

ARTICLE III
All-Night Parking

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 114-10. Overnight parking. [Amended 6-7-2017 by Ord. No. 3-2017]

From May 1 through October 30 motor vehicles are allowed to park overnight within the Richardi Park parking lot, the Village owned property adjacent to the boat launch at the end of Ohio Street, and along the road adjacent to the boat launch at the end of River Street. At all other times, except for specifically designated spaces in the Riverview Parking Lot, no motor vehicles shall be parked on any street, alley, or parking lots under the jurisdiction of the Village between 3:00 a.m. and 6:00 a.m.

§ 114-11. Evidentiary presumption.

In any proceeding for a violation of this article, proof that the particular motor vehicle described in the complaint was parked in violation of this article, together with proof that the defendant named in the complaint 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 in violation of this article.

§ 114-12. Notice of regulations.

The Village Street Administrator, or his designee, shall erect signs on all streets and highways at the Village limits approximately three feet by four feet sufficiently legible as to be seen by an ordinarily observant person giving notice of the parking regulations contained in this article.

§ 114-13. Penalties.

Any person who shall violate any provision of this article shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 to 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than \$500. Each day this article is violated shall be considered as a separate violation.

§ 114-14. Enforcement officers.

Officers of the Bellaire Police Department are hereby authorized to issue municipal civil infractions under this article directing offenders to appear in court.

§ 114-15. Impoundment of motor vehicles.

In addition to the penalties contained in § 114-16 above, any motor vehicle parked in violation of this article may be impounded by any police officer and removed from the street or alley where illegally parked. After the police officer impounds a motor vehicle parked in violation of this article, he or she shall follow the procedures contained in Section 2.5d of the Village of Bellaire Uniform Traffic Code relating to the impoundment of motor vehicles.

ARTICLE IV
**Commercial and other Transactions on Public Highways
and in Parking Lots Owned by the Village
[Adopted 1-6-2016 by Ord. No. 1-2016]**

§ 114-16. Definitions. As used in this Article,

“Bicycle” means a device propelled by human power upon which a person may ride, having either 2 or 3 wheels in a tandem or tricycle arrangement, all of which are over 14 inches in diameter.

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

“Motor vehicle” means any vehicle which is self-propelled or intended to be self- propelled.

“Park or Parking” means standing a vehicle or bicycle, whether occupied or not, upon a highway or parking lot owned by the Village, when not loading or unloading except when making necessary repairs.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Stand or Standing” means the halting of a vehicle or bicycle, other than for the purpose of, and while actually engaged in receiving or discharging passengers.

“Trailer” means any vehicle designed and normally towed behind a motor vehicle.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration under this act, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

“Wagon or Cart” means any vehicle designed and normally pulled or pushed by an individual or under the power of an individual.

§ 114-17. Commercial and other Transactions Prohibited.

Except as provided in § 114-18, no person shall park or stand a motor vehicle, trailer, bicycle, wagon, or cart upon a public highway within the Village or within a parking lot owned by the Village for the purpose of giving away, selling, renting or offering to give away, sell or rent any services, goods, wares, merchandise, or food products of any kind.

§ 114-18. Exceptions.

Section 114-17 shall not apply in any of the following circumstances:

- A. When the activity is approved in conjunction with a special event by the Village Council or by the Bellaire Chief of Police.
- B. When the activity is the sale of ice cream or similar food products and is conducted on residential streets within the Village and not on commercial streets, such as E. Cayuga Street and N. Bridge Street south of Forest Home Ave.

§ 114-19. Penalties.

- A. A person who violates any provision of this Article shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
 - (1). For a first offense, the person shall be fined not less than \$50.00, nor more than \$100.00, plus the costs of prosecution and other sanctions provided by law.
 - (2). For a second offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$100.00 nor more than \$200.00, plus the costs of prosecution and other sanctions provided by law.
 - (3). For a third or subsequent offense occurring within two (2) years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$250.00 nor more than \$500.00, plus the costs of prosecution and other sanctions provided by law.
- B. Officers of the Bellaire Police Department are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this Article to appear in court.

- C. Any violation of this Article is hereby declared to be a nuisance per se.
- D. In addition to enforcing this Article through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Article.