

ORDINANCE NO. _____

ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF
ORDINANCES BY AMENDING TITLE VII, TRAFFIC CODE,
CHAPTER 71: TRAFFIC RULES

The Village of Pinckney ordains:

Section 1. Title VII, *Traffic Code*, Chapter 71, *Traffic Rules*, of the Village of Pinckney Code of Ordinances is hereby amended to add a new Section 71.40, entitled *Snow Emergencies*, to read as follows:

§ 71.40 SNOW EMERGENCIES.

(A) *Purpose.* The purpose of this Section is to expedite the prompt removal of all parked and stalled vehicles from Village streets, during periods of heavy snowfall, when such vehicles impede snow removal operations and cause serious traffic congestion; and to authorize the Village to declare a snow emergency alert during such periods in the interest of preserving and protecting the public health, safety and welfare.

(B) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder or berm.

Street and *highway* mean 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.

Village authorized representative means the Village President, the Village Police Chief, and the Village Director of Public Works.

(C) *Authorization of snow emergency.*

(1) The Village President, the Village Police Chief, and the Village Director of Public Works are all hereby authorized to individually and/or jointly to declare a snow emergency in the Village of Pinckney to effectuate the removal of snow from the Streets of the Village of Pinckney.

- (2) *Procedure for declaration.*
 - (a) Whenever the Village authorized representative 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 that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on Village streets be prohibited or restricted for snow plowing and other purposes, the Village authorized representative shall put into effect a parking prohibition on parts of or all Village streets by declaring it in a manner prescribed in this Section.
 - (b) Notwithstanding the provisions of Subsection a. of this Subsection, a parking prohibition shall automatically go into effect on any street on which there has been an accumulation of snow and ice of four (4) inches or more for any one (1) hour or more.
 - (3) *Notice.* The authorized Village representative, upon declaring a snow emergency, shall cause public announcement of such parking prohibitions and/or restrictions and the areas designated by means of broadcasts and/or telecasts from various commercial stations serving the Village. In addition, any other reasonable means may be used to publicly announce such emergency snow alert, including, where feasible, a public announcement on the public access channel of any cable television franchisee servicing the Village and on the Village's website.
 - (4) *Posting/Record.* The authorized Village representative, upon declaring a snow emergency, shall prepare such declaration of snow emergency and cause it to be posted in the Village Hall for such period of time as the snow emergency regulations are in effect.
 - (5) *Termination.* Once in effect, a prohibition under this Section shall remain in effect until terminated by announcement of an authorized Village representative by notice given substantially in the same manner the snow emergency was declared, effective immediately upon announcement.
- (D) *Prohibited parking.* No person shall park or allow to remain parked any motor vehicle, trailer or movable object on any portion of any roadway within any area designated within the Village during a snow emergency, or park or allow to remain parked any motor vehicle,

trailer or movable object in violation of any parking restriction instituted as part of a declared snow emergency as provided in this Section. The registered owner of any such motor vehicle, trailer or movable object shall be responsible for the cost of removal.

- (E) *Stalled vehicles.* Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Section, on any Village street during a snow emergency, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of the Village street. No person shall abandon or leave his or her vehicle in the roadway of a Village street during a snow emergency (regardless of whether such person indicates that the vehicle is stalled by raising the hood or otherwise) except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station or other place of assistance and return without delay.
- (F) *Removal of all vehicles.* Following said declaration all motor vehicles, trailers, and movable objects shall be removed from the Village of Pinckney streets until the expiration of the snow emergency.
- (G) *Removal by police department.*
 - (1) Any motor vehicle, trailer or movable object not removed from the Village of Pinckney streets during a snow emergency may be removed by the Pinckney Village Police Department. Prior to the removal by the Police Department, members of the Pinckney Village Police Department and/or the Pinckney Village Department of Public Works shall first attempt to verbally notify the registered owner/the person having charge of said motor vehicle, trailer or movable object of the need to remove said motor vehicle, trailer or movable object. In the event the Pinckney Village Police Department or the Pinckney Village Department of Public Works are unable to locate the registered owner/the person in charge of the motor vehicle, trailer or movable object or said registered owner/person in charge refuses to remove said motor vehicle, trailer, or movable object then the Pinckney Village Police Department shall remove said motor vehicle, trailer or movable object by proper means. The police chief is authorized to engage the services of any private operator of towing cars to remove vehicles under the direction of a member of the police department where the same are found in violation of traffic ordinances and regulations of the Village.

- (2) The cost of removal and storage of a motor vehicle, trailer or movable object shall be borne by the registered owner and/or the person having charge of the motor vehicle, trailer, or movable object.
 - (3) No person shall recover any motor vehicle, trailer or movable object removed in accordance with this Section except as provided herein. Before the owner or person in charge of such motor vehicle, trailer or movable object shall be allowed to recover it from the place in which it has been placed or impounded, such person shall present to a member of the police department, or its designated agent, evidence of identity and the right of possession of the motor vehicle, trailer or movable object, shall sign a receipt for its return, shall pay the cost of removal, and shall pay any cost of storage. Until paid, these charges constitute a lien on the motor vehicle, trailer or movable object which may be enforced in the same manner as a garage keeper in accordance with the provisions of the applicable Michigan Garage Keeper Lien Laws.
 - (4) It shall be the duty of the police department to keep a record of each motor vehicle, trailer or movable object removed in accordance with this Section. The record shall include a description of the motor vehicle, trailer or movable object, 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, its final disposition and the parking violation involved.
 - (5) This Section shall be supplemental to any other provisions of law granting members of the police department authority to remove vehicles.
- (H) *Emergency provisions to take precedence.* Any provision of this Section which becomes effective by the declaration of the Village shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. Nothing in this Section shall be construed to permit parking at any time or place where it is forbidden by any other provisions of law.
- (I) *Violations.*
- (1) In addition to liability for towing, storage and any other impound fees related to removal of a motor vehicle, trailer or movable

object from the street during a declared snow emergency, the registered owner and/or driver of such motor vehicle, trailer or movable object may be ticketed for violation of this ordinance.

- (2) *Violation deemed civil infraction/penalty.* Any person who violates any provision of this Section shall be deemed to have committed a municipal civil infraction.
- (3) *Presumption that owner parked vehicle.* In any proceeding for a violation of this Section, proof that the motor vehicle or trailer 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 violation the registered owner of said motor vehicle or trailer shall constitute a presumption that the registered owner of such motor vehicle or trailer was the person who parked such motor vehicle or trailer at the point where, and for the time during which, such violation occurred.

Section 2. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

Section 4. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 5. Effective Date. This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

Rebecca Foster, Village President

Amy Salowitz, Village Clerk

Village Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member _____, and upon being put to a vote, the vote was as follows:

Rebecca A. Foster, President	_____
Linda E. Lavey, Trustee	_____
Robert MacDonald, Trustee	_____
Kurt W. Mohrmann, Trustee	_____
Thomas F. Pais, Trustee	_____
Bobby J. Stone, Trustee	_____
Barry M. White, Trustee	_____

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this ___ day of _____, 2010.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. ____ adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on _____, 2010.

Amy Salowitz, Village Clerk