

ORDINANCE REGULATING PARKING IN COUNTY PARKING LOTS

An Ordinance to provide for the regulation of parking in the parking lots owned by Branch County, and for the penalties associated with parking violations.

THE PEOPLE OF THE COUNTY OF BRANCH, MICHIGAN, DO ORDAIN:

Article 1. Purpose and Authority. Deeming it advisable in the interest of the citizens of Branch County, as authorized by Act 58 of the Public Acts of 1945, as amended, being Section 46.201 of the Michigan Compiled Laws, and as authorized by the Michigan Vehicle Code, Act 300 of 1949, as amended, being specifically Section 257.674 of the Michigan Compiled Laws, the County of Branch, Michigan, adopts this Ordinance for the regulation of parking in County parking lots.

Article 2. Ordinance Title. The title of this Ordinance is the Ordinance Regulating Parking in County Parking Lots.

Article 3. Definitions.

3.1. *Civil infraction* means an act or omission prohibited by law which is not a crime as defined in Section 5 of Act No. 328 of the Public Acts of 1931, as amended, being Section 750.5 of the Michigan Compiled Laws, and for which civil sanctions may be ordered.

3.2. *County parking lots* means the parking areas owned by Branch County that are adjacent to, or across the street from, the Branch County Courthouse and/or Courthouse Annex Building in Coldwater, Michigan. The County parking lots contain four separate parking areas:

(1) the *East Courthouse lot*, which is located to the east and immediately adjacent to the east entrance of the Branch County Courthouse, containing a total of 49 parking spaces;

(2) the *Annex lot*, which is located to the north and immediately adjacent to the Courthouse Annex Building, containing a total of 20 parking spaces; and

(3) the *Hudson Street lot*, which is located to the east of the Branch County Courthouse across Hudson Street, containing a total of 25 parking spaces; and

(4) the *Pearl Street lot*, which is located to the south of the Courthouse Annex Building across Pearl Street, containing a total of 72 parking spaces.

3.3. *Disabled person* means a person determined to be disabled as defined in Section 19a of the Michigan Vehicle Code, being Section 257.19a of the Michigan Compiled

Laws.

3.4. *Motor vehicle* means every vehicle that is self-propelled.

Article 4. Parking Regulations.

4.1. Motor vehicles parked in any County parking lot must be parked completely within a single marked parking space, and may not be parked in any manner so as to block the access or movement of other motor vehicles. Motor vehicles shall not be parked in any area designated by sign as No Parking.

4.2. Motor vehicles parked in a County parking lot space designated by sign for use by a disabled person must display one (1) of the following:

- (a) A certificate of identification or windshield placard issued under Section 675 of the Michigan Vehicle Code to a disabled person.
- (b) A special registration plate issued under Section 803d of the Michigan Vehicle Code to a disabled person.
- (c) A similar certificate of identification or windshield placard issued by another state to a disabled person.
- (d) A similar special registration plate issued by another state to a disabled person.
- (e) A special registration plate to which a tab for persons with disabilities is attached issued under the Michigan Vehicle Code.

4.3. Parking spaces in County parking lots may be designated by sign for use by elected officials only, employees only, customers only, or for a limited duration. Motor vehicles shall not be parked in violation of restrictions designated by signs.

Article 5. Prima Facie Evidence; Parking Violators. In any proceeding for violation of the parking provisions in this Ordinance, the registration plate displayed on the motor vehicle shall constitute in evidence a prima facie presumption that the owner of the motor vehicle was the person who parked or placed the motor vehicle at the point where the violation occurred.

Article 6. Penalties for Parking Violations; Civil Infraction. Violation of this Ordinance may be treated as a nuisance, and abated by local authorities by impoundment of the vehicle involved, by notice of violation, or by removal to a designated motor vehicle pound to be returned only upon payment of reasonable impoundment fees. Violation of this Ordinance shall be processed in the same manner as a civil infraction under the Michigan Vehicle Code, and monetary penalties shall be set forth by resolution by the Branch County Board of Commissioners, which may be amended from time to time.

Article 7. Conflict with Criminal Laws. Nothing in this Ordinance shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law.

Article 8. Construction. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include a feminine and neuter. The words "shall" and "must" are always mandatory and not merely directive. Words or terms not defined herein shall be interpreted as defined in statutes, regulations, or codes to which they apply or if not so defined shall be defined in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any section of this Ordinance.

Article 9. Severability. The various parts, sections, subsections, paragraphs, sentences, phrases, and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Article 10. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the Branch County Ordinance Regulating Parking on Courthouse Grounds, adopted April 22, 1955.

Article 11. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Article 12. Effective Date of Ordinance. This Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

Dale Swift
Chair, Branch County Board of Commissioners

I, Teresa Kubasiak, Branch County Clerk, certify that this Ordinance was adopted by the Branch County Board of Commissioners and published on May 21, 2011.

Teresa Kubasiak, Branch County Clerk