

ORDINANCE NO. 2008-04
CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN

**AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN
TO AMEND CHAPTER 58, ARTICLE III -PARKING, OF THE CODE OF ORDINANCES, BY
AUTHORIZING THE DECLARATION OF SNOW EMERGENCIES AND DESIGNATING THE
PROCEDURES FOR SAME**

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT

Chapter 58, Article III, Parking, of the Code of Ordinances is hereby amended by the addition of Division 2. Snow Emergencies to read as follows:

Sec. 58-41. Prohibition

No person shall park or allow to remain parked any vehicle on any portion of any roadway within any area designated within the city during a snow emergency, or park or allow to remain parked any vehicle in violation of any parking restriction instituted as part of a declared snow emergency as provided in this division. The registered owner of any such vehicle shall be responsible for the cost of removal.

Sec. 58-42. Definitions

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief is the Chief of Police, or in his/her absence, the duly authorized representative.

Director is the director of public services, or in his/her absence, the duly authorized representative.

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

Street or highway 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.

Superintendent is the City Superintendent, or in his absence, his duly authorized representative.

Sec. 58-43. Procedure for Declaration

a. Whenever the Director, Chief, or Superintendent 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 city streets be prohibited or restricted for snow plowing and other purposes, the Director, Chief, or Superintendent shall put into effect a parking prohibition on parts of or all city streets by declaring it in a manner prescribed in this section.

b. Notwithstanding the provisions of subsection a, a parking prohibition shall automatically go into effect on any street on which there has been an accumulation of snow and ice of four inches or more.

Sec. 58-44. Notice of Declaration

a. The Director, Chief, or Superintendent, upon declaring a snow emergency, shall cause a public announcement of such parking prohibitions and/or restrictions and the areas designated for said restrictions by means of broadcasts and/or telecasts from various commercial stations serving the city and on the public access channel of any cable television franchisee servicing the city.

b. The Director shall prepare such declaration of snow emergency and cause it to be posted in the city hall for such period of time as the snow emergency regulations are in effect.

Sec. 58-45. Enforcement

a. Members of the police department are hereby authorized to remove or cause the removal and/or impounding of any vehicle that obstructs or otherwise impedes traffic on any street in the city. Such vehicle may be removed and conveyed by or under the direction of a member of the police department by means of towing to a vehicle impound. The Chief is authorized to engage the services of any private towing company 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 city.

b. Before the owner or person in charge of such vehicle shall be permitted to remove the same from the custody of the police department said owner shall furnish evidence of identity and ownership and shall sign a receipt and pay a fee to cover cost of removal plus the cost of storage; said owner shall pay an additional storage fee for each day the vehicle is stored in the vehicle impound in excess of the first 24 hours the vehicle is impounded.

c. Whenever this section is alleged to have been violated, the Chief or the appropriate designee shall have the authority to issue and serve an appearance ticket upon the violator if they have reasonable cause to believe that a violation has been committed. Such appearance ticket shall be in the form authorized by state law.

Sec. 58-46. Stalled Vehicle

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this section, on any city street on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway. No person shall abandon or leave his/her vehicle in the roadway, regardless of whether he/she indicates by raising the hood or otherwise that the vehicle is stalled, 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.

Sec. 58-47. Termination

Once in effect, a prohibition under this division shall remain in effect until terminated by announcement of the individual declaring the snow emergency in accordance with this section, except that any street area which has become substantially clear of snow and ice from curb to curb for the length of the entire block shall be automatically excluded.

Sec. 58-48. Exemptions

In all areas of the city , an owner of a motor vehicle who resides at premises which do not have a driveway shall be exempted from the requirement to move the motor vehicle in the event of a snow emergency; however, residents in the area are required to park their vehicles as close to the curb as possible to make room for snow plows and other emergency vehicles. Motor vehicles with handicapped stickers and duly authorized emergency response vehicles shall also be exempt from the provisions of this division. In addition, vehicles parked on streets or portions of streets specifically excepted from the Director's declaration of emergency shall be exempt from the provisions of this division.

Sec. 58-49. Relationship to Other Laws

Any provision of this division which becomes effective by declaration as prescribed above upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedent over provisions of law relating to traffic

accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. 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.

Sec. 58-50. Penalty

A person who violates this section is responsible for a civil infraction.

SECTION 2. SEVERABILITY

This Ordinance and each of the various parts, sections, subsections, sentences, phrases and clauses hereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH

Section 58-26 of the Code of Ordinances is hereby specifically repealed. In addition any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. PUBLICATION

This Ordinance shall be published in accordance with the terms, provisions and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECTION 5. EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED

Bill Cedar Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 15th day of December, 2008, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Cedar, Burns, Foley, Kindsvater, Krebs, LaPorte, Smith

Members Absent: None

It was moved by Member LaPorte, supported by Member Foley, to adopt the Ordinance.

Members voting yes: Foley, Kindsvater, Krebs, LaPorte, Smith, Burns, Cedar

Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Janice B. Winn, City Clerk
City of St. Clair, Michigan

INTRODUCED: December 1, 2008
ADOPTED: December 15, 2008
PUBLISHED: December 24, 2008
EFFECTIVE: December 24, 2008