

VILLAGE OF LAWRENCE

COUNTY OF VAN BUREN, STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

AN ORDINANCE TO REPEAL AND REPLACE
THE CODE OF THE VILLAGE OF LAWRENCE, CHAPTER 28 TRAFFIC AND
VEHICLES

Said ORDINANCE repealing and replacing THE CODE OF THE VILLAGE OF LAWRENCE, CHAPTER 28, is adopted at a REGULAR meeting of the VILLAGE COUNCIL held on ___-___-2023 at 7:00 P.M., Village Hall, 1 57 N. Paw Paw St Lawrence, Michigan 49064

WHEREAS, The Code of Ordinances of the Village of Lawrence includes Chapter 28, Traffic and Vehicles; and

WHEREAS, It is necessary to repeal and replace Chapter 28 in order to promote the public health, safety, and general welfare of the residents of the Village of Lawrence.

THE VILLAGE OF LAWRENCE
VAN BUREN COUNTY, MICHIGAN
ORDAINS:

SECTION I

REPEAL AND REPLACEMENT OF CHAPTER 28, REGARDING Traffic and Vehicles

Repeal of Chapter 28,

Ch. 28, is hereby repealed and replaced with:

Chapter 28 TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

Sec. 28-1. - Michigan Vehicle Code adopted.

- (a) The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.), is adopted by reference.
- (b) References in the Michigan Vehicle Code to "local authorities" shall mean the village.

Secs. 28-2—28-27. - Reserved.

ARTICLE II. - STOPPING, STANDING AND PARKING

DIVISION 1. - GENERALLY

Section. 28-28. - Definitions.

1. *Front yard*: a yard on the same lot with a building between the front line of the building and the edge of the road right-of-way or lot line and extending from one side lot line to the other side lot line. Corner lots shall have a front yard on each side that abuts a right-of-way.
2. *Rear yard*: an open space extending the full width of the lot, the depth of which is the horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. *Side yard*: an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
4. *Curb Lawn*: the area between the sidewalk and the curb or street.

Sec. 28-29. - Parking in the Downtown Business Area.

No person shall park or leave any motor vehicle or trailer greater than 2 hours. The Downtown Business Area is defined as St. Joseph Street from First St to Exchange Street and Paw Paw Street from Baker Street to James Street.

Sec. 28-30. - Parking on the streets.

No person shall park or leave any motor vehicle or trailer on any street or road right-of-way between signage designating "no parking beyond this point" and the intersection. Parking in the Village road-right-of-way on major thoroughfares is allowed only in designated parking areas.

Sec. 28-31. - Truck, truck tractor or trailer parking.

No motor vehicle truck, truck tractor, motor vehicle trailer, truck trailer, truck tractor trailer, or combination thereof, having a manufacturer's rated capacity for hauling or carrying a load of more than 1½ tons, shall be parked or left standing unattended on any public street, alley, parking lot, or right-of-way, by any person, within the corporate limits of the village for a continuous period of more than two hours subject to the discretion of the police officer.

Sec. 28-32. - Parking on the front yard.

No person shall park or leave standing unattended, any vehicle or trailer, truck, truck tractor, motor vehicle trailer, truck trailer, or any combination thereof on any front yard.

Sec. 28-33. - Parking on the curb yard or sidewalk.

No person shall park or leave standing unattended, any vehicle or trailer, truck, truck tractor, motor vehicle trailer, truck trailer, or any combination thereof on any curb yard or any sidewalk on the same side of any street. No person shall park or leave standing unattended, any vehicle or trailer, truck, truck tractor, motor vehicle trailer, truck trailer, or any combination thereof in any area with signage indicating NO PARKING within the Village Limits. No person shall block any use of any public sidewalk, bicycle lane, pathway, shared pathway, trail, or public utility access within the corporate limits of the Village.-

Sec. 28-34. - Parking of trucks, vans, etc., along certain streets/properties.

(a) *Parking restrictions; exception.*

- (1) Parking is prohibited, at all times, by commercial trucks and vans with a gross vehicle weight of more than 1.5 tons on properties within the village that are zoned R-1, R-2, MFR, or PARKING. This prohibition does not pertain to personal vehicles owned by the property owner or tenant of the property as long as such vehicles are not used for any commercial, agricultural, or industrial business or purposes, and municipal vehicles.
- (2) Semi-truck parking. The standing or parking of semi-trailers on any village street, whether attached or unattached to a truck tractor, shall not be allowed for a continuous period greater than two hours.
 - (i) "Truck tractor" as used in this section shall be defined per MCL 257.77 of the Michigan Motor Vehicle Act.
 - (ii) "Semi-trailer" as used in this section shall be defined per MCL 257.59 of the Michigan Motor Vehicle Act.
 - (iii) Any violation of this section shall be subject the violator to immediate issuance of a municipal civil infraction.
- (3) No person shall park a vehicle upon any street for the primary purpose of:
 - (i) Displaying it for sale; or
 - (ii) Washing or greasing such vehicle or making repairs other than those necessitated by an emergency.
- (4) Recreational vehicles. For the purpose of this section, the term "recreational vehicle" shall mean any vehicle used or intended for use as a dwelling, regardless of whether such vehicle is self-propelling or is moved by other agencies. The following restrictions shall be applicable:
 - (i) No person shall park overnight or permit the parking overnight of any recreational vehicle(s) upon any public street, alley, park, or other public place within the village.
 - (ii) No person shall park or permit the parking of a recreational vehicle for occupancy on any private property within the village except in an authorized trailer camp licensed under the provisions of Act 143, Public Acts of 1939, State of Michigan, as amended.
 - (iii) No person shall park or permit the parking of a recreational vehicle in a front yard, except in approved designated driveways.

(5) Exceptions shall be those trucks, vans and trailers that are providing, delivering, or picking up goods, services, or materials to residential properties provided that such vehicles are in the act of providing deliveries, services, or materials.

(b) *Enforcement.* Violations of this section are considered municipal civil infractions and subject to penalty thereunder. Officers of the village police department and other persons specifically and properly designated to enforce ordinances in the village are authorized to enforce this section. Penalties shall be as prescribed by Resolution, adopted by the Village.

The village reserves the right to amend the penalties from time to time as it deems necessary.

Sec. 28-35 – Municipal parking lots.

(a) Regulations. This property shall be under the exclusive control of the village and available for the parking of licensed motor vehicles in accordance with the following restrictions:

(1) The lot shall be closed to all vehicles and persons between the hours of 2 AM and 6 AM. Except, the village shall develop and approve by resolution a parking policy that includes permits for overnight parking, and the designation of overnight parking spaces, for the residential tenants of property owners in the Central Business Zoning District (CBD) who have entered into written and recorded easement agreements with the village and/or the DDA to create or enhance an existing municipal parking lot.

(2) No person shall loiter on or about the parking lot at any time.

(3) No person shall park or place in the lot any motor vehicle of any kind unless it is appropriately licensed in this state or any other state.

(4) Non-resident permit parking fees: see fee schedule adopted by Village Council.

Secs. 28-36 – 28-50. - Reserved.

DIVISION 2. - PARKING VIOLATIONS BUREAU

Sec. 28-51. - Established; supervision and control.

(a) *Established.* Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act No. 154 of 1968 (MCL 600.8395 et seq.), a parking violations bureau for the purpose of handling alleged parking violations within the village is hereby established.

(b) *Supervision and control.* The parking violations bureau shall be under the supervision and control of the village management.

Sec. 28-52. - Location; employees; rules and regulations.

The village management shall, subject to the approval of the village council, establish a

convenient location for the parking violations bureau, appoint qualified village employees to administer the bureau and adopt rules and regulations for the operation thereof.

Sec. 28-53. - Scheduled violations; refusal to dispose of violation.

No violation not scheduled in section 28-57 shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau, and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law.

Sec. 28-54. - Violator to request settlement of violations; use of parking violation bureau not required.

No violations may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau, and all persons shall be entitled to have any such violations processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges, and protection according to him by law.

Sec. 28-55. - Notice of violations.

The issuance of a notice of violation by a police officer of the village shall be deemed an allegation of a parking violation. Such notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It should also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the notice was issued and advise that a warrant for the arrest of the person to whom the notice was issued will be sought if such a person fails to respond within the time limit.

Sec. 28-56. - Parking for handicapped persons.

No person shall park or leave any motor vehicle in a clear and properly marked parking space reserved for handicapped persons without clear and proper display of state issued handicapped registration plates and/or clear and proper display of a state issued handicapped parking certificate. Violation of this section shall be punishable as set forth in section 28-57.

Sec. 28-57. - Parking, Standing, or Stopping Violations.

Fines for Parking, Standing, or Stopping violations shall be as indicated in the fee schedule adopted by a Resolution of the Village Council if paid within 10 days from the time the citation is issued. These fees are subject to change from time to time by Village Council Resolution.

Sec. 28-58. - Increase in penalties if not paid within 10 days.

In the event, the penalties provided for in section 28-57 are not paid within 10 days from the time the citation is issued, the penalties shall increase as indicated in the fee schedule adopted by a Resolution of the Village Council and are subject to change from time to time by Village Council Resolution.

Secs. 28-59 – 28-70. - Reserved.

ARTICLE III. - OTHER MOTORIZED VEHICLES

Sec. 28-71. Intent.

The Village of Lawrence hereby amends the Lawrence Village Code to allow and regulate the use of Off-Road Recreational Vehicle (ORV) on Village Streets as more specifically set forth in PA 451 of 1994 (the "Act"), MCL 324.81101 et seq., as amended.

Sec. 28-72. Applicable Law.

Consistent with the letter and spirit of PA 451 of 1994, MCL 324.81101 et seq., as amended, and specifically MCL 324.8113(1) and (5) the Village shall permit an ORV to be operated on local Village Streets.

Sec. 28-73. Compliance with Law.

The Operator of an ORV shall comply with all applicable federal, local, and state regulations, including but not limited to the provisions of Part 811 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101 et seq., as amended.

Sec. 28-74. Definitions.

"ATV" means a small open motor vehicle with one or two seats and three or more wheels fitted with large tires, designed for use on rough ground. ATV includes, but is not limited to, all terrain vehicles with 3 or 4 wheels, "dirt bike" motorcycle or related 2-wheel vehicle (ie motorcross bike).

"ORV" means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, or ORV, or other means of transportation deriving motor power from a source other than muscle or wind. ORV or vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, a registered aircraft, an amphibious machine or a ground effect air cushion vehicle.

Sec. 28-75. Additional restrictions.

- (1) An ORV/ATV shall not operate on the street during the time period from ½ hour

before sunset to ½ hour after sunrise without displaying a lighted taillight, brake light and headlight.

(2) An ORV/ATV shall not operate on the street between the hours of 11PM and 5AM.

(3) The operator of an ORV/ATV shall possess a valid motor vehicle driver license.

(4) Operation of an ORV/ATV is prohibited in all cemeteries in the Village.

(5) Operation of an ORV/ATV is prohibited on all sidewalks, and other pathways not specifically designed for motor vehicle use. This prohibition shall not apply to agents of the Village, or other law enforcement personnel in the performance of their official duties.

(6) A person shall not transport any passenger in or upon an ORV/ATV unless the manufacturing standards for the vehicle make provisions for transporting passengers.

(7) A person shall not operate an ORV/ATV unless the vehicle is equipped with a Braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.

(8) An individual shall not operate an ORV unless the vehicle is equipped with a Roll-Over Protective Structure ("ROPS") as that term is defined in the Safety and Health Administration regulations.

(9) An ORV shall be equipped with a rear viewing mirror located to allow driver to see traffic from behind.

(10) An individual who is operating or is a passenger on an ORV/ATV shall wear a Crash helmet and protective eyewear that are approved by the United States department transportation. This subsection does not apply to an individual wearing a properly adjusted and fastened safety belt if the ORV is equipped with a roof that meets or exceeds United States department of transportation standards for a crash helmet.

(11) A maximum speed limit of 25 mph for ORVs/ATVs shall be maintained within Village limits unless otherwise posted lower.

Sec. 28-76. Violation.

Violations of this article are municipal civil infractions, subjecting persons found responsible for violations to the fines as indicated in the fee schedule adopted by a Resolution of the Village Council. These fees are subject to change from time to time by Village Council Resolution. In addition to the fines set forth in the fee schedule, a court shall order violators of this ordinance to pay the cost of repairing any damage to the environment, a street, county road,

or highway, or public property as a result of the violation pursuant to MCL 324.81131(17).

(1) The parents of minor violating this ordinance shall face penalty.

Secs. 28-77 – 28-90. - Reserved.

ARTICLE IV. - BICYCLES/WHEELED CONTRIVANCES

Sec. 28-91. - Definitions.

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

Bicycle means a device propelled by human power, upon which a person or persons may ride, having either two or three wheels in a tandem or triangular arrangement, all of which are over 14 inches in diameter, which shall not include training wheels.

Wheeled contrivances mean but is not limited to the following: roller skates, ski skates, and any other instrumentality with wheels, regardless of nature or kind, except wheeled chairs, used for personal mobility.

Sec. 28-92. - Laws applicable.

Every person riding a bicycle or wheeled contrivance upon a roadway, bicycle lane, pathway, shared pathway, or trail within the village shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of the vehicle by the state laws, declaring rules of the road applicable to vehicles or by the traffic ordinances of the village applicable to the driver of a vehicle, except as to special regulations in this article, and except as to those provisions of laws, which, by their nature, can have no application.

Sec. 28-93. - Obedience to traffic control devices.

Any person operating a bicycle or wheeled contrivance shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

Sec. 28-94. - Speed.

No bicycle or wheeled contrivance shall be operated at any time, faster than is reasonable or proper and every bicycle or wheeled contrivance shall be operated with reasonable regard to the safety of the rider and other persons and property.

Sec. 28-95. - Riding on sidewalks.

(a) It shall be unlawful for any person riding a bicycle or wheeled contrivance on any sidewalk within a business district or any other sidewalk or highway where a bicycle lane or shared pathway exists or when official traffic devices or signs are posted prohibiting the riding of bicycles thereon; except as is allowed under the Michigan Vehicle Code as allowed under PA

339 of 2006. When any person is riding a bicycle or wheeled contrivance upon a sidewalk, where permitted, such person shall yield the right-of-way to any pedestrian, and if necessary, the person riding such bicycle or wheeled contrivance shall dismount and vacate the sidewalk in order to prevent a collision. Any person riding a bicycle or wheeled contrivance upon the sidewalk must have the bicycle or wheeled contrivance under control at all times.

- (b) It shall be unlawful for any person riding a bicycle or wheeled contrivance on a single lane sidewalk, pathway, shared pathway or trail to attempt to pass another rider or person going in the same direction on said sidewalk, without giving an alarm by audible signals, a reasonable distance before overtaking and/or passing such rider or pedestrian, and until it becomes evident that the person so warned is aware of the approach of such person riding said bicycle or wheeled contrivance.

Sec. 28-96. - Impoundment of vehicles.

- (a) Members of the police department are hereby authorized to remove bicycles or wheeled contrivances from a public place to the village bicycle or wheeled contrivance pound or other place of safety, under the circumstances herein enumerated:
 - (1) When a bicycle or wheeled contrivance is reasonably believed to be stolen.
 - (2) When a bicycle or wheeled contrivance has been left unattended on any public street, alley, or sidewalk continuously for a period of 48 hours, or when a bicycle is left in such a manner as to obstruct unreasonably the flow of vehicular or pedestrian traffic on any public street, alley, or sidewalk.
 - (3) When an operator of a bicycle or wheeled contrivance is detained because of a traffic violation and/or violation of this article and refuses to give his name and address.
- (b) No impounded bicycle or wheeled contrivance shall be discharged or removed from the bicycle or wheeled contrivance pound except upon payment by the owner or his authorized representative the impounding fee as indicated in the fee schedule adopted by a Resolution of the Village Council. These fees are subject to change from time to time by Village Council Resolution. Said fee shall be paid at the police station.
- (c) Any bicycle or wheeled contrivance impounded under the provisions of this article may, after 90 days from the date of impoundment, be sold by the police department at public sale and the monies deposited in the general fund of the village.

Sec. 28-97. - Violations and penalties for juveniles under the age of 18.

In all cases where juveniles under the age of 17 are charged with a traffic offense for a violation of this article, the officer may issue a violation ticket to the juvenile if it is the first violation for said juvenile under this article, which shall require that the juvenile obtain the signature of his parent or guardian on said violation ticket and return same to the police department within 48 hours after issuance. In the event of a second violation by any juvenile under this article, an officer shall issue a violation ticket, which shall require that the juvenile obtain the signature of his parent or guardian on said violation ticket and return the same to the police department within 48 hours after issuance. In the event of failure to return such violation ticket signed as hereinbefore required, the officer or any person having knowledge of the offense may proceed against the juvenile for such violation in the manner prescribed by law.

SECTION III
SEVERABILITY

The provisions of this Chapter are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Chapter, which shall continue in full force and effect.

SECTION IV
REPEAL

All other ordinances and parts of ordinances, or amendments thereto, of Lawrence Village in conflict with the provisions of this Chapter are hereby repealed. However, a prosecution that is pending on the effective date of this ordinance and that arose from a violation of an ordinance repealed or amended by this ordinance, or a prosecution that is started within 1 year after the effective date of this ordinance arising from a violation of an ordinance repealed or amended by this ordinance and that was committed before the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed or amended.

SECTION V
UNCHANGED

All other acts, sections, and provisions of the Village's codification and ordinances shall remain in full force and effect except as changed by this Chapter.

SECTION VI
RECODIFICATION

The Code of Ordinances is hereby amended to recodify the numbering of chapters, articles, acts, sections, and provisions to conform to a standard or model codification scheme established by Ordinance. The above repeal and replacement may be inserted into the respective chapter, article, section, and other designations not necessarily contained herein.

SECTION VII
EFFECTIVE DATE

This Ordinance shall take effect 7 days after publication.

Motion offered by _____ and supported by _____.

Roll Call Vote: Yes: _____

No: _____

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Lawrence Village Council at a regular meeting held on _____, 20____, at _____ p.m., pursuant to the required statutory notice and procedures. Publication occurred in the Courier Leader on _____. No copy is on file with the County Clerk as the Village maintains regular hours during each business day.

TERESA STROUD, Manager
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