

ORDINANCE NO. 11-13

**CITY OF SOUTH LYON
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON
CODE OF ORDINANCES, SECTION 90-1 "SNOW
EMERGENCIES," CHAPTER 90, TO AMEND, UPDATE,
CLARIFY AND PROVIDE NEW SUBSTANTIVE
REGULATIONS REGARDING PARKING ON CITY STREETS
DURING SNOW EMERGENCIES.**

THE CITY OF SOUTH LYON ORDAINS:

PART I. Amendment of Section 90-1.

Section 90-1, Article I, "In General," Chapter 90, "Traffic and Vehicles," of the City of South Lyon Code of Ordinances is amended to read as follows in its entirety:

Section 90-1. Snow Emergencies.

No person shall park or allow to remain parked any vehicle on any portion of any roadway within any area 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 Section. The registered owner of any such vehicle shall be responsible for the cost of removal and other applicable penalties.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

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

(ii) 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.

(iii) Superintendent means the City of South Lyon Superintendent of the Department of Public Works.

(b) Procedure for declaring snow emergency.

(i) Whenever the superintendent finds, on the basis of falling snow, sleet, or freezing rain or on the basis of a forecast by the United States Weather Bureau or other weather services that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on the city streets be prohibited or restricted for snow plowing and other purposes, the 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.

(ii) Notwithstanding the provisions of subsection (i) of this subsection (b), a parking prohibition on all city streets shall automatically go into effect on any street on which there has been an accumulation of snow or ice of four (4) inches or more for any one hour or more.

(c) Notice. The superintendent, 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 city and on the public access channel or any cable television franchise servicing the city and he may cause such declaration to be further announced in newspapers of general circulation and on the city website and through other methods where feasible.

(d) Record. The superintendent 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.

(e) Enforcement.

(i) 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 pound. The police chief is authorized to engage the services of any private towing operator to remove vehicles under the direction of a member of the police department where such vehicles are found in violation of snow emergency regulations, traffic ordinances and regulations of the city.

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

(iii) Whenever this section is alleged to have been violated, the police chief, or his designees 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 occurred. Such appearance ticket shall be in the form subscribed by state law.

(f) Termination. Once in effect, a prohibition or regulation under this section shall remain in effect until terminated by announcement of the superintendent 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 therefrom.

(g) Stalled vehicles. 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 vehicle in the roadway, regardless of whether he 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.

(h) Exemptions. Motor vehicles with handicapped permits and stickers shall be exempt from the provisions of this section.

(i) Relationship to other laws. Any provision of this section which becomes effective by declaration of the superintendent or 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 precedence 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.

(j) Penalty. A person who violates this section is responsible for a civil infraction.

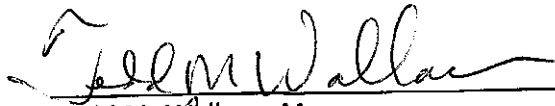
PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

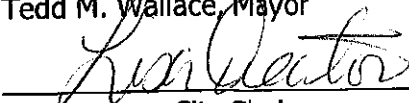
PART IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date; Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the South Lyon City Council this 28 day of October, 2013.



Tedd M. Wallace, Mayor



Lisa Deaton, City Clerk