

**CHAPTER 11
PARKING METER**

11.01 SHORT TITLE

This Ordinance shall be known as a Parking Meter Ordinance.

11.02 DEFINITIONS

VEHICLES:

Any device in, upon, or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

STREET:

Any public street, avenue, road, alley, highway, lane, path, or other public place located in the City of Lapeer and established for the use of vehicles.

OPERATOR:

Every individual who shall operate a vehicle as the owner thereof, or as the agent, employee, or permittee of the owner, or is in actual physical control of a vehicle.

PARK OR PARKING:

The standing of a vehicle, whether occupied or not, upon a street for any purpose other than:

While actually engaged in receiving or discharging passengers, loading or unloading merchandise, while in obedience to traffic regulations, signs or signals, or while involuntarily stopped by reason of causes beyond the control of the operator of the vehicle.

PARKING METER:

Any mechanical device or meter not inconsistent with this Ordinance placed or erected for the regulation of parking by authority of this Ordinance. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

PARKING METER ZONE:

Any restricted street upon which parking meters are installed and in operation.

PARKING METER SPACE:

Any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

11.03 INSTALLATION

Parking meters shall be installed in such numbers and at such places, as shall be determined by the City Commission to be necessary to the regulation, control, and inspection of the parking of vehicles therein. The City Commission may also designate or reserve areas as loading zones or make other exceptions for special events or occasions and the City Commission shall fix the time limitations for legal parking in such zones. The hours during the day when the parking meter or meters must be used in compliance with provisions of this ordinance shall be 8:00 a.m. to 5:30 p.m., except Saturdays, Sundays, and holidays recognized as legal holidays by the City of Lapeer. Parking meters shall indicate the time limitations by designating the same on the parking meter or meters or by appropriate signs posted in proximity to the meters.

11.04 PLACING OF METERS.

The parking meter installed in the parking meter zones shall be placed upon the curb immediately adjacent to the individual parking places hereinafter described. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use. Each parking meter installed shall indicate by a proper legend the legal parking time established by the City and when operated shall indicate on its dial and pointer the duration of the legal parking and on the expiration of such period, shall indicate illegal or overtime parking.

11.05 PARKING SPACES.

The City Manager shall have markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for the purpose of designating the parking space for which the meter is to be used, and each vehicle parking adjacent or next to a meter shall park within the lines or markings so established. No person shall park a vehicle in such position

that the same shall not be entirely within the area so designated by such lines or markings in accordance with Chapter 14.01, Section 8.22. All vehicles parked in a meter parking space, other than a space marked for parallel parking, shall be parked with front wheels to the curb.

11.06 OPERATION OF METER.

When any vehicle is parked in any parking meter space, the operator of the vehicle shall, upon entering the parking space, immediately deposit in the meter such coins of the United States as may be designated upon the parking meter and operate the meter in accordance with the instructions on said meter and Chapter 14.01, Section 8.21.

11.07 PARKING TIME LIMIT.

If any vehicle remains in any meter parking space beyond the parking limit as fixed by the coin or coins deposited in the meter and the parking meter shall by its dial and pointer indicate such illegal parking, such vehicle shall be considered parked overtime and beyond the period of legal parking time, and such parking shall constitute a violation of this Ordinance. Any vehicle remaining in a meter parking space beyond the parking limit and receiving a citation or ticket shall constitute a separate violation for every one (1) hour that it remains parked after the time indicated on the parking citation or ticket.

11.08 DEFACING METERS.

No person shall deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Ordinance.

11.09 SLUGS.

No person shall deposit or cause to be deposited in any parking meter, any slugs, device, or metallic substitute, or any other substitute for a one-cent (1¢), five-cent (5¢), ten-cent (10¢), or twenty-five cent (25¢) coin of the United States.

11.10 CITATION TAGS OR TICKETS.

(A) The City of Lapeer Automobile Parking System is hereby authorized and directed to supply enforcement officers with parking citation tags, civil infraction citation tickets, or both, for the purpose of giving notice to persons violating any provisions of this ordinance. Such notice may be given by delivering such tags or tickets to the violator or by affixing it to the vehicle by means of which the violation occurred. Such tag or

ticket shall state the registration of the vehicle and the time of the violation and shall direct the violator to present and settle for such tag or ticket at the Violations Bureau on or before the date and hour specified thereon. The violation may be settled at the Violations Bureau by paying a predetermined fine as listed in the City of Lapeer Fee Schedule. If the violation notice was given by parking citation tag, and is not settled within thirty (30) days after the time of the violation, a civil infraction citation shall be issued for the violator to appear at the Lapeer County District Court. If the violation notice was given by civil infraction ticket, a notice to appear at the Lapeer County District Court will be mailed to the alleged violator. Violations of this section shall be processed as civil infraction, and any person determined to be responsible therefore may be ordered by Judge, Referee, or Magistrate of competent jurisdiction to pay a civil fine of not more than One Hundred Fifty (\$150.00) Dollars and costs in accordance with section 907 of the Michigan Vehicle Code. (MCLA 257.907; MSA 9.2607). Failure to pay any fines and/or costs as ordered, when a finding of responsibility for six (6) or more violations has been entered, shall result in the impoundment of the vehicle by means of which the violation occurred.

History: (Effective Date 06-29-94; Intro 09-06-11, Adopt 09-19-11, Publication 09-22-11;-)

(B) PRIMA FACIE EVIDENCE; PARKING VIOLATORS

1. Any proceeding for a violation of this Ordinance relating to the standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violations occurred.
2. This Section is hereby repealed. The repeal of this Section does not have any effect on existing prosecutions and shall not operate as an abatement of any action or proceeding now pending under or by virtue of this Section.
3. **Unlawful standing or parking of lease vehicle; presumption**

In a proceeding fro a violation of Section 8.23(A) involving a leased motor vehicle, proof that the particular vehicle described

in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaining, or warrant was the lessee of the vehicle at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle, not the registered owner, was the person who parked or placed the vehicle at the point, and for the time during which, the violation occurred.

C. PROCEDURE FOR IMPOUNDING VEHICLES

Any police officer or any employee of the City of Lapeer Automobile System may impound any motor vehicle parked at a place where parking is prohibited by the Ordinance or which has been involved in six (6) or more violations of this Ordinance for which violation tags or civil infraction tickets have been issued and which have not been settled for as required herein. Any person desiring to redeem such impounded vehicle may do so by payment to the Violations Bureau of a predetermined fine as listed on the City of Lapeer Fee Schedule per outstanding violation, or such fine and costs as may have been assessed by a Court of competent jurisdiction, together with the payment of towing and/or storage costs.

History: (Effective Date 06-29-94; Intro 09-06-11, Adopt 09-19-11, Publication 09-22-11;-)

11.11 PENALTY

Any person who violates a provision of this Ordinance that is not designated as a civil infraction, and any person who aids or abets or assists therein, shall, upon conviction thereof, be subject to a fine of not more than one hundred dollars (\$100.00), or to imprisonment in the County Jail for a period of not more than ninety days, or by both such fine and imprisonment in the discretion of the Court.

11.12 COURTESY CARDS

The City commission may by resolution authorize the use of courtesy cards, which, when displayed in the front window of the vehicle, permits parking in parking metered zones without payment and without regard to the established legal parking time, such courtesy cards may be loaned to visitors to the City on official business or to persons under extenuating circumstances.

11.13 PERMIT PARKING AREAS

The City Commission may, by resolution, designate certain parking areas for special permit parking, which areas shall be identified by the proper placement of signs.

11.14 PERMITS AND FEES

The City Commission shall determine the specific requirements necessary to secure a permit and establish the permit fee.

History: (Effective Date 01-02-75; -)