

ORDINANCE NO. 5-100

AN ORDINANCE LIMITING THE TIME AND MANNER OF PARKING VEHICLES ON CERTAIN CITY STREETS AND PARKING LOTS WITHIN THE CITY OF ISHPEMING, MICHIGAN, AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE

THE CITY OF ISHPEMING ORDAINS:

Section 1: Definitions:

- a) The word "vehicle" as herein used is any self-propelled device by means of which persons or property may be transported upon a street.
- b) The word "parking" as herein used means allowing a vehicle to stand or remain in the parking areas on the designated streets or parking lots, attended or not, except when actually engaged in loading or unloading.
- c) The term "designated street" or "designated streets" shall mean Second Street, First Street, Main, and Pine Streets, between Hematite Drive and Division Street; Bank Street west of Second Street; Cleveland Avenue west of Third Street; Pearl Street west of Second Street; Division Street between Second Street and Lake Street; Front Street; First Street and Main Street between Division Street and the first alley south of Division Street; Canda Street between Maple Street and Main Street; Main Street between Canda and Canda; but excluding Hematite Drive. The perimeter of the designated streets is shown on the map attached hereto and made a part of this ordinance.
- d) The term "designated parking lot" shall mean each publicly owned parking lot which abuts a designated street, or which lies within the perimeter of the designated streets as shown on the map attached to this ordinance.
- e) In case of any conflict between the designated streets identified in Section 1c) and the map attached to this ordinance, the map shall control.

Section 2:

The City Manager shall cause white lines or white marks to be painted on the designated streets and designated parking lots, or on the curbs on the designated streets, to identify parking spaces where the parking of vehicles is permitted.

Section 3:

It shall be unlawful for any person to park a vehicle in a parking space on the designated streets:

- a) For a period of time longer than two (2) hours; or
- b) Across any such lines or marks so as to occupy more than one (1) parking space, unless such vehicle is too large to be confined to one parking space, in which case the oversize vehicle shall be parked so as to occupy the least number of parking spaces; or
- c) More than twelve (12) inches from the curb or edge of the roadway; or

- d) In violation of any other parking restriction imposed on the designated streets.

Section 4:

The provisions of Section 3a) of this ordinance prohibiting parking in a parking space for more than a two (2) hour period:

- a) Shall only apply Monday through Friday from 9:00 a.m. through 5:00 p.m.;
- b) Shall not apply on Saturdays, Sundays or on holidays. "Holidays" shall consist of New Year's Day, Washington's Birthday - Observed, Good Friday, Memorial Day - Observed, Independence Day, Labor Day - Observed, Veterans' Day, Thanksgiving Day, and Christmas Day; and
- c) Shall not apply to a vehicle parked in a space reserved for use by a handicapper so long as the vehicle properly displays a certificate of identification issued under Section 675(5) of the State Motor Vehicle Code, being Act No. 300, P.A. 1949, as amended.

Section 5:

- a) Except as allowed in Section 5(f) below, the parking lot adjacent to the Ishpeming City Hall shall not be available for use by the general public for parking purposes at any time, and shall only be used for parking by persons who are regularly employed in the Ishpeming City Hall building, City officials, and persons conducting business in City Hall. These restrictions, however, shall not apply on any holiday during which the Ishpeming City Hall is closed, and on such holidays, the general public may park in said parking lot during the hours 9:00 a.m. to 9:00 p.m.
- b) The City Manager shall issue or shall cause to be issued stickers, tabs, permits or other appropriate identification to those persons lawfully entitled to park in the parking lot identified in sub-paragraph a) above, and such identification shall be affixed to the vehicles of such authorized persons in such places and in such manner as the City Manager shall require. The City Manager, at his discretion, may revoke any parking sticker issued hereunder, when in his judgment the general health, safety, and welfare of the public or of persons parking in said parking lot will or may be adversely affected due to overcrowding, or due to any other condition which requires that fewer cars be parked in said parking lot.
- c) Any vehicle parked in the parking lot identified in sub-paragraph a) above which does not have appropriate identification affixed thereto as provided in sub-paragraph b) above shall be towed away by or at the direction of the Ishpeming Police Department, and the owner, operator, or person in charge of such towed vehicle shall be required to pay all costs associated with the towing and storage thereof. In addition thereto, the owner, operator or person in charge of such towed vehicle shall also be subject to the penalty imposed in Ordinance No. 5-200.
- d) The City Manager shall cause at least one (1) sign to be posted in the parking area identified in sub-paragraph a) above giving notice of the restrictions imposed under this Section 5.

- e) Special parking restrictions applicable to the Senior Citizens Center at the corner of Pine Street and Division Street:
- i) The first two (2) rows of parking on the north side of the south Senior Center parking lot are hereby reserved exclusively for persons using the Senior Citizens Center.
 - ii) No person may park a motor vehicle or motorcycle, or in any other manner occupy a parking space in the area identified in (i) above, unless that person has a permit authorizing the use of such parking space.
 - iii) The Greater Ishpeming Commission on Aging is hereby authorized to issue permits for parking in the area identified in (i) above.
 - iv) The City Manager shall cause at least one (1) sign to be erected in the parking area identified in (i) above, giving notice of the restrictions imposed under this Subsection 5(e).
- f) Overnight parking in all designated parking lots and in the south Senior Citizens Center parking lot is prohibited from 2:00 a.m. to 6:00 a.m. during the period November 1 to April 30, except as follows:
- i) A person displaying a parking permit on his or her vehicle may park such vehicle overnight in such parking lots.
 - ii) A parking permit allowing overnight parking in such parking lots shall be available for purchase at City Hall; the fee for such a permit shall be \$25.00 per month. The permit shall be displayed at such place on the vehicle as determined by the City Manager, who shall promulgate a uniform set of rules for permit application and placement.
 - iii) Any vehicle parking overnight in said parking lots without a permit, or with an expired permit, may be towed away by or at the direction of the Ishpeming Police Department, and the owner, operator or person in charge of such towed vehicle shall be required to pay all costs associated with the towing and storage thereof. In addition thereto, the owner, operator or person in charge of such vehicle shall also be subject to the penalty imposed in Ordinance No. 5-200.
- g. Overnight parking in all designated parking lots, except the parking lot adjacent to the Ishpeming City Hall and except the first two (2) rows of parking on the north side of the south Senior Center parking lot, shall be allowed, at no charge, for the period May 1 to October 31.

Section 6:

Except as may be provided by State and Federal laws, any exception to the provisions of this ordinance may be granted only by resolution of the City Council upon written request.

Section 7:

The City Clerk is hereby authorized to issue a permit for the use of contractors working on buildings and grounds in the area of the designated streets or designated parking lots, to permit parking in a space for a period longer than two (2) hours. Upon completion of the project, the contractor must return the permit to the City Clerk in good condition. The fee for a permit shall be at the following rates:

<u>Period</u>	<u>Rate</u>
One Week	\$ 5.00
One Month	\$20.00

Section 8:

It shall be the duty of the Police Department of the City of Ishpeming to report on blanks or parking tickets any violation of the provisions of this ordinance. The report or citation of such violation shall provide the following information:

- a) The State and license plate number, if any, of such vehicle.
- b) The date, time, and location during which said vehicle is or was parked in violation of any of the provisions of this ordinance.
- c) Any other facts, knowledge of which is necessary to a thorough understanding of the facts and circumstances attending any violation of the provisions of this ordinance.
- d) There shall be attached to such vehicle illegally parked a notice to the owner or operator thereof that such vehicle has been or is parked in violation of the provisions of this ordinance and instructing such owner or operator to report to the Parking Violations Bureau of the City of Ishpeming in regard to such violation. The owner, operator, or person in charge of such vehicle shall, within thirty (30) days of the time when such notice was attached to such vehicle, pay to the Clerk of the Parking Violations Bureau the sum of Ten (\$10.00) Dollars for each violation of Section 3a) or 3b) or \$50.00 for a violation of Section 5f) of this ordinance as a penalty for such violation. If not paid within the thirty (30) day period, the penalty for a violation of Section 3a) or 3b) shall be Fifteen (\$15.00) Dollars. The penalty for violation of Section 3c) of this ordinance shall be Twenty (\$20.00) Dollars if paid within thirty (30) days, and Twenty-five (\$25.00) Dollars if paid thereafter. If not paid within thirty (30) days, the penalty for a violation of Section 5f) of this Ordinance shall be Fifty-five (\$55.00) Dollars.

Section 9.

If a vehicle is not moved from the place where a violation of Section 3 has occurred within two (2) hours after a citation is issued, another citation may be issued or the vehicle may be towed away at the discretion of the Ishpeming Police Department.

Section 10:

Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 11:

If this ordinance is in conflict with any other City Ordinance regulating parking, the terms of this Ordinance shall control and shall supercede any other conflicting ordinance.

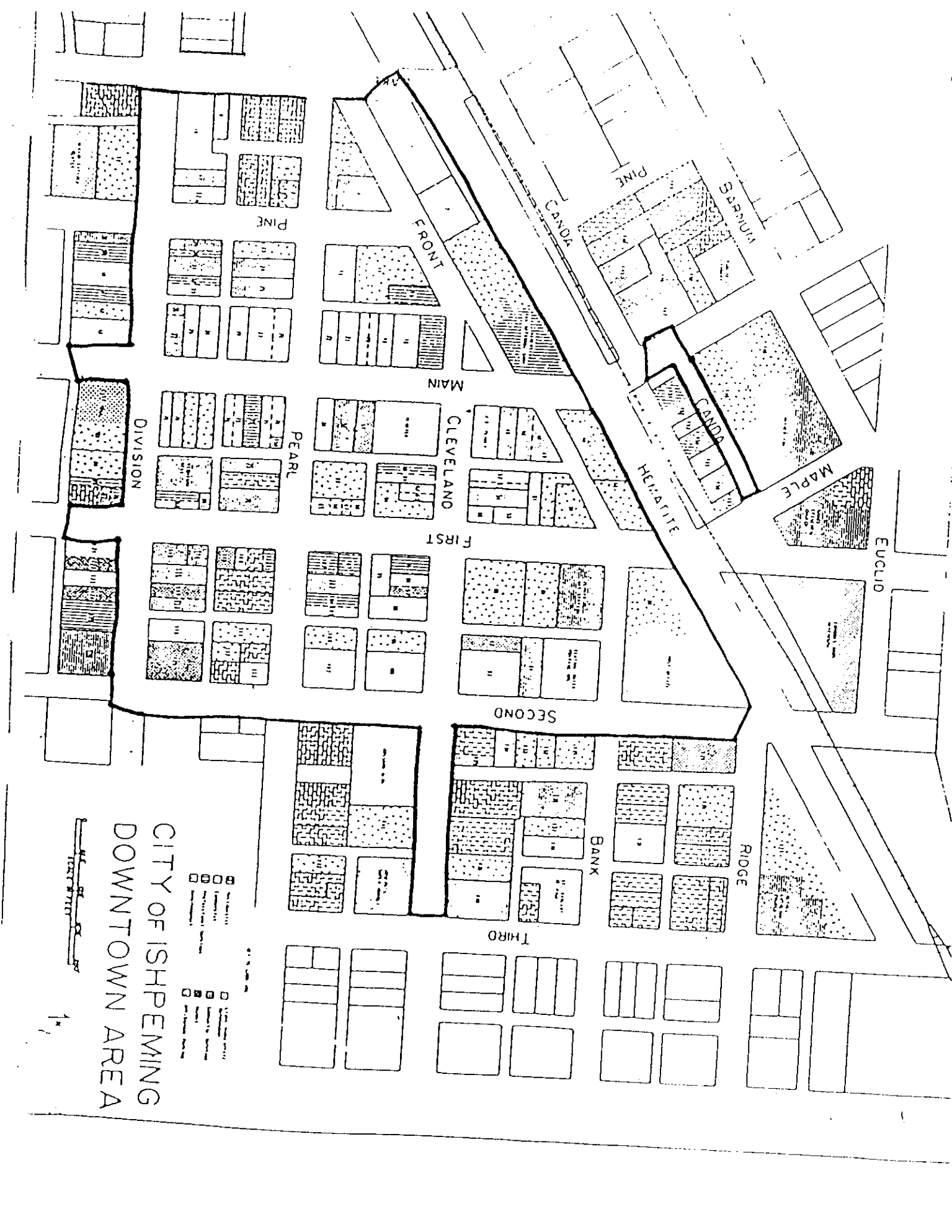
Section 12:

If any section, clause or provision or part of this ordinance shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, then any such adjudication shall not affect the validity of this ordinance as a whole, or any clause, section or provision of such ordinance not so adjudged invalid or unconstitutional by such court.













Section 13:

This ordinance shall take effect on November 21, 1988.

Adopted: August 6, 1952
Amended: January 3, 1973
Amended: May 3, 1978
Amended: June 20, 1979
Amended: March 25, 1981
Amended: June 17, 1981
Amended: May 5, 1982
Amended: April 20, 1983
Amended: June 27, 1984
Amended: November 9, 1988
Amended: February 21, 1990
Amended: September 29, 1993
Amended: June 8, 1994
Amended: November 8, 1995
Amended: December 9, 1998
Amended: January 3, 2001
Amended: May 9, 2001
Amended: November 5, 2003
Amended: June 4, 2008



CITY OF ISHPERING
DOWNTOWN AREA

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