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CITY OF NEGAUNEE TRAFFIC CODE ORDINANCE

CHAPTER SEVENTY

An Ordinance to repeal and restate Chapter 70 (Traffic Code), Chapter 71 (Snow and Ice Removal), Chapter 72 (Parking Rules), Chapter 73 (Off Road Recreational Vehicles), and Chapter 74 (Traffic and Parking Schedules) of the Negaunee City Ordinances.

The City of Negaunee Ordains:

SECTION 1

REPEALER

Chapter Seventy, Chapter Seventy-one, Chapter Seventy-two, Chapter Seventy-three, and Chapter Seventy-four of the Codified Ordinances of Negaunee, Michigan, and any other ordinance, resolution, order or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. This repeal shall be effective as of the effective date above.

SECTION 2

TITLE

These regulations shall be known as the Traffic Code of the City of Negaunee (the "City"), hereinafter referred to as the "Traffic Code."

SECTION 3

PURPOSE

The purpose of the Traffic Code is to provide for the safe travel of all forms of traffic upon City streets, alleyways and elsewhere within the City corporate limits; provide for managed vehicular parking upon public and private properties; provide for standards of parking and storage in order to maintain health, safety and welfare; to provide for restrictions of specific use; to increase the longevity of the public streets, alleys and parking lots, and to provide for penalties for violations thereof.

SECTION 4

ADOPTION OF MICHIGAN STATE STATUTES; CONFLICTS

Section 4.1. Michigan Vehicle Code. The Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 *et seq.*) and the penalties provided for therein, as amended, is hereby adopted by reference.

Section 4.2. Michigan Uniform Traffic Code. The Michigan Uniform Traffic Code, Public Act 62 of 1956 (MCL 257.951 *et seq.*), as amended, is hereby adopted by reference.

Section 4.3. Motor Carrier Safety Act. The Michigan Motor Carrier Safety Act, Public Act 181 of 1963 (MCL 480.11 *et seq.*), as amended, is hereby adopted by reference.

Section 4.4. Michigan Natural Resources and Environmental Protection Act. The Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as it pertains to snowmobiles (MCL 324.101 *et seq.*), as amended, is hereby adopted by reference.

Section 4.5. Michigan Insurance Code. The Michigan Insurance Code, Public Act 218 of 1956, as it pertains to required insurance, (MCL 500.3102 *et seq.*), as amended, is hereby adopted by reference.

Section 4.6. Penalties. The penalties provided by the pertinent sections of the above referenced statutes are hereby adopted by reference, however, the City may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Section 4.7. Conflicts. In case of a conflict among the above referenced statutes and the additional regulations set forth herein, which cannot be resolved by construing the provisions as complementary or supplementary to each other, then the Michigan statutory provision(s) shall supersede.

SECTION 5

SEVERABILITY

If a court of competent jurisdiction declares any provision of this Traffic Code, or any of the statutory provisions adopted by reference above to be unenforceable, in whole or in part, such declaration shall only affect the provision(s) held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the City, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the City to impose.

SECTION 6

APPLICABILITY

The provisions of the Traffic Code shall apply to any person or entity owning, occupying, managing, utilizing, and/or controlling any motor vehicle, motorcycle, camper, trailer, motorhome, or other vehicle or mode of transportation identified by this Traffic Code within the City limits of Negaunee.

SECTION 7

EXISTING REMEDIES

The provisions in the Traffic Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the Traffic Code.

SECTION 8

DEFINITIONS

All words and phrases used in the Traffic Code shall be given their ordinary and common meaning unless defined herein, and all words and phrases, defined or not, shall be interpreted to further the purpose of eliminating or preventing the conditions set forth in these chapters that follow. The following words and terms shall mean:

“AGRICULTURAL VEHICLE” means a motor vehicle or conveyance designed and intended for agricultural use, including, but not limited to, garden tractors, farm tractors and other implements, either self-propelled or customarily towed, which are used in farming operations, but shall not include lawn mowers, rototillers or similar small equipment customarily associated with home gardening activities.

“ATV” OR “ALL-TERRAIN VEHICLE” means a motorized off-highway vehicle designed to travel off-road, or such other definition as may be provided for herein (see *e.g.*, Motor/Electric vehicle) or by State Law.

“ALLEYWAY” means a narrow passageway between lots or behind buildings, that is part of the public right of way.

“BOAT/WATERCRAFT” means a vessel propelled on water by oars, sails, or an engine, include jet skis, or in part has any type of hull.

“BODY SHOP” means a licensed garage or other licensed facility offering commercial services for the repair and restoration of vehicles' bodies.

“BUS STOP” means a place where a bus regularly stops, for the loading and unloading of passengers.

“BUSINESS DISTRICT” means a designated part of a City where there are many businesses and pedestrian traffic.

“CAMPER, TRAILER, or MOTOR HOME” means a class or type of vehicle or trailer that people can live in or sleep in when they are traveling or camping.

“CODE OFFICIAL OR OTHER DESIGNEE OF THE CITY MANAGER” means the official who is charged with the administration and enforcement of the Traffic Code, or any duly authorized representative. The Code Official or other designee of the City Manager may be the Chief of Police and/or the Building Inspector, the Zoning Administrator, or any duly authorized representative of the City Manager or Chief of Police.

“ELECTRONIC PROPELLED DEVICE” means an electric vehicle or other device able to generate driving force with electric power from an in-vehicle power storage device and used for locomotion purposes.

“EMERGENCY” means a condition which is a violation of this Traffic Code and which constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.

“FIRST RESPONDER” means a person with specialized training and who is among those responsible for going immediately to the scene of an accident, incident or emergency to aid.

“FOOD TRUCK” means a self-contained, motorized vehicle used for the preparation, distribution or sale of food.

“HIGHWAY” means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for the purpose of vehicular travel. “Highway” includes City streets and alleys.

“INOPERABLE VEHICLE” means a vehicle to which any of the following conditions pertains;

(1) It is being dismantled for the sale, salvage, repair or reclamation of parts thereof;

(2) It does not have all its main component parts properly attached; or

(3) Any other or additional conditions exists which cause the vehicle, if eligible for operation upon the public streets, to be incapable of being operated in a lawful manner upon the public streets.

“MAIN COMPONENT PARTS” means all such parts or equipment as are necessary for a vehicle to be lawfully driven or drawn upon the public streets pursuant to the Michigan Vehicle Code, being Act 300 of the Public Acts of 1949, as amended, including fenders, hood, wheels, radiators, motor, windows, doors, muffler, body and essential engine parts.

“MOTOR/ELECTRIC VEHICLE” means every vehicle which is intended to move or transport persons or property, and which is self-propelled by means of an internal combustion engine or by electric engine, including, but not limited to, automobiles, trucks, vans, buses, truck-tractors, motorcycles, motorbikes, motor scooters, mopeds, bulldozers, side-by-sides, front-end loaders and other types of construction equipment, logging skidders and snowmobiles.

“MOBILE FOOD VENDING UNIT” means any motorized or non-motorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is prepared, vended, served or offered for sale.

“NUISANCE” means all property conditions that are prohibited by the Traffic Code.

“OPERATE” means to ride in or on, and to be in actual control of, the operation of a vehicle.

“OPERATOR” means a person who operates or is in actual physical control of the operation of a vehicle.

“OVERNIGHT PARKING” means any vehicle or trailer present and parked on a public right of way or public parking lot, after the hours preventing the parking thereof.

“OWNER” means any person, agent, operator, firm, corporation or entity having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“PARKING” means standing a vehicle, whether occupied or not, upon a highway, when not loading or unloading except when making necessary repairs.

“PARKING LOT” means an area where cars or other vehicles may be left temporarily.

“PERMITTED PARKING” means a parking permit validated and issued by the City allowing a resident to park in any designated parking space.

“PERSON” means an individual, firm, partnership, corporation or other entity of any kind.

“PUBLIC WAY” means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

“ROADWAY” means that portion of a highway improved, designated, or ordinarily used for vehicular travel, not including the shoulder. If a highway includes two or more separate roadways, the term roadway refers to a roadway separately, but not to all roadways collectively.

“SALVAGE, JUNK or SCRAP VEHICLE” means any vehicle, camper or ORV partially disassembled, missing doors, windows, wheels and/or tires and other parts.

“SHOULDER” means that portion of the highway contiguous to the roadway, generally extending the contour of the roadway, not specifically designed for vehicular travel, but maintained for the temporary accommodation of disabled or stopped vehicles which are otherwise permitted on the roadway.

“SIDE-BY-SIDE VEHICLE” means an off-road vehicle with seats positioned side-by-side and enclosed within a roll cage structure and have a minimum of four (4) wheels.

“SKATEBOARD” means a single platform mounted on wheels, which are propelled solely by human power, and which has no mechanism or other device with which to steer or to control the movement or direction of the platform.

“SNOWMOBILE” means a motor vehicle, especially one with runners in the front and caterpillar tracks in the rear, for traveling over snow.

“STORAGE” means a space available for storing something, whether in an interior structure or upon any surface area.

“TEMPORARY DWELLING” means a caravan, mobile home, vehicle, trailer, camper, motor home, or other structure or thing, wheeled or otherwise, which is capable of being moved from one place to another, and used for human habitation for time period not exceeding 110 days.

“THROUGH TRUCK TRAFFIC” means truck traffic that originates outside the City and which travels over City streets to a designation outside the City.

“TRAILER” means every vehicle which is not self-propelled and is designed and intended for carrying persons or property and for being drawn by a motor vehicle.

“TRUCK” means every truck, truck tractor, trailer, semitrailer, or any combination thereof, having a gross weight of ten (10) tons or more, including the truck and its load, as administered by the State of Michigan Registration Certificate.

“TRUCK ROUTE” means travel over certain streets, as designated herein, over and along with trucks coming into and going out of the City must operate.

“UNLICENSED VEHICLE” means any vehicle, camper, or ORV that does not maintain current license plate and tags as issued by the Michigan Secretary of State or other appropriate licensing agency or bureau.

“VEHICLE” means motor or electric vehicles, trailers and agricultural vehicle.

“WEIGHT LIMIT” means a limit on permitted weight.

SECTION 9

ADMINISTRATION AND ENFORCEMENT

Section 9.1. Violations. It shall be unlawful for a person, firm, corporation, or entity to be in conflict with or in violation of any of the provisions of this Traffic Code.

Section 9.2. Enforcement Process. The City may, but shall not be required to, bring a violation of the standards established in this Traffic Code to the attention of the property or vehicle owner or other responsible person by issuing a Notice of Violation, citation or by any other lawful means.

Section 9.3. Citations and Notice. The Negaunee City Police shall serve a written citation or notice of violation, which will include identification of the property or vehicle involved, a statement of the violation and why the notice is being issued. An order of correction may also be issued allowing time to make the repairs and improvements consistent with the Traffic Code, the right to appeal the violation, and a statement indicating that the City may abate violation, charge such costs to the property owner, and/or file a lien against the subject property and/or vehicle. A citation, notice, or order of correction shall be served by personal delivery to the owner or sent first-class mail to the last known address of the owner.

Section 9.4. Exceptions. The City may allow for Permitted Parking as needed, within the discretion of the City Manager’s office, with temporary permits available from the City Manager’s office. The Negaunee City Council shall set a fee applicable for Permitted Parking and publish the fee in the City of Negaunee Fee Schedule, as amended.

SECTION 10

CIVIL INFRACTION VIOLATIONS

It shall be unlawful for any owner or operator of any vehicle to violate the following, which shall be, and hereby are, designated as civil infractions.

(1) Failure to park with wheels parallel to the roadway and within twelve (12") inches of any existing right-hand curb.

(2) Failure to park with wheels adjacent to and within twelve (12") inches of the left-hand curb of a properly signed one-way street.

(3) Stopping, standing, or parking a vehicle other than at the angle to the curb or edge of the roadway indicated by signs or markings.

(4) Leaving a vehicle standing unattended without effectively setting the brakes thereon and stopping the motor of said vehicle and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway.

(5) Parking on street in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicular traffic.

(6) Parking on a sidewalk or crosswalk.

(7) Parking within two (2') feet of a public or private driveway.

(8) Parking within fifteen (15') feet of a fire hydrant.

(9) Parking within twenty (20') feet of a crosswalk, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of streets and highways.

(10) Parking within thirty (30') feet upon approach to any flashing beacon, stop signs, or traffic control signal located at the side of a street or highway.

(11) Parking within fifty (50') feet of the nearest rail of a railroad crossing.

(12) Parking within twenty (20') feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station; within 75 feet of said entrance when properly signposted.

(13) Parking upon any bridge or other elevated structure upon a street or highway, excepting parking on the Rail Street overpass over Silver Street, in designated parking spots only.

(14) Parking within two-hundred (200') feet of an accident at which first responders are in attendance.

(15) Parking in front of any theater.

(16) Parking in any place or in any manner so as to block exit or exits conspicuously marked as such, of buildings.

(17) Parking in any place or in any manner so as to block or hamper immediate use of and immediate egress from any fire escape conspicuously marked as such providing an emergency means of egress from any building.

(18) The stopping, standing or parking of a vehicle, except when necessary to avoid conflict with traffic or the direction of a police officer, in violation of any legally established parking restrictions or prohibitions duly posted by sign in accordance with the ordinances of the City.

(19) The stopping, standing or parking of a vehicle in an unloading, delivery or pick-up zone except for unloading or loading merchandise.

(20) The stopping, standing or parking of buses or taxicabs at any place other than a bus stop or taxicab stand except as may be permitted by law.

(21) The parking of a vehicle other than a bus in a bus stop or a taxicab in a taxicab stand when the stop or stand has been officially designated and appropriately signed.

(22) The parking of a vehicle upon or across a line or mark designating a parking space.

(23) Parking in a designated handicapped parking space without an approved handicapped certificate or handicapped registration plate appropriately displayed.

SECTION 11

PARKING RESTRICTION IN DESIGNATED BUSINESS DISTRICT AND PARKING VIOLATIONS BUREAU

Section 11.1. The Business District. For the purposes of the Traffic Code, the Business District shall include the following: All of Iron Street, and Rail Street, from Gold Street to Division Street; Division Street, From Rail Street to Jackson Street; Jackson Street, from Tobin Street to Teal Lake Avenue; and Tobin Street from Jackson Street to Iron Street (herein after, the "Business District") (See Business District map, attached hereto as Exhibit A).

Section 11.2. Time Limits in the Business District. Unless otherwise permitted by Section 9.4 or Section 20.1 herein, no person shall park any vehicle, trailer or other object in a non-metered parking space located on any street, alley or parking lot in the Business District, where parking is otherwise permitted by law, for a period in excess of two (2) consecutive hours between the hours of 9:00 a.m. and 5:00 p.m., provided, however, if use of the non-metered parking space is otherwise restricted to a shorter period of time, the shorter period of time shall control.

Section 11.3. Commercial Vehicles and Trailers. The provision of the Traffic Code shall not apply to commercial vehicles or trailers parked while the same are being used to make deliveries or while the same are being used, consistent with this Ordinance, in an activity necessary for the construction, general repair, or the other types of commercial activity occurring within the Business District of the City.

Section 11.4. Signage. Notwithstanding anything contained in the Traffic Code to the contrary, the provisions of the Traffic Code shall not be enforced as to any streets or alleys located within the Business District of the City if there is not first posted an appropriate sign or signs giving notice of a two-hour or other parking time limit.

Section 11.5. Campers and Trailers. Unless provided for herein, operating a Camper, Trailer or Motor Home for a commercial use in a B1 Zoning District is prohibited.

Section 11.6. Establishment; Purpose; Supervision; and Control. Pursuant MCL § 600.8395, as amended, a Parking Violations Bureau, for the purpose of handling alleged parking violations within the City of Negaunee, is hereby established. The Parking Violations Bureau shall be under the supervision and control of the City Manager.

Section 11.7. Duties of City Management. The City Manager shall, subject to the approval of Council, establish a convenient location for the Parking Violations Bureau, appoint qualified city employees to administer the Bureau, and adopt rules and regulations for the operation thereof.

Section 11.8. Disposition of Violations. Parking violations shall not be required to be disposed of at the Parking Violations Bureau. The person in charge of such Bureau may refuse to dispose of a 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.

Section 11.9. Specific Request of Violators Required for Disposition. No violation shall be disposed of 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 Bureau, and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the Bureau shall not prejudice him or her or in any way diminish the rights, privileges, and protection accorded to him or her by law.

Section 11.10. Traffic Tickets. The issuance of a traffic ticket or notice of violation by a police officer of the City shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the period of time within which the person to whom the same was issued must respond before the Parking Violations Bureau. It shall 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 ticket was issued, and the fact that a warrant for the arrest of the person to whom the ticket was issued will be sought if such a person fails to respond within the time prescribed.

Section 11.11. Parking Fines and Costs. The Parking Violations Bureau may accept a civil infraction admission in parking violation cases and collect and retain civil fines and costs as follows.

(1) Except as otherwise provided in this subchapter, the Bureau shall accept, as a penalty for and in full satisfaction of the violation, as detailed in the City's Fee Schedule, as adopted by the Negaunee City Council, and amended from time to time, provided that the payment is received within 72 hours of 5:00 p.m. of the date upon which notice is attached to the offending vehicle, trailer, or object, giving notice to the owner or operator thereof that such vehicle, trailer, or object has been parked in violation of the laws of the city and instructing such owner or operator to report to the Bureau in regard to such notice.

(2) If the owner or operator fails to pay the applicable penalty, as set forth in subsection (1) above, within the 72-hour period, such owner or operator may, within an additional 27 days, pay to the Bureau, as a penalty for and in full satisfaction of such violation, the sum detailed in the City's Fee Schedule, as adopted by the Negaunee City Council, and amended from time to time.

(3) If the owner or operator fails to pay the applicable penalty, as set forth in subsections (1) and (2) above, he or she shall be cited for the violation and shall, upon conviction, be subject to a civil fine of not more than the sum detailed in the City's Fee Schedule, as adopted by the Negaunee City Council, and amended from time to time, plus costs of prosecution, for each offense.

SECTION 12

WINTER PARKING BAN AND SNOW AND ICE REMOVAL

Section 12.1. Non-winter Parking. Parking between the edge of the roadway pavement and the sidewalk (where sidewalks exist) is prohibited during the months of May, June, July, August, September and October, and only permissible during the remainder of the year.

Section 12.2. Winter Parking Prohibited. No person shall park or leave unattended any motor vehicle or other vehicle on the streets, alleys, or sidewalks which are regularly plowed in the City or on City-owned or leased parking lots, between the hours of 2:00 a.m. and 6:00 a.m. during the months of January, February, March, April, November, and December of each year for a period of time any longer than 30 minutes, except physicians on emergency calls, unless specifically permitted by the City. Anyone parking in the City right-of-way at any other time does so solely at his or her own risk and the City shall not be responsible for any damage to any vehicle or any object so parked.

Section 12.3. Ticketing and Impounding. Any vehicle found parked or abandoned in violation of Section 12.2, shall be subject to a civil infraction citation and/or other sanctions as permitted by law, and the City may also take additional actions to remediate a winter parking ban violation, including, but not limited to, causing the offending vehicle to be towed and impounded at the vehicle owner's expense, and same shall constitute as a lien against the said vehicle until paid.

Section 12.4. Deposit in Right-of Way Restricted. No person shall take or remove, or cause to be taken or removed, any snow, ice, or other material from any property owned, occupied, or controlled by him or her and pile or dump the same within the lines of any street right-of-way of the city, except as otherwise provided in this Chapter.

Section 12.5. Lawful Deposits in Rights-of-Way. Any person may take and remove snow or ice from a driveway on property owned, occupied or controlled by him or her and pile the same in a public street, but only along, parallel with and as a part of the bank of snow formed by the city in its snow plowing operations. Such snow or ice shall be piled on the bank immediately in front of and adjacent to the property so owned or occupied and in no event shall the snow or ice so placed extend more than two (2') feet, six (6") inches farther into the roadway than the existing bank. Further, snow shall not be piled, blown, or otherwise placed upon any portion of the street or sidewalk within twenty-five (25') feet of the later curb of any intersecting road, street, or alley. Further, snow shall not be piled, blown, or otherwise placed upon any portion of the street or sidewalk right-of-way within twenty (20') feet of any driveway intended to be used by the general public for access to any commercial establishment. Further, and notwithstanding anything to the contrary contained in this chapter, the city shall have and retain the right to limit or prohibit the placement of snow or ice in any street right-of-

way if such limitation or prohibition is deemed reasonably necessary for the health, safety, and welfare of the general public.

Section 12.6. Minimum Street Width to be Maintained. No person shall take or remove, or cause to be taken or removed, any snow, ice, or other material from any public walk or from the banks of snow formed by the city in its snow plowing operations and pile, dump, or blow the same within the street right-of-way in such manner as to reduce the width between the banks of snow formed by the city in its snow plowing operations by more than two (2') feet, six (6") inches on either side.

Section 12.7. Removal of Unlawfully Deposited Snow, Ice and the Like. Snow, ice, or other material moved, piled, or dumped in violation of this chapter may be removed or caused to be removed by the city, and the expense of such removal may be charged to the person found to be in violation of this chapter. Said charges may be collected as "costs" in connection with a civil infraction action and/or by civil process.

SECTION 13

SNOWMOBILES

Section 13.1. Authorization. The City Manager or designee is hereby authorized to permit the use of snowmobiles on any street when, because of snow or other extreme weather conditions, conventional vehicles cannot be used for necessary transportation.

Section 13.2. Operation. A snowmobile may be operated on a street when necessary to cross a street or bridge or culvert. The snowmobile shall be brought to a complete stop before entering the street, and the operator shall yield the right of way to a vehicle approaching the street.

Section 13.3. Routes of Operation. Unless specifically designated otherwise as provided herein, all highways, City streets and alleys, or designated trailways within the City are hereby designated to be access routes upon which a snowmobile may be operated for the purpose of providing access to and from areas where snowmobile operation is permitted. Such access routes do not include or involve State or Federal highways.

Section. 13.4. Speed. A snowmobile may be operated at speeds that do not exceed 10-miles per hour within the City limits.

Section 13.5. Time of Operation. A snowmobile may be operated between the hours of 8:00 A.M. and 8:00 P.M. within the City limits, except for in the case of an emergency.

Section 13.6. Location of Operation. A snowmobile operator must travel on the extreme right-hand shoulder of the street if one is available, if no shoulder is

available, the operator must travel on the extreme right-hand side of street, except on the following streets and following places, upon which the use of snowmobiles are strictly prohibited.

Section 13.7. Prohibited Areas of Operation. No person shall operate a snowmobile in any of the following locations:

(1) On a frozen surface of any waters within 100 feet of a person, including a skater, who is not in or on a snowmobile, or within 100 feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile, or in an area that has been cleared of snow for pedestrian or festival purposes, unless the area is necessary for the access of public water;

(2) On or across a cemetery or burial grounds;

(3) On Iron Street from Pioneer Street to Tobin Street;

(4) On any public sidewalk;

(5) Any City owned park unless otherwise designated; and

(6) On any public parking lot unless otherwise posted.

Section 13.8. Revocation of Snowmobile Designation. The Negaunee City Council may, from time to time, by resolution, prohibit Snowmobiles use upon any roadway, street, or alley under its jurisdiction or any part or section thereof, with or without cause, when such action is deemed appropriate by the City Council, and same shall become effectively immediately upon the passage of said resolution.

SECTION 14

ALL-TERRAIN VEHICLES

Section 14.1. Route. Unless specifically designated otherwise herein, all highways, City streets and alleys within the City are hereby designated to be access routes upon which ATVs and Side-By-Side Vehicles may be operated for the purpose of providing access to and from areas where ATV and Side-By-Side Vehicle operation is permitted. Such access routes do not include or involve state or federal highways.

Section 14.2. Map. The City shall maintain a map of all highways and streets under its jurisdiction, upon which shall be indicated all such highways and streets and parts or sections thereof upon which the operation of ATVs and Side-By-Side Vehicles are prohibited. Copies of such map shall be maintained and made available to the public upon payment of the cost of reproduction thereof.

Section 14.3. Prohibited Areas of Operation. No ATV and/or Side-By-Side Vehicle shall be operated on any highway, street, alley, or any part or section thereof, under the jurisdiction of the City where the operation of ATVs and Side-By-Side Vehicle on such highway or street, or part or section thereof, has been specifically prohibited by resolution of the City Council. Prohibited areas include:

- (1) On the part of a highway normally occupied by ditches, front slopes, back slopes, or utilities, such areas being more specifically defined as those parts of the highway between the outside shoulder point and the right of way boundary line;
- (2) Within a City owned park, any natural area, or cemetery properties within the City;
- (3) Upon, along, or within federal or state highways;
- (4) On those shoulders specifically designated as non-motorized facilities;
- (5) Upon any City sidewalk;
- (6) In violation of any of the provisions of MCL 324.81101 *et seq.* and the various subsections thereof, as amended, as well as all other statutes, rules, regulations, and ordinances applicable to such ATV and Side-By-Side Vehicle operations; or
- (7) On Iron St. from Pioneer St. to Tobin St.

Section 14.4. Areas of Operation. An ATV and Side-By-Side Vehicle operated on a highway, street or alley pursuant to this ordinance shall always be operated:

- (1) For the purpose of gaining access to or from areas where ATV and Side-By-Side Vehicles operation are permitted, using the most direct route;
- (2) On the outermost five (5) feet of the shoulder, or, in situations where no delineated shoulder exists, then on the outermost right side of the roadway, but not on grassy areas or areas not normally used for vehicular travel;
- (3) In single file, with the flow of traffic;
- (4) At a speed not to exceed ten (10) miles per hour, unless otherwise posted on a designated ATV and Side-By-Side Vehicle trail; and
- (5) Only between the hours of 8:00 AM to 8:00 PM.

Section 14.5. Exceptions. An ATV and Side-By-Side Vehicle may be operated on a street or alley under the jurisdiction of the City, whether or not such operation has been prohibited, only:

(1) In a life-threatening emergency; or

(2) By crossing such street at right angles, for the purpose of getting from one area to another if the operation can be done in safety. The Operator shall bring the ATV and Side-By-Side Vehicle to a complete stop prior to crossing the street and shall yield the right of way to oncoming traffic.

Section 14.6. Revocation of ATV and Side-By-Side Vehicle Designation. The Negaunee City Council may, from time to time, by resolution, prohibit, to the extent permitted, ATV and Side-By-Side Vehicle use upon any roadway, street, or alley under its jurisdiction or any part or section thereof, with or without cause, when such action is deemed appropriate by the City Council, and same shall become effective immediately upon the passage of said resolution.

SECTION 15

BUS STOPS

The City Manager or designee may cause for a public bus stop(s) to be created within the City, to provide for safe pick-up and drop-off site within the City and to promote public transportation. When such designation is applied, such space shall be clearly marked upon the pavement, curb, and be signed for such, indicating what restrictions may apply for this designation.

SECTION 16

CAMPER/TRAILERS/MOTOR HOME ON-STREET PARKING PROHIBITED

Section 16.1. Prohibition. To preserve the lives and properties of individuals from the risks associated with fires, preserve the line of sight associated with police duties and pedestrian foot and bike traffic, and to enable the duties of utility agencies or other officers, or personnel in discharge of official duties of the City, all Campers, Trailers, Motor Homes and Boat trailers shall be prohibited from parking upon any City street unless otherwise permitted by this Traffic Code.

Section 16.2. Exceptions. No person shall, within the limits of the City, park any camper, trailer or motor home on any street, alley or highway, or other public way or public place, except as provided:

(1) Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than seven (7) days, subject to any other prohibition, regulation or limitation imposed by this Traffic Code for that street, alley or highway. Any emergency or temporary stopping or parking of a Camper, Trailer or Motor Home requires immediate notice to the Negaunee City Police Department.

(2) Boats that are less than sixteen (16') feet in length, beginning from the tongue of the boat trailer to the furthest point from either the tailgate of the trailer or motor propeller, and/or being less than four (4') feet in height from the lowest point of the tread of the trailer tires of the trailer to the top boat hull, are permitted.

SECTION 17

PARKING, STORAGE AND USE OF TRAILERS, CAMPERS, MOTOR HOMES AND OTHER VEHICLES OFF-STREET

Section 17.1. Parking and Storage of Trailers, Campers, and Motor Homes. No person shall park or store, or permit to be parked or stored, upon any public or private premises in the City that are owned, leased, rented, occupied or possessed by such person, any Trailer, Camper, or Motor Home, or any agricultural vehicle, unless one or more of the following conditions exist:

- (1) Such parking or storage is located within a fully enclosed building; or
- (2) With respect to such parking or storage, all of the following are true:
 - (a) Such parking or storage does not occur in the front yard area of any premises; and
 - (b) Such parking or storage as might occur in the side yard or rear yard of any premises shall maintain a five (5') foot perimeter on all sides of the Trailer for storage purposes, and said must be wholly parked on a single parcel owned by the owner of the Trailer; and
 - (c) Subject to the requirements of 2(b) above, the parking or storage of Campers, Trailers and Motor Homes is permitted in industrial and commercial districts, unless otherwise prohibited by any other ordinance in effect within the City; the commercial use, parking or storage of a Camper, Trailer or Motor Home in a Business 1 (B1) Zoning Districts is prohibited.

Section 17.2. Use of Trailers, Campers and Motor Homes as a Dwelling. A Trailer, Camper or Motor Home may be used as a Temporary Dwelling between Memorial Day and Labor Day only each year, and only as follows, unless permitted by the Negaunee City Manager pursuant to Section 9.4:

- (1) In zoning districts classified as Business 2 (B2) and Industrial (IND):
 - (a) As temporary dwelling during the construction and installation of a dwelling;
 - (b) As temporary dwelling for commercial sales; or
 - (c) As temporary dwelling for security purposes.

(2) In zoning districts classified as Residential 1 (R1), Residential 2 (R2), Rural Residential (RR) by the owner or immediate family member of the owner of the Trailer, Camper or Motor Home only.

(3) No Trailer, Camper or Motor Home may be used as a temporary dwelling within a zoning district classified as Mining (MIN), or Business 1 (B1), or on Negaunee City Property not designed for such activities, unless authorized by special land use permit or as a temporary campground.

(4) The location of all Trailers, Campers and Motor Homes used as temporary dwellings shall maintain at least five (5') feet on all sides from any other structure or lot line, and are limited to one (1) Trailer, Camper or Motor Home per lot at any one time.

(5) All Trailers, Campers and Motor Homes used as temporary dwellings must have an operational and fully charged fire extinguisher and a working smoke alarm and are subject to an inspection by the City Manager or designee, or the Negaunee City Police Department to ensure compliance. Refusal to permit a requested inspection shall result prohibition of the use of the Trailer, Camper or Motor Home as a temporary dwelling, a citation, fines, and/or the impounding of the Trailer, Camper or Motor Home at the owner's expense.

Section 17.3. Parking and Storage of Other Vehicles. No person shall park or store, or permit to be parked or stored, upon any public or private premises in the City that are owned, leased, rented, occupied or possessed by such person, any Agricultural Vehicle, Boat/Watercraft, Electronic Propelled Vehicle, Inoperable Vehicle, Unlicensed Vehicle, or Salvage, Junk or Scrap Vehicle, unless one or more of the following conditions exist:

(1) Such parking or storage is located within a fully enclosed building; or

(2) Such vehicle is, where subject to a license requirement, currently and validly licensed for operation upon the public streets, is not inoperable and has all of its main component parts properly attached; or

(3) Such vehicle or parts are located in a duly licensed and properly zoned junk yard, salvage yard or new or used car dealer's lot or storage yard, where such uses or operations are legally authorized under the Zoning Code and are conducted in conformance therewith; or

(4) Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop or body shop legally authorized under the Zoning Code and registered with the State, and is locked, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not a public nuisance; or

(5) Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to

a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle, provided, however, that the premises shall not contain any such vehicle for longer than thirty days, in any one calendar year, calculated on a cumulative basis for the same or different vehicles, and notwithstanding the fact that no one such vehicle remains upon the premises for more than the aforesaid thirty-day period; or

(6) Such vehicle is a modified vehicle in a fully operational condition, such as a vehicle that is stock-modified, redesigned or reconstructed for a purpose other than that for which it was manufactured, provided that any such vehicle shall comply with both of the following restrictions:

(a) No such vehicle shall be parked or stored in the front yard area of any premises; and

(b) Any such vehicle parked or stored in a side yard or rear yard area shall maintain at least five (5') feet on all sides from any other structure or lot line; or

(7) Such vehicle is what is commonly referred to as a "classic car" or an "antique car" or a similar type of vehicle which is in the process of engine, mechanical or body restoration, provided that any such vehicle shall comply with both of the following restrictions:

(a) No such vehicle shall be parked or stored in the front yard area of any premises; and

(b) Any such vehicle parked or stored in the side yard or rear yard area shall maintain a five (5') foot setback from all lot lines and structures; or

(c) Such vehicle:

(i) Is in operating condition; and

(ii) Has all its main component parts properly attached; and

(iii) Is for sale by the owner or occupant of the premises; and

(iv) Is posted with a "For Sale" sign. This provision shall be limited to authorizing the outdoor storage of one such vehicle per lot or parcel at any one time and shall authorize the storage of such vehicle for not more than thirty (30) days; or

(8) Such vehicle is an agricultural vehicle which is operable, and which is used or useable for agricultural purposes on the premises where located.

SECTION 18

TRUCK ROUTES AND WEIGHT LIMITS

Section 18.1. Purpose. The intent and purpose of this section is to protect the surfacing and paving of public streets and other publicly owned infrastructure, to protect residential property located near such streets, to protect the public safety and to protect the City residents from excess noise and dust.

Section 18.2. Travel on Designated Route. Through truck traffic is prohibited, except trucks weighing more than ten (10) tons gross weight are permitted to travel the following designated truck route:

Teal Lake Avenue, between U.S. Route 41 and Main Street; Main Street, between Teal Lake Avenue and Jackson Street; Jackson street, between Main Street and Silver Street; Silver Street, between Jackson Street and County Road; County road between Silver Street and Ishpeming City Limits.

Section 18.3. Exceptions. This section and the designated truck route contained herein shall not be interpreted to prohibit:

- (1) The operation of emergency vehicles on City streets;
- (2) The operation of trucks owned or operated by the City while engaged in repair, maintenance or construction of street, street improvements, or public utilities.
- (3) The operation of trucks on any official detour in any case where such trucks could lawfully be operated upon the street for which the detour is established;
- (4) The operation of trucks while engaged in one or more local pick-ups or deliveries along any City street, provided that such trucks shall use only those streets as may be reasonably necessary to reach the pick-up or delivery location, and that following the final pick-up or delivery, such trucks will return by the shortest route to the nearest street upon which they are normally permitted to operate, and
- (5) The operation of truck on U.S Route 41 or M-28 in the City.

Section 18.4. Signed Truck Route. The City shall cause signs to be posted at all entrances of the City, giving notice of the restrictions on truck traffic. The City shall also post signs on all appropriate streets designating them as a truck route.

Section 18.5. Temporary Permit(s). Temporary permits authorizing the temporary use of roadways outside the designated route may only be issued for emergency purposes or construction agreements between Federal, State, and local agencies for construction purposes only. All permits shall be issued by the City Manager's office, and temporary permits must identify an effective start and end date

and may be no longer than one (1) year. One (1) six (6) month extension may be granted for a temporary permit.

SECTION 19

BICYCLES, ROLLER SKATES, COASTERS, ELECTRONIC PROPELLED DEVICES AND OTHER SIMILAR DEVICES.

Section 19.1. Operation. Bicycles, skateboards, roller skates, coasters, electronic propelled devices, and similar devices, may be operated upon all City sidewalks unless otherwise prohibited. No more than one (1) person shall operate or ride on a skateboard at one time.

Section 19.2. Prohibited Areas of Operation. Bicycles, skateboards, roller skates, coasters, electronic propelled devices, and similar devices are prohibited to operate on City sidewalks in the area designated a business district unless otherwise permitted. Skateboarding and in-line skating shall be prohibited on any surface that deviates from the adjacent sidewalk elevation or roadway elevation, including, but not limited to, ramps, steps, retention walls, handrails, planters, curb or gutter edges, barriers and barricades, benches and picnic tables, monument or sculpture surfaces located on all property owned or operated by the City, except within designated skate parks.

Section 19.3. Sidewalks/Right-of-Way. Notwithstanding their status as pedestrians, skateboard operators and in-line skaters on sidewalks shall yield the right-of-way to all other pedestrian (non-skateboarder or in-line skater) traffic upon the sidewalk.

SECTION 20

FOOD TRUCKS AND MOBILE FOOD VENDING UNITS

Section 20.1. Permit Required. No vendor or operator of a food truck or mobile food vending unit shall engage in mobile food vending on public property without a permit issued by the City of Negaunee authorizing such vending. The Negaunee City Council shall prescribe the form of such permits, the application for such permits, and set the fee for same as prescribed in the current City of Negaunee Fee Schedule. No permit shall be issued if the vendor or operator is in arrears to the City of Negaunee or in violation of any local, State or Federal statute, code or regulation.

Section 20.2. Displaying Permit. All permits shall be prominently displayed on the mobile food vending unit.

Section 20.3. Duration of Permit. Any Food Truck or Mobile Food Vending Unit permit is valid for one calendar year from the date of issuance.

Section 20.4. Requirements. Any vendor engaging in mobile food vending shall comply with the following requirements:

(1) Vendor shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris, and other wastes attributable to the vendor and/or customers on a daily basis.

(2) Vendors shall comply with all applicable City laws, regulations, and ordinances, including, but not limited to those regulating noise, signage, nuisance and loitering.

SECTION 21

VIOLATIONS AND PENALTIES

Section 21.1. Violations Separate. Unless otherwise provided herein, each violation of any provision of this Chapter may be charged as separate violation. Each violation shall be denominated as a separate count on the complaint or citation. Upon conviction in a court of law, the defendant shall be sentenced separately on each count.

Section 21.2. Penalties and Sentencing.

(1) A person who fails to answer a citation, or a notice to appear in court for a violation of this Chapter, or for any matter pending, or who fails to comply with an order or judgment issued for violation of a traffic offense designated as a civil infraction, is guilty of a misdemeanor.

(2) Except as otherwise specifically provided for herein, any violation of this Chapter shall constitute a civil infraction which shall be processed pursuant to the terms of the Michigan Vehicle Code, as amended, and any person found to have committed, a civil infraction may be ordered to pay a civil fine of not more than \$500, as detailed in the Fee Schedule adopted by the City Council, and amended from time-to-time, plus the costs of prosecution for each offense as detailed in Section 21.3. A Court of competent jurisdiction shall, when justice so requires and as applicable, order a defendant to bring property subject to this Chapter into compliance with the terms herein and to prevent further violations, or permit the City of Negaunee to remediate the non-compliant condition and assess the costs of same to offending party(s).

Section 21.3. City Costs. Upon a conviction for any violation(s) of any provision(s) of this Traffic Code, the Court shall order the defendant to reimburse the City for all of the costs of enforcement of this Traffic Code attributable to the violations for which the defendant was convicted, including but not limited to, the costs of investigation, prosecution and administration. If such condition is not imposed, the City may file a civil action against the defendant and may, upon proof of the defendant's conviction, recover all the costs referred to above.

This Ordinance shall be published and required by law, and shall be effective on the 19th day of November, 2023.

Dave Kangas, Mayor

Judith Iwanski, City Clerk