

Part 38

OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY

Ord. No. 26

Adopted: October, 1979

38.000

An ordinance to prohibit the obstruction of public rights-of-way and to provide penalties for violation.

THE TOWNSHIP OF LYON, ROSCOMMON COUNTY ORDAINS:

38.001 Legislative findings.

Sec. 1. It is hereby determined that obstructions of public rights-of-way have been created from time to time within Lyon Township and that such obstructions have presented a hazard to the public health, safety and welfare for the reason that such obstructions hinder the movement of emergency service vehicles, snow removal and road repair equipment, garbage collection vehicles, etc., and also hinder the free movement of Township residents and guests upon public rights-of-way, and that the regulations contained in this ordinance are the minimum regulations required to eliminate the foregoing undesirable condition and protect the public health, safety and welfare.

38.002 Definitions.

Sec. 2. As used in this ordinance, the following definitions will apply:

Obstacle-Any item of personal property, regardless of size or shape, which if allowed to rest, totally or partially, on a right-of-way or traveled portion of roadway, would hinder movement of vehicles or persons traveling upon such right-of-way or roadway.

Parking-To stand a vehicle, whether occupied or unoccupied for a period of time greater than reasonably necessary for the actual loading or unloading of persons or property.

Right-of-way-The entire width of any easement dedicated to public use for travel.

Traveled portion of roadway-That portion of any public right-of-way which shows evidence of public use, either from public maintenance and repair or frequent travel by vehicles or pedestrians.

38.003 Unlawful acts.

Sec. 3. At any time it shall be unlawful to permit any vehicle to park, or any obstacle to stand, in any of the following places, except when necessary to avoid conflict

with other traffic or in compliance with the direction of a policeman or traffic control device.

- A. In any place prohibited by the Michigan Uniform Traffic Code.
- B. At any place where the parking of such vehicle or the standing of such obstacle will reduce the usable width of the traveled portion of roadway.
- C. At any place where the parking of such vehicle or the standing of such obstacle would block the use of a driveway.
- D. Upon any right-of-way which terminates either at the shore of Higgins Lake or at the bank of any navigable waterway, when such would interfere with the public use of said right-of-way as an access to the lake or waterway.
- E. At any other place on any roadway or right-of-way which is posted with signs prohibiting.

38.004 Penalty.

Sec. 4.

- A. (*General Penalty*). Any person, firm or corporation violating any provision of this chapter shall be fined not less than five dollars nor more than one hundred dollars for each offense, plus costs.
- B. (*Tickets*). For each offense, police officers, after making note of the license number of the vehicle (and name of the offender where possible) may issue a traffic violation ticket notifying the offender to appear in court at the time designated for hearing such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.
- C. (*Arrests*). Any person arrested for a violation of any provision of this ordinance shall be released upon proper bail being furnished as required by statute. The police officer in command at the station may, in the absence of a police magistrate or judge, prescribe the amount of bail or bond in each instance. Provided that any arrested person may at his own request, have the amount of such bond set by a magistrate or judge as provided by statute.
- D. (*Prima facie proof*). The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

- E. (*Towing away*). The police department, and authorized members thereof, are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any vehicle illegally parked or any obstacle left standing, in any place where such is prohibited by this ordinance. Vehicles and obstacles so towed away shall be stored in a safe place and shall be restored to the owner or operator of such vehicle or obstacle upon payment of the actual cost of such towing away.

79.006 Effective date.

Sec. 5. This ordinance shall become effective thirty days after final publication.