

The City of Ypsilanti
Notice of Adopted Ordinance
Ordinance No. 1256

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 102 "TRAFFIC AND VEHICLES," ARTICLE III "STOPPING, STANDING AND PARKING, "DIVISION 2, BY AMENDING DIVISION 2 TO BE TITLED "PARKING VIOLATIONS BUREAU AND ENFORCEMENT," AND TO AMEND DIVISION 2 TO CREATE A PARKING VIOLATIONS BUREAU, TO SET FORTH RULES AND PROCEDURES FOR THE PARKING VIOLATIONS BUREAU, AND TO HAVE FINES AND FEES SET BY RESOLUTION OF CITY COUNCIL.

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," Article III "Stopping, Standing and Parking," Division 2 is hereby amended to be titled as follows:

DIVISION 2. - PARKING VIOLATIONS BUREAU AND ENFORCEMENT

That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," Article III "Stopping, Standing and Parking," Division 2, Section 102-81 is hereby amended as follows:

Sec. 102-81.-Parking Violations Bureau..

(a) Pursuant to the Revised Judicature Act, Public Act 154 of 1968, as amended (MCL 600.8395), a Parking Violations Bureau, for the purpose of handling alleged parking violations within the City of Ypsilanti, is hereby established. The Parking Violations Bureau will be under the supervision and control of the City Manager or the City Manager's designee.

(b) The City Manager or the City Manager's designee will, subject to the approval of the City 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.

(c) Violations of parking restrictions constitute civil infractions which will be governed in accordance with the Motor Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.1 et seq.), as amended. A police officer or any other authorized person may issue "citations" or "parking violation notices" for violations of the City's ordinances involving the parking or standing of a motor vehicle, including those provisions set forth in the City Code and those adopted by reference in the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended, and the Uniform Traffic Code, as amended. A copy of the citation or

parking violation notice is not required to be served personally upon the respondent but may be served upon the registered owner by attaching the copy to the vehicle.

(d) If a parking violation notice is served on the respondent or attached to the vehicle, payment of the civil fine and costs may be to the Parking Violations Bureau. If an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the for the violation are not paid at the Parking Violations Bureau, a citation may be filed with the District Court and a copy of the citation may be served by first-class mail upon the registered owner of the vehicle at the owner's last known address. The citation filed with the Court need not comply in all particulars with MCL 257.727c and MCL 257.743, but must consist of a sworn complaint containing the allegations stated in the parking violation notice and must fairly inform the respondent how to respond to the citation including the length of time in which the person to whom the same was issued must respond before the Court. Parking violation notices must 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 advise that a citation may be filed with the District Court if the person issued the parking violation notice fails to respond within the time limit.

(e) No violation may be settled at the Parking Violations Bureau except at the specific request of the alleged violator. No penalty for any violation will be accepted from any person who denies having committed the offense and in no case will 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 the alleged violation. However, the payment of the prescribed fines and costs without any denial or explanation will be deemed to be an admission of responsibility. No person is required to dispose of a parking violation at the Parking Violations Bureau, and all persons are entitled to have any violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau will not prejudice him or her nor in any way diminish the rights, privileges and protection accorded to him or her by law.

(f) Contesting a parking violation notice. A person who receives a parking violation notice and denies responsibility or desires to plea responsible with an explanation must sign a statement that he or she wishes to contest the ticket, and include in the statement a copy of the parking violation notice, vehicle information including plate number, and owner information including current address to the Parking Violations Bureau. The Parking Violation Bureau will forward that request along with all other necessary paperwork to the District Court . The District Court will handle all contested cases.

(g) Request for relief from a parking violation notice. The City Manager or his or her designee is authorized to set up rules and procedures to grant relief from a parking violation notice where relief appears appropriate where the decision to grant relief does not include a determination of liability and the truth or falsity of any fact or matter relating to the alleged violation.

Sec. 102-81. -- Parking violations.

~~(a) — Violations of parking restrictions constitute civil infractions which shall be governed in accordance with the Motor Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.1 et seq.), as amended. Any person who receives a parking violation notice may accept responsibility by paying the specified fine at the traffic violations bureau, either in person, by mail or by depositing the fine in fine collection boxes. Acceptance of the fine so paid shall be deemed complete satisfaction of the violation. If the defendant fails to admit responsibility within five days of the parking violations notice, a fee as set by resolution of the city council shall be assessed, in addition to the fee specified in the schedule. If it is necessary to issue a citation to the defendant, an additional violation notice fee as set by resolution of the city council shall be assessed.~~

~~(b) — A person receiving a parking violation notice may deny responsibility or admit responsibility with explanation by appearing at the district court.~~

That Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled “Traffic and Vehicles,” Article III "Stopping, Standing and Parking," Division 2, Section 102-82 "Schedule of violation fees" is hereby amended as follows:

Sec. 102-82. - Schedule of violation fines and fees.

The schedule of violation fines and fees ~~if responsibility is admitted and the fee is paid within five days of the issuance of the~~ for parking violation notices and citations is as set by resolution of the city council.

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment will be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment has been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Copies to be available.

Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 15th
DAY OF September, 2015.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1256 was published according to Section 11.13 of the City Charter on the 16th day of September, 2015.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 15th day of September, 2015.

Frances McMullan, City Clerk

Notice Published: August 12, 2015

First Reading: September 1, 2015

Second Reading: September 15, 2015

Published: September 16, 2015

Effective Date: October 15, 2015