

20.100

PARKING REGULATIONS
VILLAGE OF SHEPHERD, MICHIGAN
ord. no. 5124.4 eff. June 23, 1974
Amended March 21, 2011

An ordinance prohibiting the parking of vehicles on any street or highway in the Village of Shepherd; providing for penalties for violation thereof, providing for authority in the Chief of Police to tow and store any vehicle in violation hereof; and creating a presumption that the owner is the violator.

THE VILLAGE OF SHEPHERD ORDAINS:

20.101

Sec. 1. DEFINITIONS.

A. "Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

B. "Owner" means any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than 30 days, or any person who holds the legal title of a vehicle.

C. "Vehicle" means every device in, upon, by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
(ord. no. 5124.4 eff. June 23, 1974)

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Sec. 2. PARKING PROHIBITED.

It is unlawful for any person to park any vehicle on any street or highway in the Village of Shepherd between the hours of 2:30 a.m. and 6:00 a.m., except for the *annual Maple Syrup Festival weekend. However there will be restriction on Wright Avenue between First Street and Chippewa Street. These restrictions are as follows; Saturday all vehicles will need to be removed from this area by 6am. On Sunday all vehicles will need to be removed by 8am from this area. Any vehicles not in compliance will be subject to removal at the owner's expense.*
(ord. no. 5124.4 eff. June 23, 1974)

No person shall park a vehicle in the area between Chippewa Street and Fourth Street on Maple Street during regular school hours

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Sec. 3. PRESUMPTION.

In any prosecution charging a violation of this ordinance, proof that the particular vehicle described in the complaint was parked in violation of this ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the owner of such vehicle, shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
(ord. no. 5124.4 eff. June 23, 1974)

20.104

Sec. 4. REMOVAL OF VEHICLE.

A. Whenever any police officer *or authorized person designated by the Chief of Police* finds a vehicle parked upon the highway or street, in violation of the provisions of this ordinance, such

officer is hereby authorized to remove such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the highway or street.

B. Whenever any police officer or *authorized person* finds a vehicle unattended upon any street or highway, in violation of this ordinance, such officer or *designated person* is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. *A method of documentation developed by the police department will be completed on each vehicle towed. All documentation will be turned over to and kept by the police department.*

C. The necessary costs for such removal shall become a lien upon such vehicle and the person into whose custody the vehicle was given may retain it until the expenses involved have been paid.

(ord. no. 5124.4 eff. June 23, 1974)

20.105

Sec. 5. PENALTY.

For the first violation of this ordinance within any 12 month period, a fine of \$5.00 shall be paid. For any second or greater number of violations of this ordinance, within any 12 month period, a penalty of \$10.00 shall be paid.

(ord. no. 5124.4 eff. June 23, 1974)

**VILLAGE OF SHEPHERD, MICHIGAN
AMENDMENT TO PARKING ORDINANCE**

An ordinance to amend section 20.105 to the Parking Regulations of the Village of Shepherd, Michigan concerning penalties:

THE VILLAGE OF SHEPHERD ORDAINS:

Section 20.105 of the Parking Regulations of the Village of Shepherd is hereby amended to read as follows:

PENALTY.

The penalty for violation of this ordinance shall (\$20.00) dollars if disposed of at the Parking Violations Bureau of the Village within ten (10) days after issuance of a traffic ticket or notice of violation.

ORDINANCES REPEALED.

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

20.106

Sec. 6. SEPARABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(ord. no. 5124.4 eff. June 23, 1974)

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Sec. 7. ORDINANCES REPEALED.

All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.
(ord. no. 5124.4 eff. June 23, 1974)

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Sec. 8. **EFFECTIVE DATE.**

This ordinance shall take effect and be in force 20 days from and after its enactment as provided by the statutes of the State of Michigan.

Introduced: April 15, 1974
Passed and Approved: June 3, 1974
Published: June 12, 1974
Effective: June 23, 1974

This amended ordinance shall be effective 45 days after adoption by the Village Council of the Village of Shepherd and after publication.

Adopted: March 21, 2011
Published: March 30, 2011
Effective: May 5, 2011

ORDINANCE OFFERED BY: DeGraw
SUPPORTED BY: Edwards

AYES: DeGraw, yes; Edwards, yes; Strange, yes; Coughlin, yes
NAYS: None
ABSENT: Clevenger, Myers

CERTIFICATION

I, the undersigned, the duly qualified and Clerk of the Village of Shepherd, Michigan do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council at a regular meeting held on March 21, 2011 an original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Gina L. Gross, Village Clerk
Dated: March 21, 2011