

**CITY OF IMLAY CITY,  
LAPEER COUNTY, MICHIGAN**

**ORDINANCE NO. 8.2C**

**AMENDMENT OF CITY OF IMLAY CITY CODE OF ORDINANCES:  
GENERAL REGULATIONS – SNOW EMERGENCIES**

An Ordinance to secure the public health, safety and general welfare of the residents and property owners of the City of Imlay City, Lapeer County, Michigan, by reducing the undue roadway safety risk caused by the accumulation of snow and ice around parked vehicles through the prohibition of allowing vehicles to remain parked on specified streets during a declared snow emergency within the City and establishing a penalty for the violation thereof, and repealing all Ordinances and/or Resolutions in conflict therewith.

**THE CITY OF IMLAY CITY, COUNTY OF LAPEER, MICHIGAN  
ORDAINS:**

**SECTION 1. AMENDMENTS.**

Title IX (General Regulations), shall have the following Chapter added thereto:

**Chapter 101 SNOW EMERGENCIES**

**Section 101.01 Purpose and Intent.**

Inclement winter weather impedes the movement of vehicular and pedestrian traffic and creates public safety concerns. To address these concerns, the City engages in various efforts to reduce or eliminate the accumulation of snow and ice upon public roadways. The primary method by which the City engages in such efforts is through the use of roadway snow plowing equipment.

In order for the City's snow plowing efforts to be effective, the public roadways must be clear of parked vehicles, which constitute an obstruction of the City's efforts and contribute to the public safety concerns caused by inclement winter weather when such vehicles cause portions of the public roadways to remain unplowed. This Chapter is designed to ensure increased public awareness of the problem and to require motor vehicle owners and operators to remove their vehicles from public roadways when a snow emergency occurs.

### **Section 101.03 Prohibited Parking.**

No person shall park or allow to remain parked any vehicle on any portion of any street, roadway, highway, or private road within the City during a snow emergency, or park or allow to remain parked any vehicle in violation of any parking restriction instituted as part of a declared snow emergency as provided in this Chapter. The registered owner of any such vehicle shall be responsible for the cost of removal.

### **Section 101.02 Definitions.**

For the purpose of interpretation and enforcement of this Chapter, the following terms are defined as follows:

“Authorized Emergency Vehicle” shall mean a vehicle of the Fire Department, a police vehicle, an ambulance, a privately owned motor vehicle of a volunteer or paid firefighter, or a privately owned motor vehicle of a volunteer ambulance driver or a licensed ambulance driver or attendant as is authorized by the Department of State Police.

“Ditch Slope” shall mean the portion of the highway adjacent to the shoulder if one exists or adjacent to the roadway on roads without shoulders, extending to the bottom of the roadside ditch and is not constructed or maintained for the use of any vehicles except those engaged in construction or maintenance.

“Motor Vehicle” shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power.

“Police Officer” shall mean every City of Imlay City police officer, every Lapeer County sheriff’s deputy; officer of a Police Department of any city, village or township; any officer of the State Police; or any peace officer who is trained and certified.

“Private Road” shall mean a privately owned and maintained road which allows access to more than one (1) residence or place of business, which is normally open to the public, and on which persons other than the owners may travel.

“Roadway” shall mean the portion of a street, road or highway improved, designed, or ordinarily used for vehicular travel.

“Shoulder” shall mean the portion of the roadway contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

“Snow Emergency” shall mean a parking prohibition declared by the City Manager or their designee due to inclement weather and pursuant to the provisions of this Chapter.

“Street” or “Highway” shall mean the entire width between the boundary lines of every way that is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Shoulders and ditch slopes are included within the meaning of street or highway for purposes of this Chapter.

“Vehicle” shall mean every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power, or which are used exclusively on stationary rails or tracks.

#### **Section 101.04 Declaration of Snow Emergency.**

(A) Declared. Whenever the City Manager finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the United States Weather Bureau or other weather service, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on streets of the City be prohibited or restricted for snow plowing and other purposes, the City Manager shall put into effect a parking prohibition on some or all streets within the City or parts thereof, by declaring it in the manner prescribed in this Chapter.

(B) Notice. The City Manager, upon declaring a snow emergency, shall cause public announcement of such parking prohibitions and/or restrictions and the affected areas by two or more of the following means:

- Local radio and television media
- City of Imlay City website
- Nixle
- Emergency Alert Notice System
- Cable television public channel
- City of Imlay City approved social media sites.

(C) Commencement. The parking prohibitions triggered by the declaration of a snow emergency shall become effective one hour after the declaration has been announced in accordance with this Section.

#### **Section 101.05 Termination of Parking Prohibition.**

Once in effect, a prohibition under this Chapter shall remain in effect until terminated by announcement of the City Manager in accordance with this Chapter or when both the following conditions have been met:

- (1) significant snowing, sleeting, or freezing rain has ceased:
- (2) street area has become substantially clear of snow and ice from curb to curb for the length of the entire block.

#### **Section 101.06 Enforcement, Impounding of Vehicles.**

(A) Impoundment. Members of the Police Department are hereby authorized to remove or cause the removal and/or impounding of any vehicle that is found parked on any street in the City during a snow emergency. Such vehicles may be removed and conveyed by or under the direction of a member of the Police Department by means of towing to a vehicle impound lot. The Police Chief is authorized to engage the services of a licensed towing company to remove vehicles under the direction of a member of the Police Department where the same are found in violation of this Chapter.

(B) Presumption of Responsibility. The registered owner or lessee of a vehicle is presumed, for purposes of this Chapter, to be responsible for the operation and parking of that vehicle. In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Chapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Chapter, together with proof that the defendant named in the complaint was at the time the registered owner or lessee of such vehicle, shall constitute prima facie evidence that the defendant is responsible for violating this Chapter.

(C) Additional Authority. This Chapter shall be supplemental to any other provisions of law granting members of the Police Department the authority to impound vehicles.

#### **Section 101.07 Exemptions.**

In all areas of the City, an owner of a motor vehicle who resides at premises which does not have a driveway shall be exempted from the requirement to move the motor vehicle in the event of a snow emergency; however, residents in the area are required to park their vehicles as close to the curb as possible to make room for snowplows and other emergency vehicles. Motor vehicles with properly displayed disabled parking placards or license plates shall also be exempt from the provision of this Chapter.

**Section 101.08. Relationship to Other Laws.**

Any provision of this Chapter which becomes effective by declaration of the City Manager or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer. However, nothing in this Chapter shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

**SECTION 2. PENALTY.**

Any person who violates the provisions of this Chapter shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed \$500 or imprisonment in the County Jail for a period not to exceed 90 days, or both such fines and imprisonment.

**SECTION 3. REPEAL OF CONFLICTING PROVISIONS.**

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5. PUBLICATION.**

This Ordinance, or a summary thereof, shall be published in a newspaper of general circulation within the City of Imlay City within fifteen (15) days after adoption.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect immediately upon publication as set forth in Section 5.

**CERTIFICATION OF MAYOR AND CITY CLERK**

We hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Imlay City, Lapeer County, Michigan at a meeting held on the 7<sup>th</sup> day of March 2023.

We hereby further certify the following:

City Commissioners present: Mayor Joi Kempf, Mayor Pro Tem Ted Sadler, Commissioner Shane Collison, Commissioner Joe DeLuca, Commissioner Al Ramirez, Commissioner Bob Tanis, Commissioner Barbara Yockey

City Commissioners absent: None

We further certify that Commissioner Yockey Moved for the adoption of the Ordinance, and that Motion was seconded by Commissioner Tanis.

Upon a roll call vote, the vote was as follows:

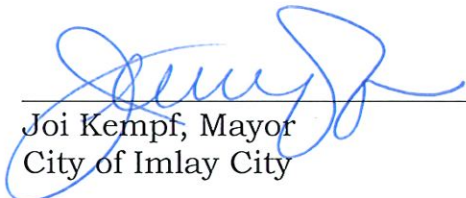
AYES: Yockey, Tanis, DeLuca, Collison, Ramirez, Sadler, Kempf

NAYS: None

ABSENT: None

ABSTENTIONS: None

DATE RESOLUTION ADOPTED: March 07, 2023

  
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Joi Kempf, Mayor  
City of Imlay City

  
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Dawn Sawicki-Franz, Clerk  
City of Imlay City

First Reading: February 21, 2023

Second Reading: March 07, 2023

Date of Publication: March 15, 2023

**CERTIFICATE OF PUBLICATION**

I, Dawn Sawicki-Franz, the Clerk of the City of Imlay City, do hereby certify that this Ordinance, Ordinance 8.2C Imlay City – SNOW EMERGENCIES, or a summary thereof was published in the Tri-City Times on March 15, 2023.

  
Dawn Sawicki-Franz, Clerk  
City of Imlay City