

Chapter 115

Procedures for Enforcing Parking Regulations

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[History: Adopted by the Village Council of the Village of Bellaire 5-02-2018 by Ord. No. 3-2018.
Amendments noted where applicable.]

§ 115-1. **Scope of Regulations.**

To the extent the procedural requirements of this Chapter conflict with the procedural requirements of Chapter 108 and/or Chapter 114 of this Code, the procedural requirements of this Chapter shall control.

§ 115-2. **Notice of Parking Regulations.**

Before enforcing any parking regulations within Chapter 108 and Chapter 114 of this Code, the Village Street Administrator, or his or her designee, shall erect signs on all streets, alleys, parking lots, and parks within the Village on which such parking regulations apply sufficiently legible so as to be seen by an ordinarily observant person giving notice of the applicable parking regulations contained in Chapter 108 and Chapter 114 of this Code and giving notice that parking in violation of any of those parking regulations may subject the vehicle to being towed at the direction of a police officer at the owner's expense.

§ 115-3. **Evidentiary Presumption Relating to Parking Violators.**

In any proceeding for a violation of any parking regulation within Chapter 108 and Chapter 114 of this Code, proof that the particular motor vehicle described in the complaint was parked in violation of the parking regulation within Chapter 108 and Chapter 114 of this Code, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle in violation of the parking regulation within Chapter 108 and Chapter 114 of this Code.

§ 115-4. **Penalties.**

A. Municipal Civil Infraction.

Any person who violates any parking regulation within Chapter 108 and Chapter 114 of this Code shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939

of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 Dollars (\$500.00). Each day any parking regulation within Chapter 108 and Chapter 114 of this Code is violated shall be considered a separate violation.

B. Enforcement Officers.

Officers of the Bellaire Police Department are hereby authorized to issue municipal civil infraction citations directing offenders of any parking regulation within Chapter 108 and Chapter 114 of this Code to appear in court.

§ 115-5. Impoundment of Motor Vehicles.

A. In addition to the penalties contained in § 115-4.A above and subject to subsection B below, any motor vehicle parked in violation of any parking regulation within Chapter 108 and Chapter 114 of this Code may be impounded by any police officer and removed from the street, alley, parking lot or park where illegally parked. After the police officer impounds a motor vehicle parked in violation of any parking regulation within Chapter 108 and Chapter 114 of this Code, he or she shall comply with all of the requirements:

1. Check to determine if the vehicle has been reported stolen prior to authorizing the removal of the vehicle.
2. Enter the vehicle into the law enforcement information network as abandoned not less than 7 days after authorizing the removal.
3. Upon entering the vehicle into the law enforcement information network as abandoned, the police officer shall notify the secretary of state through the law enforcement information network that the vehicle has been taken into custody as abandoned. Each notification shall contain the following information:
 - a. The year, make, and vehicle identification number of the vehicle, if available.
 - b. The address or approximate location from which the vehicle was taken into custody.
 - c. The date on which the vehicle was taken into custody.
 - d. The name and address of the police agency that had the vehicle taken into custody.
 - e. The name and business address of the custodian of the vehicle.
 - f. The name of the court that has jurisdiction over the case.

- B. If the owner or other person who is legally entitled to possess a vehicle to be towed or removed arrives at the location where the vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt shall be provided.