

Charter Township of Superior

Ordinance No. 188

Snow Emergency

An ordinance to establish a snow emergency procedure in the Charter Township of Superior, rules for declaring such emergencies, regulations for parking of vehicles during snow emergencies and penalties for violations.

Repealing Ordinance No. 68, "Superior Township Emergency Snow Ordinance."

THE CHARTER TOWNSHIP OF SUPERIOR ORDAINS:

Section 1. Purpose of provisions.

The purpose of this ordinance is to expedite the prompt removal of all parked and stalled motor vehicles and trailers from public roads during periods of heavy snowfall, when such trailers and motor vehicles impede snow-removal operations and cause serious traffic congestion; and to authorize the supervisor, and the clerk, in the absence of the supervisor, to declare a snow emergency during such periods in the interest of preserving and protecting the public health, safety and welfare; and to authorize the Washtenaw County Sheriff Department and the Superior Township Ordinance officer to enforce provisions of this ordinance.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 2.1 "Motor vehicle" means every self-propelled conveyance used, or capable of being used, as a means of transportation on land.
- 2.2 "Park," "parked" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers or when stopped temporarily for making necessary repairs.
- 2.3 "Person" means every natural person, firm, copartnership, association or corporation and their respective agents.
- 2.4 "Snow emergency" means a declaration of a snow emergency publicly announced at the direction of the supervisor or in the supervisor's absence, at the direction of the clerk.

- 2.5 "Street" means a street, road, avenue or highway and includes the entire width between the boundary lines of every way publicly maintained when any part thereof is open to use by the public for purposes of vehicular travel.
- 2.6 Supervisor means the supervisor for the Township or in the supervisor's absence a Township official designated by the supervisor assume the duties of the supervisor for purposes of this ordinance.
- 2.7 "Township" means the Charter Township of Superior, Washtenaw County, Michigan.
- 2.8 "Trailer" means every vehicle without motive being drawn by a motor vehicle.

Section 3.Snow Emergency When Authorized.

Whenever the supervisor determines, on the basis of a forecast of the National Weather Service, Washtenaw County Department of Emergency Management or other credible source that four or more inches of snow or other hazardous winter time weather event is expected to fall upon the Township, the supervisor shall cause to be put into effect a snow emergency on public roads.

Section 4.Snow Emergency - Notice of Declaration and Termination.

- 4.1 Upon declaring a snow emergency, the supervisor shall forthwith cause appropriate notice of such emergency to be publicly announced by any means at his/her disposal to alert the public of such snow emergency. Each announcement shall describe the action taken by the supervisor, including the time it became or will become effective.
- 4.2 The supervisor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this ordinance.
- 4.3 Whenever the supervisor finds that the conditions which gave rise to a snow emergency no longer exist, it shall be terminated by notice given substantially in the same manner it was declared.

Section 5.No Parking on Public Roads During Snow Emergency.

No person shall park or leave any vehicle or trailer on a public road in the township when a snow emergency has been declared. Further, within two (2) hours after notice of a snow emergency has been given, any motor vehicle or trailer parked on any public road within the Township shall be removed.

Section 6.Stalled or Disabled Motor Vehicles or Trailers.

Whenever a motor vehicle becomes stalled or disabled for any reason, on any portion of a public road, the person operating the motor vehicle shall take immediate action to have the motor vehicle towed or pushed off the road. No person shall abandon or leave a motor vehicle or a trailer on any public road, regardless of whether the person indicates by raising the hood or otherwise, that the motor vehicle is stalled, except for the purpose of securing assistance during

the actual time necessary to go to a nearby phone, or nearby garage, automobile service station, or other place of assistance and return without delay.

Section 7. Applicability of Other Traffic Regulations.

Any provision of this ordinance, while temporarily in effect, shall 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 vehicles, or emergency traffic directions by a police officer.

Section 8. Impoundment of Motor Vehicle or Trailer.

Any motor vehicle or trailer parked or left on any road in violation of this ordinance constitutes a public hazard and an obstruction of traffic, and the Washtenaw County Sheriff Department, which provides police services to the Township, may ticket, tow and impound the motor vehicle or trailer immediately. No person may recover an impounded motor vehicle or trailer without first paying the cost of removal and storage, notwithstanding, and apart from, any fine which may be imposed for violation of this ordinance.

Section 9. Presumptions.

- 9.1 In any proceeding for violation of this ordinance relating to parking, leaving, or abandoning a motor vehicle or trailer, proof that the particular motor vehicle or trailer described in the complaint or citation was parked or left in violation of this ordinance, together with proof that the respondent named in the complaint or citation was, at the time of such parking, the registered owner of such motor vehicle or trailer, shall constitute a presumption that the registered owner of such motor vehicle or trailer was the person who parked or left such motor vehicle at the locations in which the violation occurred.
- 9.2 In any proceeding for a violation as stated in above, the person in whose name that vehicle is registered at the time of the violation is prima facie responsible for that violation. The registered owner of such vehicle may assert as an affirmative defense that the vehicle in question, at the time of the violation, was in the possession of a person whom the owner had not knowingly permitted to operate the vehicle.

Section 10. Exemptions.

An owner of a motor vehicle who occupies a premises that does not have a driveway or any person who, who has a valid handicap license plate and is unable to move his or her vehicle in accordance with the provisions of this ordinance shall be exempt from the requirement to move said motor vehicle in the event of a snow emergency.

Section 11. Violations and Penalties.

Any person in violation of this division is responsible for a civil infraction, punishable by a fine not to exceed \$100.00 or is responsible for such civil infraction as determined by a Court of competent jurisdiction.

Section 12. Effective Date.

This Ordinance shall become effective thirty (30) days after its publication.

CERTIFICATION

I, David Phillips, the duly qualified Clerk of the Charter Township of Superior, Washtenaw County, Michigan, do hereby certify that the foregoing is a true and correct copy of Ordinance 188 adopted at a regular meeting of the Superior Charter Township Board held on November 17, 2014.

David Phillips, Superior Charter Township Clerk

Ken Schwartz, Superior Charter Township Supervisor