

Chapter 78 TRAFFIC AND VEHICLES

ARTICLE I. - IN GENERAL

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

ARTICLE III. HIGHWAY ACCESS MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 78-1. Vehicle Code adopted.

Sec. 78-2. Uniform traffic Code adopted; amendments and revisions.

Sec. 78-3. Passing of Vehicles.

Sec. 78-1. Vehicle Code adopted.

- (a) The Michigan Vehicle Code (MCL 257.1 to 257.923) is adopted by reference.
- (b) The references in the Michigan Vehicle Code to "local authorities" shall mean the city.
- (c) The penalties provided by the Michigan Vehicle Code are adopted by reference; provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days, or a fine in excess of (\$500.00).

Sec. 78-2. Uniform traffic Code adopted; amendments and revisions.

- (a) The Uniform Traffic Code for Cities, Townships, and Villages, as promulgated by the director of the Michigan Department of State Police, pursuant to the Administrative Procedures Act of 1969, (MCL 24.201 to 24.328), and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code, when they are promulgated and effective in this state, are incorporated by reference.
- (b) References in the Uniform Traffic Code for Cities, Townships, and Villages to a "governmental unit" shall mean the city.
- (c) The penalties provided by the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

Sec. 78-3. Passing of Vehicles.

Except when overtaking and passing on the right is permitted, the following rules shall govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction:

- (a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe.
- (b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which must be not less than five (5) feet between any portion of the vehicle and the bicycle, and shall not move again to the right side of the roadway until the vehicle is safely clear of the overtaken person operating a bicycle. If there is not enough

room on the roadway to allow for a five-foot separation, motorists are directed to slow down and, considering the safety of the bicyclist, proceed with caution.

- (c) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This paragraph does not authorize driving on the left side of the center of the roadway when otherwise prohibited by local ordinance or state law.

Any person violating the provisions of this Section shall be responsible for a municipal civil infraction.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

DIVISION 2. - PARKING VIOLATIONS

DIVISION 1. GENERALLY

Secs. 78-31—78-50. Reserved.

Secs. 78-31—78-50. Reserved.

DIVISION 2. PARKING VIOLATIONS

Sec. 78-51. Parking violations bureau.

Sec. 78-52. Acceptance of fine and plea of guilty.

Sec. 78-53. Schedule of fines and costs.

Sec. 78-61. On Street Parking.

Sec. 78-51. Parking violations bureau.

A parking violations bureau under the provisions of section 8395 of the Revised Judication Act of 1961 (MCL 600.8395) is hereby established. The parking violations bureau shall be in the office of clerk and the city clerk shall be the violations clerk for the bureau. The bureau shall be empowered to accept pleas of guilty in parking violation cases and to collect and retain fines and costs as prescribed in this division.

Sec. 78-52. Acceptance of fine and plea of guilty.

Any person charged with a parking violation may within the time specified on the ticket mail or deliver the amount of the fine and costs indicated on the ticket for the violation, together with a signed plea of guilty and a waiver of trial, to the violations clerk. If the amount of the fine and costs indicated on the ticket is not mailed or delivered within ten days the amount of the costs shall be increased by \$2.00. If the amount of the fine and costs indicated on the ticket is not mailed or delivered within 20 days the amount of the fine and costs shall be doubled. Acceptance of the fine and plea of guilty by the parking violations bureau shall be deemed complete satisfaction for the violation. Nothing herein contained shall deprive any person of the right to a full and impartial hearing in court should such person so desire.

Sec. 78-53. Schedule of fines and costs.

The schedule of fines and costs for parking violations shall be as established by annual resolution adopted by the city council.

[State Law reference-Michigan Vehicle Code, MCL 257.1 et seq.; powers of local authorities, MCL 257.606 et seq.]

Sec. 78-61. On Street Parking.

- (a) No vehicle shall park on the improved portion (paved travel corridor) of a street within the city. The owner or occupant of every lot or premises may designate and create a parking location for vehicles to park on the unimproved portion of the street (outside of the paved travel corridor) provided that:

- (1) The parking area location has been approved and is in accordance with the zoning code; and
- (2) Vehicles are parked entirely off the improved portion of the street and do not impede normal traffic flow.

Parking area locations shall be approved through the zoning administrator at city hall. This does not prohibit temporary parking for visitors and guests of a property on the unimproved portion of the street (outside of the paved travel corridor) in accordance with Sec. 62-6(c).

- (b) No vehicle shall park on the street within the downtown from 2:00 a.m. to 7:00 a.m. from October 15th to April 1st of each year. Vehicles may park downtown during these times during other dates of the year. The downtown for purposes of this Section shall be defined as the two block downtown area starting at the northwest corner of Ferry Street and Spring Street, then easterly along Spring Street to the northwest corner of Spring Street and Water Street, then southerly along Water Street to the southwest corner of Water street and Church Street, then westerly along Church Street to the southwest corner of Church Street and Ferry Street, then northerly along Ferry Street to the point of beginning.
- (c) No vehicle shall park within a designated area during a temporary street closure when an individual is given official notification, or when an area is posted with official signage. Such temporary street closure may include but is not limited to special events, installation of city decorations, line painting, street sweeping, or general maintenance.

[Cross reference— Sec. 62-3. Temporary Street Closings.]

ARTICLE III. HIGHWAY ACCESS MANAGEMENT

Sec. 78.31. Basis of Access Management.

This ordinance is intended to: promote safe and efficient travel on State Highways within the city; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access for emergency vehicles; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; and protect the substantial public investment in the highway, street system, and streetscapes by preserving capacity while avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow.

Sec. 78.32. Applicability.

The standards of this article shall apply to all lots and parcels that abut and are immediately adjoining Business 31 from the city boundary at the White River causeway bridge west along Dowling Street to the stoplight, and then heading north from the stoplight along Water Street to the city boundary at Eilers Road. This corridor shall be referred to as the "Highway Access District" for the purpose of this Article.

The regulations apply in addition to, and simultaneously with, the applicable regulations of the City's zoning ordinance, and shall meet the following additional provisions:

1. The number of access points is the fewest needed to allow motorists reasonable access to the site.
2. Access spacing from intersections and other driveways shall meet the standards within the Highway Access District, and the guidelines of the applicable road agency (MDOT and/or Muskegon County Road Commission) as appropriate.
3. Where an applicant shares access with adjacent users, either now or in the future, any shared access and maintenance agreements must be recorded with the County Register of Deeds.
4. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Highway Access District regulations applicable to the site are met and maintained in connection with such building, structure, or enlargement.
5. For a change of use, building or parking lot expansions, or site redevelopment (on parcels created prior to the enactment of this ordinance) that cannot meet the standards of this ordinance due to parcel size or configuration, the city manager and zoning administrator shall determine the extent of upgrades to bring the site into closer conformance with the access standards of this Highway Access District. In making their decision, the city manager and zoning administrator shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, and any recommendations from MDOT, and/or Muskegon County Road Commission as appropriate. Required improvements may include removal, rearrangement or redesign of driveways or other access, the expense for which shall be covered by the landowner.
6. For a corridor repaving or reconstruction project initiated by City, MDOT, and/or Muskegon County Road Commission (on parcels created prior to the enactment of this ordinance) that cannot meet the standards of this ordinance due to parcel size or configuration, the city manager and zoning administrator shall determine the extent of upgrades to bring the site into closer

conformance with the access standards of this Highway Access District. In making their decision, the city manager and zoning administrator shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, and any recommendations from the MDOT, and/or Muskegon County Road Commission as appropriate. Required improvements may include removal, rearrangement or redesign of driveways or other access, the expenses for which shall be covered by the City within the road right-of-way.

7. Where conflict occurs between the standards of this Ordinance and other applicable ordinances, the more restrictive regulations shall apply.

Sec. 21.03. Additional Site Plan Information.

In addition to any information required by the City's zoning ordinance, the information listed below shall also be submitted for any lot or parcel within the Highway Access District.

1. Existing access points within 300 feet on either side of the corridor frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
2. Surface type and dimensions for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement marking and internal traffic signs).
3. The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
4. Evidence indicating that the sight distance, driveway spacing, and drainage requirements of the Michigan Department of Transportation or Muskegon County Road Commission are met.
5. Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross-access.
6. The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within site.
7. Traffic impact analysis, and drainage analysis may be required as evidence indicating that the sight distance, driveway spacing, and drainage meet City, MDOT, and /or Muskegon County Road Commission requirements.

Section 21.04 Review and Approval Process.

1. The review and approval process for the Highway Access District shall be addressed through the city manager and zoning administrator, unless a change of use, building or parking lot expansions, development, or site redevelopment (on parcels created prior to the enactment of this ordinance), requires a site plan approval from the planning commission in accord with the

City's zoning ordinance.

2. For activities requiring site plan approval from the planning commission, the zoning administrator shall provide comments from the city manager and zoning administrator to the planning commission for their site plan deliberation.

Section 21.05 Access.

1. All land in a parcel registered with the County Register of Deeds or which has been approved through the Land Division process as described in MCL 560. 101, et seq., as of the effective date of this ordinance, that shares a lot line for less than one hundred and fifty (150) feet with the right of way on the corridor shall be entitled to reasonable access from said public road or highway, unless hereafter shared access or alternative access is provided to that parcel.
 - A. All subsequent land division of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
 - B. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or developed as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive as appropriate.
2. Parent parcels with more than one hundred and fifty (150) feet of frontage on a public road or highway shall also meet the requirements of this section, except that whether subsequently divided or not, they are entitled to not more than one additional driveway for each one hundred and fifty (150) feet of public road frontage thereafter, unless registered traffic engineer determines to the satisfaction of the planning commission and the Michigan Department of Transportation that topographic conditions on the site, curvature of the road, and sight distance limitations all demonstrate an additional driveway within the lesser distance is safer, or the nature of the land use to be served requires an additional driveway for improved safety.

Section 21.06 Applications.

1. After site plan approval, applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation and Muskegon County Road Commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the zoning administrator as well. Such applications shall only be submitted in conjunction with or after site plan approval.
2. Applications for all uses requiring a site plan review shall meet the submittal, review and approval requirements of the City's zoning ordinance and, in addition to the required information of section 21.03, the planning commission may require the following improvements:
 1. Shared Driveways.
 2. Cross access agreements.
 3. Service drives: front and/or rear.
 4. Parking lot connections with adjacent property.
 5. Deceleration lanes.

6. Other appropriate designs to limit access points on an arterial or collector including but not limited to relocation of driveways, closing driveways, or consolidating driveways.

Section 21.07 Change of Use Requiring New Driveway.

When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by this ordinance.

Section 21.08 Closing of Driveways.

Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unnecessary entrances and approaches to the same site at the expense of the property owner.

Section 21.09 Access Management Standards.

No road, driveway, shared access, parking lot cross-access, service road, or other access arrangement to all lots of parcels within the Highway Access District shall be established, reconstructed, or removed without first meeting the requirements of this section.

1. Each parcel of record with highway frontage on the corridor, as of the effective date of this ordinance, shall be permitted reasonable access. This access may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. In determining access, the Planning Commission shall seek the recommendation of the city manager and zoning administrator.
2. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on the corridor and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
 - A. Additional ingress/egress lanes on one (1) standard, two-way driveway.
 - B. Two (2), one-way driveways.
 - C. Additional ingress/egress lanes on two (2), one-way driveways.
 - D. Additional driveway(s) on an abutting street with a lower functional classification.
 - E. Additional driveway on arterial street.
3. Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from the centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves closer spacing based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

Posted Speed Limit	Along the Corridor*	Along Other Intersecting Primaries	Along all Other Intersecting Streets
35 mph or less	150 ft.	100 ft.	50 ft.
40 mph	150 ft.	100 ft.	50 ft.
45 mph	200 ft.	150 ft.	75 ft.
50 mph	200 ft.	200 ft.	150 ft.
*Unless greater spacing is required by MDOT and / or Muskegon County Road Commission.			

4. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential out lots, the access shall be located to ensure the adjacent sites can also meet the access location standards in the future.
5. Driveways and new intersecting streets shall be aligned with driveways on the opposite side of the street or offset a minimum of 150 feet, centerline to wherever feasible. The Planning Commission may reduce this to not less than 100 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist or shall rely on the best option identified by MDOT.
6. Minimum spacing of driveways from intersections within the corridor shall be 150 feet (measured from pavement edge to pavement edge) unless MDOT authorizes a lesser spacing:
*Spacing for signalized intersections shall also be applied at intersections where MDOT and/or the Muskegon County Road Commission indicates that spacing and approach volumes may warrant a signal in the future.
7. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized intersections, where service drives may minimize the number of driveways, and to ensure that traffic is able to more efficiently and safely ingress and egress.
8.
Sharing or joint use of a driveway by two or more property owners may be required. In cases where access is restricted by the spacing requirements of this section a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement recorded with the County Register of Deeds is provided which allows traffic to travel across one parcel to access another, and/or access the public street.

In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This shall require the posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or the owner does not remove the temporary driveway once a permanent driveway is established.
9. Frontage roads or service drives shall be designed, constructed, and maintained in accordance with the following standards:
 - A. Location – Frontage roads or service drives shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the planning commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
 - B. Alignment – The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This determination may require use of aerial photographs, property line maps, topographic information, and other supporting

documentation.

- C. Setback – Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty (20) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum forty (40) feet of throat depth provided at the access point. The access point location shall conform with all the applicable standards of this ordinance.
- D. Access Easement – A frontage road or service drive shall be within the access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. In a commercial District a frontage road or service drive shall comply with the maximum pavement width in compliance with City code.
- E. Service Drive Maintenance – No service drive shall be established on existing public right-of-way. The service drive shall be a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. This agreement shall be approved by the applicant, approved by the city attorney, and recorded with the deed for each property it serves by the County Register of Deeds. The City shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
- F. Landscaping – Landscaping along the service drive shall conform with the requirements of the City's zoning ordinance.
- G. Parking Areas shall be delineated and separated from service drives and shall not be used for loading spaces. Pavement markings shall be provided to promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform with the current Michigan Manual of Uniform Traffic Control Devices.
- H. Assumed Width of Pre-Existing Service Drives – Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be thirty (30) feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.
- I. Pedestrian and Bicycle Access – Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Planning Commission.
- J. Pre-existing Conditions – In case of expansion, alteration, or redesign of existing development, where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the standards, the planning commission may permit alternative cross access between adjacent parking areas through the interconnection of main circulation aisles or as rear access.
- K. All cross-access areas shall be clearly defined with islands, curbing, landscaping and signage, as deemed necessary to delineate the edges of the route to be used by through traffic.

Section 21.10 Inspection.

The city manager, zoning administrator, or their designated staff shall inspect the driveway and any other required access elements during construction and following construction for conformance with the approved site plan prior to allowing occupancy. The Zoning Administrator may consult with MDOT and/or the County Road Commission as applicable, prior to making a determination of conformance or nonconformance with an approved application.