

**TITLE VII: TRAFFIC CODE**

Chapter

- 70. TRAFFIC CODE ADOPTED**
- 71. GENERAL REGULATIONS**
- 72. PARKING REGULATIONS**
- 73. OFF-ROAD VEHICLES**
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**CHAPTER 70: TRAFFIC CODE ADOPTED**

Section

70.01 Uniform Traffic Code adopted

70.99 Penalty

**' 70.01 UNIFORM TRAFFIC CODE ADOPTED.**

The Uniform Traffic Code is hereby adopted and incorporated herein as fully as if set out at length herein.

(Ord. passed - -)

**' 70.99 PENALTY.**

(A) Fines for violations of this chapter shall be as set forth by the county.  
(1957 Code, " 20-071 and 20-072)

(B) The fine for violations of all other sections, except the sections mentioned above, of the *Uniform Traffic Code for Cities, Townships and Villages* as adopted by ' 70.01 shall be \$3 if disposed of at the Parking Violations Bureau of the village within ten days after the issuance of a traffic ticket or notice of violation.

(1957 Code, ' 20-073)

(Ord. passed 2-16-1981)

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## CHAPTER 71: GENERAL REGULATIONS

### Section

71.01 Directing traffic; school property; emergencies

71.02 Signs not to constitute traffic hazard

#### ' 71.01 DIRECTING TRAFFIC; SCHOOL PROPERTY; EMERGENCIES.

Members of the Police Department of the village and of the law enforcement agencies of the county and the state are hereby authorized to direct all traffic in conformance with the provisions of this code and the provisions of the Motor Vehicle Code of the state, such authorization to attend to the enforcement of said code with regard to traffic, but vehicular and pedestrian, on such property within or adjacent to the village as owned, occupied, possessed or used by the Shepherd Public Schools, provided, that in the event of a fire or other emergencies, or to expedite traffic, or to safeguard pedestrians, they may direct traffic as conditions may require, notwithstanding the provisions of this code. @

(1957 Code, ' 20-151)

#### ' 71.02 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD.

No sign or other advertising structure as regulated by this section shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words A STOP, @ A LOOK, @ A DRIVE-IN, @ A DANGER @ or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(1957 Code, ' 20-251)

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## CHAPTER 72: PARKING REGULATIONS

### Section

- 72.01 Definitions
- 72.02 Parking prohibited
- 72.03 Presumption
- 72.04 Removal of vehicle
  
- 72.99 Penalty

### ' 72.01 DEFINITIONS.

For the purpose of this chapter and Chapter 74, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OWNER.** 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.

**STREET** or **HIGHWAY.** 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.

**VEHICLE.** 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.

(1957 Code, ' 20-101)

### ' 72.02 PARKING PROHIBITED.

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It is unlawful for any person to park any vehicle on any street or highway in the village between the hours of 2:30 a.m. and 6:00 a.m., November 1 to April 1. Additional specific regulations can be found in Chapter 75, Parking Schedules. Any vehicles not in compliance will be ticketed and subject to removal at the owners= expense.

(1957 Code, ' 20-102) (Ord. passed 7-16-2018) Penalty, see ' 72.99

### ' 72.03 PRESUMPTION.

In any prosecution charging a violation of this chapter, proof that the particular vehicle described in the complaint was parked in violation of this chapter, 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.

(1957 Code, ' 20-103)

### ' 72.04 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 chapter, 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 chapter, 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.

(1957 Code, ' 20-104)

### ' 72.99 PENALTY.

Fines for violations of this chapter shall be as set forth by the county.

(1957 Code, ' 20-105) (Ord. passed 3-21-2011)



## CHAPTER 73: OFF-ROAD VEHICLES

### Section

- 73.01 Definitions
- 73.02 Operation limited
- 73.03 Conditions
- 73.04 Miscellaneous provisions
  
- 73.99 Penalty

### ' 73.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DRIVER=S LICENSE.*** An operator=s or chauffeur=s license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, Public Act 300 of 1949, being M.C.L.A. " 257.1 through 257.923, for the individual to operate a vehicle whether or not conditions are attached to the license or permit.

***OPERATE.*** To ride in or on, and be in actual physical control of the operation of an ORV.

***OPERATOR.*** A person who operates or in actual physical control or the operation of an ORV.

***ORV or VEHICLE.*** A motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. ***ORV or VEHICLE*** includes, but is not limited to, a golf cart, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related two-wheel, three-wheel, four-wheel or six-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. ***ORV or VEHICLE*** does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

**ROAD.** A village primary road as described in ' 5 of Public Act 51 of 1951, being M.C.L.A. ' 247.655.

**SAFETY CERTIFICATE.** A certificate issued pursuant to Public Act 451 of 1994, being M.C.L.A. " 324.11501 et seq., or a comparable ORV safety certificate issued under the authority of another state or province of Canada.

**STREET.** A city or village major street or city or village local street as described in ' 9 of Public Act 51 of 1951, being M.C.L.A. ' 247.659.

**VILLAGE.**

- (1) The Village of Shepherd.
- (2) An individual village within the County of Isabella.

**VILLAGE COUNCIL.** The Board of the Village of Shepherd.

**VISUAL SUPERVISION.** The direct observation of the operator with the unaided or normal corrected eye, where the observer is able to come to the immediate aid of the operator.  
(Ord. passed 5-19-2014)

**' 73.02 OPERATION LIMITED.**

An ORV shall not be operated on Wright Avenue between First Street and Third Street unless allowed by village ordinance.  
(Ord. passed 5-19-2014)

**' 73.03 CONDITIONS.**

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road in the village:

- (A) On the far right of the maintained portion of a road within the village;
- (B) At a speed of no more than 25 mph or a lower posted ORV speed limit;
- (C) By a person no less than 16 years of age;

## Off-Road Vehicles

(D) With the flow of traffic;

(E) In a manner which does not interfere with traffic on the road or street;

(F) While traveling single file except when overtaking or passing another ORV;

(G) While displaying a lighted headlight and lighted taillight when the vehicle is operated during the hours of one-half hour after sunset and one-half hour before sunrise;

(H) When the person and any passenger in or on the vehicle is wearing on his or her head a crash helmet and protective eyewear approved by the United States Department of Transportation. This division (H) does not apply if the vehicle is equipped with a windshield and roof or roll bar that meets or exceeds standards for a crash helmet and the operator and each passenger in wearing a properly adjusted and fastened safety belt;

(I) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle;

(J) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation;

(K) When equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 mph, a brake light brighter than a taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of one-half hour after sunset and one-half hour before sunrise; and

(L) Pursuant to noise and emission standards defined by law.  
(Ord. passed 5-19-2014)

### ' 73.04 MISCELLANEOUS PROVISIONS.

(A) In a court action in this state where competent evidence demonstrates that a vehicle permitted to be operated in a highway pursuant to the State Vehicle Code, Public Act 300 of 1949, being M.C.L.A. " 257.1 through 257.923, is involved in a collision with an ORV on a road, the driver of the ORV involved in the collision shall be considered prima facie negligent.

(B) A person less than 18 years of age shall not operate an ORV on a road in the village unless the person is in possession of a valid driver's license or is under the direct visual supervision of an adult and the person has in his or her immediate possession of a Michigan-issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province or Canada.

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(C) Unless a person possesses a valid driver=s license, a person shall not operate an ORV on a road or street in the village if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

(D) A court may order a person who causes damages to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

(E) This chapter shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this chapter shall no manner affect any rights, claims, privileges, immunities or causes of action of the village or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order to policy, or any part thereof, hereby repealed.  
(Ord. passed 5-19-2014)

**' 73.99 PENALTY.**

Fines for violations of this chapter shall be as set forth by the county.  
(Ord. passed 5-19-2014)

## **CHAPTER 74: TRAFFIC SCHEDULES**

### Schedule

- I. School traffic
- II. Truck traffic

### **SCHEDULE I. SCHOOL TRAFFIC.**

All moving traffic within the village shall stop when overtaking or meeting a school bus which is loading or unloading passengers, provided flashers on said school bus are operating.  
(1957 Code, ' 20-201) (Ord. passed 1-22-1962)

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## Traffic Schedules

### SCHEDULE II. TRUCK TRAFFIC.

(A) *Restriction.* The village, pursuant to ' 726 of the Michigan Vehicle Code, being M.C.L.A. ' 257.726, and in an effort to limit truck traffic in residential areas, and in the interest of public safety, deems it advisable to restrict truck traffic within village limits to the maximum extent possible to the state highway system or to authorized truck routes.

(B) *Authorized truck routes.* The village conclusively determines and ordains that truck traffic, except for local deliveries, shall be restricted to the following streets:

- (1) Chippewa Street from north village limit to south village limit;
- (2) Wright Avenue from east village limit to west village limit;
- (3) First Street from north end of street to south end of street;
- (4) Second Street from Wright Avenue to Boulevard Street;
- (5) Fourth Street from Wright Avenue south to school; and
- (6) Maple Street between Fourth Street and Chippewa Street.

(C) *Downtown business district.* For truck traffic and/or truck deliveries in the downtown business district and industrial/commercial areas located within the village, trucks shall use the alleyway behind the business district or designated truck route.

(D) *Other truck deliveries/travel.* It shall be unlawful to drive any truck on any street other than those designated above, except for the purpose of making a delivery or in connection with providing a service to village residents or businesses outside the business/industrial districts. Vehicles making deliveries governed by this schedule shall use the shortest and/or most direct route between the authorized truck route and the destination location. This schedule shall be applied in a way so as to afford truck drivers some discretion in determining a logical route to and from delivery destinations.

(E) *Definition.* For the purpose of this schedule, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**TRUCK.** Any road vehicle utilizing three or more axles.

(F) *Truck traffic penalties.* A person who violates a prohibition, limitation or truck route designation established pursuant to this schedule is responsible for a civil infraction and will be cited under the provisions of fines up to \$500 and court costs.

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(G) *Exceptions.* Truck routes and road restrictions will be lifted during the week of festival for the purpose of motor homes, motor coaches, campers, festival activities and deliveries.

(H) *Engine brakes, compression brakes.* Engine/compression brakes will not be allowed in the village limits. For more information, see the noise ordinance (' 93.10).  
(Ord. passed 2-3-2014)



## CHAPTER 75: PARKING SCHEDULES

### Schedule

#### I. Parking prohibited

#### **SCHEDULE I. PARKING PROHIBITED.**

(A) It is unlawful for any person to park any vehicle on any street or highway in the village between the hours of 2:30 a.m. and 6:00 a.m., November 1 to April 1. No parking is allowed on Wright Avenue, First Street to Chippewa Street, 2:30 a.m. to 6:00 a.m. year-round. Any vehicles not in compliance will be ticketed and subject to removal at the owners= expense.  
(1957 Code, ' 20-102)

(B) Fines for violations of this chapter shall be as set forth by the county.  
(1957 Code, ' 20-105)  
(Ord. passed 3-21-2011; Ord. passed 7-16-2018)

***Cross-reference:***

*Parking regulations, see Chapter 72*

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