

WESTERN MICHIGAN UNIVERSITY

**TRAFFIC, PARKING AND  
PEDESTRIAN ORDINANCE**

DEPARTMENT OF PUBLIC SAFETY

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## **PARKING, PEDESTRIAN AND TRAFFIC ORDINANCE**

### **Chapter 1 – Statement of Purpose of Ordinance**

#### Sec. 1.1 Purpose

The growth of the University campus in geographical size and in enrollment with the resulting concentration of vehicular and pedestrian traffic in an urban area requires an enactment of policies and regulations for the protection of health and property. It is the intent of Western Michigan University Board of Trustees to hereby establish a traffic, parking and pedestrian ordinance for the protection of health and property on the campus of Western Michigan University for students, faculty, staff and visitors.

### **Chapter 2 – Statement of Authority**

#### Sec. 2.1 Authority

This ordinance is enacted by Western Michigan University Board of Trustees pursuant to and in accordance with the authority and responsibility of said Board as provided in the Constitution of the State of Michigan, 1963, Act 48 of the Michigan Public Acts of 1963 (second extra session), and Act 291 of the Michigan Public Acts of 1967, as amended.

### **Chapter 3 – Words and Phrases Defined**

#### Sec. 3.1 Words and Phrases

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this chapter.

#### Sec. 3.000. Alley

“Alley” means any minor thoroughfare used for the purpose of ingress and egress to service adjacent buildings and land.

#### Sec. 3.001. Bicycle

“Bicycle” means every device propelled by human power upon which any person may ride having two tandem wheels either of which is over twenty (20) inches in diameter.

#### Sec. 3.002. Campus

“Campus” means all land and buildings wheresoever situated, owned, or held by Western Michigan University Board of Trustees in its capacity as the governing board of Western Michigan University.

#### Sec. 3.003. Citation

“Citation” means a complaint or notice upon which a law enforcement officer shall record an occurrence involving of this ordinance.

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Sec. 3.004. Crosswalk

“Crosswalk” means:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs from the edges of the traversable street.
- (b) Any portion of a street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 3.005. Double Parking

“Double Parking” means the parking of a vehicle upon the roadway side of another parked vehicle.

Sec. 3.006. Driver

“Driver” means every person who drives or is in the actual physical control of a vehicle.

Sec. 3.007. Motorcycle

“Motorcycle” means every motor vehicle having a saddle or seat for use of the rider and designed to travel on not more than three wheels in contact with the ground.

Sec. 3.008. Motor-driven Cycle

“Motor-driven cycle” means every motorcycle, including every motorscooter with a motor which produces not to exceed five (5) maximum brake horsepower, and every bicycle with motor attached.

Sec. 3.009. Motor Vehicle

“Motor Vehicle” means every vehicle which is self-propelled.

Sec. 3.010. Operator

“Operator” means every person who is in actual physical control of a motor vehicle.

Sec. 3.011. Parking

“Parking” means a standing vehicle, whether occupied or not. (Subject, however, to the definition of “stopping.”)

Sec. 3.012. Pedestrian

“Pedestrian” means any person afoot.

Sec. 3.013. Person

“Person” means every natural person, firm, co-partnership, association, or corporation and their legal successors.

Sec. 3.014. Department of Public Safety

“Department of Public Safety” means that division of Western Michigan University heretofore designated and known as the Department of Public Safety and which is charged with the keeping of the safety and security of students, faculty members, staff, all persons on the campus of Western Michigan University for a legitimate purpose and the property of such persons and of Western Michigan University.

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Sec. 3.015. Director of Department of Public Safety

“Director of Department of Public Safety” means that individual who has been duly appointed and is acting as the director of the Department of Public Safety of Western Michigan University.

Sec. 3.016. Police Officer

“Police Officer” means every law enforcement officer of the State of Michigan, county, township or city, wherein a violation of this ordinance occurs, and including any officer of the Department of Public Safety of Western Michigan University who has been appointed a deputy by the Chief of Police of any city or township, or by the Sheriff of any county, having jurisdiction at the place where the violations of this ordinance occurs.

Sec. 3.017. Parking Meter Zone

“Parking Meter Zone” means an area adjacent to a parking meter set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in said parking meter as specified thereon.

Sec. 3.018. Passenger Curb Loading Zone

“Passenger curb loading zone” means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Sec. 3.019. Private Road or Driveway

“Private road or driveway” means every road or driveway not open to the use of the public for purposes of vehicular traffic.

Sec. 3.020. Right-of-Way

“Right-of-way” means the privilege of the immediate use of the highway.

Sec. 3.020(a) Rollerskate

“Rollerskate” means a frame, shoe or boot with wheels attached near the toe and heel. It also means a frame having clamps and/or straps with wheels attached for fastening to the sole of a shoe.

Sec. 3.021. Safety Zone

“Safety Zone” means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected and so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 3.022. Sidewalk

“Sidewalk” means that portion of a street between the curb lines or the lateral lines and roadway and the adjacent property lines intended for the use of pedestrians.

Sec. 3.022(a) Skateboard

“Skateboard” means a device consisting of a elongated or oblong board with wheels attached.

Sec. 3.023. Stop

“Stop” when required means complete cessation from movement.

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Sec. 3.024. Stop or stopping

“Stop or stopping” means:

- (a) When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic-control sign or signal.
- (b) When permissible, any halting of a vehicle to load or unload passengers for a period not to exceed one (1) minute with the operator remaining in the driver’s seat.

Sec. 3.025. Street

“Street” means the entire width between the boundary lines of every way when any part thereof is open to the use of students, faculty, staff and the public for purposes of vehicular travel, located on the campus of Western Michigan University.

Sec. 3.026. Tow-away Zone

“Tow-away zone” means a zone where no parking, stopping or standing is permitted as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.

Sec. 3.027. Traffic

“Traffic” means pedestrians, vehicles and other conveyances either singly or together while using any street for purposes of travel.

Sec. 3.028. Traffic-Control Devices

“Traffic-control devices” means all signs, signals, markings, and devices placed or erected under the authority of this ordinance for the purpose of regulating, warning or guiding traffic.

Sec. 3.029. Traffic-Control Signal

“Traffic-control signal” means any device whether manually, electrically or mechanically operated by which traffic is alternately directed to stop or proceed.

Sec. 3.030. Vehicle

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

Sec. 3.031. Tenses

The present tense includes the past and future tenses; and the future, the present.

Sec. 3.032. Number; Gender

The singular shall include the plural and the plural shall include the singular; the masculine shall include the feminine and neuter, as requisites.

Sec. 3.033. “Shall” and “May”

“Shall” and “may” means shall is mandatory and may is permissive.

Sec. 3.034. Treasurer

“Treasurer” means the duly appointed Treasurer of Western Michigan University Board of Trustees.

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Sec. 3.035. Authorized Emergency Vehicle

“Authorized emergency vehicle” means vehicles of the fire department, police vehicles, ambulances, emergency vehicles of governmental departments, or such vehicles of public service corporations and privately owned motor vehicles of volunteer and paid firemen as are authorized.

**Chapter 4 – Enforcement of Ordinance**

Sec. 4.1. Enforcement

As provided by Act 291, Public Acts of Michigan for the year 1967, this ordinance shall be enforced by law enforcement officers of the State of Michigan, County of Kalamazoo, and of such township or city wherein the violation of this ordinance occurs, including any officer of the Department of Public Safety of Western Michigan University who has been appointed a deputy by the Chief of Police of any city or township, or by the Sheriff of any county, having jurisdiction where the violation of this ordinance occurs.

Sec. 4.2.

It shall be the duty of the Department of Public Safety of Western Michigan University to enforce all provisions of this ordinance; to make arrests for traffic and other violations of this ordinance; to investigate accidents; to cooperate with other law enforcement officers in the enforcement of this ordinance and in developing ways and means to improve traffic conditions.

Sec. 4.3.

It shall be the duty of the Director of the Public Safety Department, or his authorized representatives when so authorized by the Treasurer, to establish restrictions upon access to or use of the University parking lots, streets or other property of the University or portions thereof as may be deemed necessary or desirable for the convenience and effective conduct of the affairs of the University; provided that the Director of the Public Safety Department, or his authorized representatives, shall make restrictions known by use of signs, barricades, posting of the officers of the Public Safety Department or other authorized persons possessing official identification, or establishing lines beyond which unauthorized persons are not permitted to pass.

Sec. 4.4. Enforcement of Ordinance: Authority of Firemen Directing Traffic

Officers of a municipal, village or township fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

**Chapter 5 – Traffic**

Sec. 5.1.

The Director of the Department of Public Safety, when authorized by the Treasurer, shall establish such traffic controls, signs and signals on the streets and property of the campus as may be necessary for the proper regulation and control of vehicular traffic and pedestrians and such traffic control signals and signs shall conform to and be in accordance with Michigan Uniform Traffic Code, as amended and as promulgated pursuant to the provisions of Act 62 of the Public Acts of 1956.

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Sec. 5.2.

Stop signs; when stop signs are erected at or near the entrance to an intersection every driver of a vehicle shall stop such vehicle at such a sign or a clearly marked stop sign, except when directed to proceed by a police officer or a traffic control signal, and shall proceed into the intersection only when such movement can be made in safety and without interfering with other traffic.

Sec. 5.3.

Obstructing intersection; notwithstanding any traffic control signal indication or other right to proceed, no driver shall enter an intersection or crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate his vehicle without obstructing or blocking the passage of other vehicles or pedestrians.

Sec. 5.4.

Yield right-of-way; when the intersection is designated as a “yield right-of-way” intersection the driver of a vehicle approaching such sign shall slow to a reasonable speed for existing conditions of traffic and visibility yielding the right-of-way to all vehicles or pedestrians on the intersecting street which have entered the intersection or are so close as to constitute an immediate hazard.

Sec. 5.5.

Driving in roadway—overtaking and passing; upon all streets and roadways of sufficient width a vehicle shall be driven upon the right half of the roadway except when the right half of the road is closed to traffic while under construction or repairs, or upon a roadway designated for one-way traffic.

Sec. 5.6.

One-way streets, alleys, and rotary traffic islands; vehicular traffic shall move only in the indicated direction upon those streets and parts of streets and in those alleys and in those roadways around rotary traffic islands where signals have been erected indicating that traffic shall move in only one direction. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Sec. 5.7.

No person shall drive any motor vehicle upon other than established roadways or parking areas.

Sec. 5.8.

No person shall operate any bicycle upon other than established roadways, parking areas or bicycle paths.

- (a) No person shall use rollerskate(s), skateboard(s) or similar devices upon the land or roadways leased or owned by Western Michigan University.
- (b) No person shall ride upon or in any manner use their rollerskate(s) or skateboard(s) while being towed by any vehicle upon any land or roadway that is leased or owned by Western Michigan University.

Sec. 5.9.

Signs limiting turn; no driver of a vehicle shall turn a vehicle at any intersection except when such movement can be made in safety and without interfering with other traffic and as directed by established pavement markers, signs or signals placed within or adjacent to said intersection.



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Sec. 5.10.

Speed restrictions—any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other condition then existing, and no person shall drive any vehicle upon a street at a speed greater than will permit him to bring it to a stop within the assured, clear distance ahead.

Sec. 5.11.

Where no special hazard exists the maximum speed on any street, driveway or alley on the campus shall not be in excess of twenty-five (25) miles per hour, except where a lesser speed shall be posted.

Sec. 5.12.

Drivers to exercise due care; every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or vehicle upon any street or area open to motor vehicles.

Sec. 5.13.

Driver regulations applicable; every person operating a motorcycle or motor driven cycle upon a street shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle under this ordinance, except as to those provisions which by their nature have no application.

Sec. 5.14.

The operators of motorcycles or motor driven cycles shall not ride more than two abreast on any street and shall comply with the seating and control requirements as may be provided by this ordinance or by the Michigan Uniform Traffic Code.

Sec. 5.15.

No person shall use the streets for traveling on skis, toboggans, coasting sleds or similar devices. No person shall use any street within the campus of Western Michigan University as a sled or ski course for the purpose of coasting on sleds, skis, or other similar devices, except for portions of such streets officially set aside for such use and adequately roped off or otherwise marked for such purpose.

Sec. 5.16.

No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons as to obstruct the view of the driver to the front or sides of the vehicle or so as to interfere with the driver's control over the driving mechanism of the vehicle.

Sec. 5.17.

No person shall drive any motor vehicle with a window so damaged or any sign, poster or other non-transparent material upon the front windshield, side wings, side or rear windows of such vehicle so as to obstruct the driver's view other than a certificate or other paper required to be so displayed by law.

Sec. 5.18.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke and no person shall operate on the streets a motor vehicle equipped with a muffler cut out, bypass or similar device, or a device for the purpose of causing flame or smoke to be emitted from a vehicle, except on a street maintenance vehicle.

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Sec. 5.19. Reckless Driving

Any person who drives any vehicle upon a highway or a frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, which shall be a violation of this ordinance.

Sec. 5.20. Careless Driving

No person shall operate a vehicle upon a highway or a frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property.

Sec. 5.21. Drag Races Prohibited

- (a) No person shall operate a vehicle upon a highway or a frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as herein defined.
- (b) "Drag racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of two or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful.

Sec. 5.22. Driving while under the influence of intoxicating liquor or narcotic drugs

It shall be unlawful for any person, whether licensed or not, who is an habitual user of narcotic drugs, barbitol or any derivative of barbitol, or any person who is under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol, to drive any vehicle upon any street or any other place on the campus of Western Michigan University, including any area designated for the parking of motor vehicles.

Sec. 5.23. Permission by owner or person having charge of motor vehicle

It shall also be unlawful for the owner of any motor vehicle or any person having such in charge or in control thereof to authorize or knowingly permit the same to be driven or operated upon any street or any other place on the campus of Western Michigan University, including any area designated for the parking of motor vehicles, by any person is an habitual user of narcotic drugs, barbitol or any derivative of barbitol or any person who is under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol.

Sec. 5.24. Driving under the influence of intoxicating liquor or drugs while ability impaired

No persons shall operate a vehicle upon a highway or any other place on the campus of Western Michigan University, including any area designated for the parking of motor vehicles, when, due to consumption of intoxicating liquor, narcotic drugs, barbitol or any derivative of barbitol, he has visibly impaired his ability

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to operate the vehicle. When a person is charged with violating Sections 5.22 and 5.23 of this ordinance, a finding of guilty shall be permissible under this section.

Sec. 5.25. Traffic: Following fire apparatus prohibited

The driver of any vehicle other than an authorized emergency vehicle on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive within 500 feet where fire apparatus has stopped in answer to a fire alarm.

Sec. 5.26. Traffic: Crossing fire hose

No vehicle shall be driven over any unprotected fire hose of a fire department without the consent of the fire department official in command.

Sec. 5.27. Emerging from alley, driveway, building or parking lot

The driver of a vehicle emerging from an alley, driveway, building or parking lot shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk are extending across any alleyway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 5.28. Traffic: Starting, Stopping and Turning

- (a) The driver of any vehicle upon a street before starting, stopping or turning from a direct line shall first see that such movement can be made in safety and shall give a signal as required in this section.
- (b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by a mechanical or electrical signal device which conveys an intelligible signal or warning to another driver approaching from the rear. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

Sec. 5.29. Traffic: Preferential right-of-way

Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted flashing, rotating or oscillating lamp visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right edge or curb of the roadway (or left edge on a one-way street) clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

Sec. 5.30. Traffic: Motorcycles and motor driven cycles

- (a) A person propelling a bicycle or operating a motorcycle or motor driven cycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle or motorcycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.
- (c) No motor driven cycle shall be used to carry more than one (1) person at any one time.
- (d) A person operating or riding on a motorcycle or motor driven cycle on the campus shall wear on his head a crash helmet approved by the Michigan Department of State Police.

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Sec. 5.31. Snowmobiles and All-Terrain Vehicles

No person shall operate a snowmobile or an all-terrain vehicle on the campus of Western Michigan University and/or on any street or land owned by Western Michigan University without the authorization of the Director of the Department of Public Safety.

**Chapter 6 – Parking**

Sec. 6.1. Parking

Except as otherwise provided in this ordinance, every vehicle stopped or parked upon a street shall be so stopped or parked with the wheels of such vehicle parallel to the roadway and within twelve (12) inches of any existing right-hand curb. Every vehicle, whether stopped in a parking place on a street, parking lot or other parking facility, shall be parked within parking markings in all cases where such parking markings exist.

Sec. 6.2. Angle parking signs or marking

Upon those streets or in those parking lots which have been designated for angle parking no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the street indicated by such signs or markings and no person shall stop, stand or park a vehicle except completely within such pavement markings which may exist.

Sec. 6.3. Parking not to obstruct traffic

No person shall park any vehicle upon any street or parking lot or other parking facility in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicle traffic, also as to require vehicles operating upon the roadway to leave their assigned traffic lane in order to pass such vehicle.

Sec. 6.4. Parking Prohibitions (No signs required)

No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or traffic control device in any of the following places: on a sidewalk; in front of a driveway; within an intersection; within fifteen (15) feet of a fire hydrant; on a crosswalk; within twenty (20) feet of a crosswalk; on the highway side of any vehicle stopped or parked at the edge or curb of a street; in any place or in any manner so as to block immediate egress from any emergency exit or exits conspicuously marked as such on buildings; within 200 feet of an accident at which police officers are in attendance; within 500 feet where fire apparatus has stopped in answer to a fire alarm.

Sec. 6.5.

No person shall stop, stand or park a vehicle except when necessary to avoid conflict with traffic or in compliance with the direction of a police officer in violation of any legally established parking restriction or prohibition, provided that signs stating such restriction or prohibition are duly posted in accordance with this ordinance.

Sec. 6.6.

No person shall park a vehicle upon any street for the principal purpose of displaying such vehicle for sale, displaying advertising, storage for more than forty-eight (48) continuous hours.

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Sec. 6.7. Metered parking zones

When parking meters are erected adjacent to a space marked for parking, such space shall be a metered parking zone and no person shall stop his vehicle in any such zone for a period of time longer than designated on said parking meter upon the deposit of a coin of the United States Currency of the denomination designated on said meters; except when such requirement is eliminated by posted notice; except Government owned vehicles shall be exempt from payment of the meter fee.

Sec. 6.8.

Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privileges has been granted.

Sec. 6.9.

When parking gates are installed to restrict use of a parking area or parking lot, no person shall use such area without depositing the coin of the United States Currency of the denomination designated on said parking gate, or without using an authorized admittance card or token, according to the operating instructions designated for the parking gate.

Sec. 6.10.

No person shall use any parking ramp, parking building, or other parking facility without paying the fee designated for such parking and at the time prescribed therefor.

Sec. 6.11.

No person shall drive or attempt to drive a vehicle through parking lot exits or entrances controlled by parking gates except in the manner posted and indicated by the nature of the operation of the parking gate.

Sec. 6.12.

No person shall drive or attempt to drive a vehicle into a parking lot through the exit side of the parking gate or drive a vehicle from a parking lot through the entrance side of the parking gate unless directed to do so by a police officer.

Sec. 6.13. Passenger Loading Zone

No person shall stop, stand or park a vehicle for any period of time or for any purpose except for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to such a passenger loading zone are effective.

Sec. 6.14.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of material in any place marked as a freight loading zone during hours when the provisions applicable to such zones are in effect, provided that the driver of a vehicle may stop temporarily at a place marked as a freight loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

Sec. 6.15. Prima Facie Evidence; Parking Violators

In any proceeding for a violation of this ordinance relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation,

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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 prima facie presumption that the registered 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. In case two or more persons are the registered owners, either may be presumed to be the person who parked or placed such motor vehicle as foresaid. If, however, the defendant named in the complaint was at the time of such parking the registered issuee of the Western Michigan University parking permit issued for such motor vehicle, then said presumption shall not apply to such registered owner or owners and the presumption as set forth in the second paragraph of this Section shall be effective as to such issuee.

In any proceeding for a violation of this ordinance relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered issuee of the Western Michigan University parking permit issued for such motor vehicle, shall constitute in evidence a prima facie presumption that the registered issuee of such University parking permit was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Sec. 6.16. No parking – two-away zone

Where temporary or permanent no parking zones are established and where there is posted tow-away zone signs, and where vehicles are parked in unauthorized places or in lots or other parking facilities for a period of time that exceeds the permissible time, vehicles parked in violation may be towed away and impounded. The reasonable cost of removal and storage shall be borne by the owner.

Sec. 6.17.

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic violation card.

Sec. 6.18.

Whenever an officer removes a vehicle from a street or other place as authorized herein and the officer knows or is able to ascertain the name and address of the owner thereof such officer shall within a reasonable period of time give or cause to be given a notice in writing to the owner of the fact of such removal, the reason therefor and the place to which such vehicle has been removed. In the event any such vehicle is stored in a garage a copy of such notice shall be given to the proprietor of such garage.

Sec. 6.19.

Whenever an officer removes a vehicle from a street or other place as provided herein and does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as hereinbefore provided and in the event a vehicle is not returned to the owner within a period of three (3) days, the officer shall within a reasonable period of time send or cause to be sent a written report of such removal by mail to the Director of the Michigan State Police and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage, or place where the vehicle is stored.

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Sec. 6.20.

Members of the Department of Public Safety are hereby authorized to remove a vehicle from any parking place to the nearest garage or other place of safety, or to a garage designated or maintained by the Department of Public Safety, when such vehicle is left unattended and may be presumed to be abandoned.

Sec. 6.21.

When any vehicle is left unattended upon a street or other place open to the general public, including any area designated for the parking of vehicles, and is so illegally parked as to constitute a definite hazard of obstruction to the normal movement of traffic, the vehicle may be towed away and impounded. In case of impounding a vehicle under this section, the Department of Public Safety is empowered to restore the same to the owner thereof or his agent upon the payment of all charges outstanding against the same including unsettled citations in the amounts then prevailing and charges for towing and storage, or if said owner professes that the said citations are not true and he wishes to have the matter taken to court, then restore the same upon prompt issuance of a warrant against him followed by his pleas of not guilty before a court of competent jurisdiction and the payment of charges for towing and storage of the vehicle.

Sec. 6.22.

When six or more citations involving parking violations or illegal parking have issued against the driver and/or owner of a vehicle and said citations have been disregarded and/or the owner has otherwise failed to answer the citations, the vehicle may be impounded or immobilized. In the case of impounding or immobilizing a vehicle under this section, the Department of Public Safety is empowered to restore the vehicle to the owner thereof or his agent upon the payment of all charges outstanding against the vehicle including unsettled citations in the amounts then prevailing and all other charges. If the said owner professes that the said citations are not true and he wishes to have the matter taken to court, traffic citations will be issued on the relevant contested parking citations. The owner may then enter a plea of not guilty before a court of competent jurisdiction.

Sec. 6.23.

No automobile, truck or other motor vehicle shall be parked or be allowed to stand between the curb or drainage line and sidewalk or any grassy area, on a vehicular right-of-way, unless expressly permitted by order of the Director of the Department of Public Safety.

Sec. 6.24.

No automobile, truck or other motor vehicle shall be parked or be allowed to stand between the outer edge or boundary line of any parking lot and a sidewalk or any grassy area, unless expressly permitted by order of the Director of the Department of Public Safety.

Sec. 6.25.

Motorcycles and motor driven cycles shall not be parked in any building except those buildings approved as automobile shops. Any motorcycle or motor driven cycle parked in any building except those buildings approved as automobile shops will be towed away and impounded. The cost of removal and storage shall be borne by the owner.

Sec. 6.26.

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Bicycles shall be parked in bicycle racks or bicycle stands as provided, and any bicycle parked other than in a bicycle rack or bicycle stand will be removed to the Department of Public Safety for safekeeping. Any such bicycle shall be surrendered to the owner thereof upon proof of ownership.

Sec. 6.27.

Any motor vehicle driven, parked or possessed upon the premises of Western Michigan University shall have affixed to said motor vehicle a current registration plate or plates as issued by the State of residence of the registered owner. Any motor vehicle parked or possessed upon the premises of Western Michigan University which does not have a current registration plate attached to the said motor vehicle shall be presumed to be abandoned, and the Director of the Department of Public Safety is authorized to arrange to have the said motor vehicle removed from the premises of Western Michigan University at the owner's expense.

## **Chapter 7 – Traffic – Pedestrians**

Sec. 7.1

Pedestrians shall be subject to traffic control signals at intersections and shall observe all signs and posted regulations for the regulating of pedestrian traffic. No pedestrian shall, except at a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb. Every pedestrian crossing a street or roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

Sec. 7.2.

Where traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within a marked crosswalk or within an unmarked crosswalk at an intersection.

Sec. 7.3.

Where sidewalks are provided it shall be unlawful for pedestrians to walk upon the main traveled portion of the street or roadway. Where sidewalks are not provided, pedestrians shall, when practical, walk on the left side of the street or highway facing traffic which passes nearest.

Sec. 7.4. Pedestrians Soliciting Rides or Business

No persons shall stand on the roadway and solicit a ride from the operators of vehicles in general other than duly licensed taxis, buses, and other vehicles for hire. No operator shall stop his motor vehicle for the purpose of providing transportation to any person or persons except in areas where standing, stopping or parking is permitted.

## **Chapter 8 – Accidents – Traffic**

Sec. 8.1.

The driver of any vehicle directly involved in an accident resulting in injury or death to any person or resulting in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall give his name, address and the



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registration number of the vehicle he is driving and shall upon request exhibit his operator's license and chauffeur's license to the person struck or the driver or occupant of or person attending the vehicle collided with.

Sec. 8.2.

The driver of a vehicle involved in an accident resulting in injury or death to any person or any property damaged shall by the quickest means of communication give notice of such accident to the Department of Public Safety or other police department of the jurisdiction in question.

Sec. 8.3.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or if such person cannot be located shall leave securely attached in a conspicuous place on the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and shall report such accident to the University Department of Public Safety.

Sec. 8.4.

All accident reports required of drivers under this ordinance shall be subject to the provisions of the Michigan Uniform Traffic Code with regard to disclosure of information contained in said report.

Sec. 8.5.

Every driver of a vehicle shall have a valid driver's license on his person and shall display it and permit it to be examined by any police officer when so requested to do so.

## **Chapter 9 – Administration**

Sec. 9.1.

The Treasurer for Western Michigan University Board of Trustees shall exercise the powers and duties provided in this ordinance in a manner consistent with prevailing traffic safety practices and in the best interest of Western Michigan University. The Treasurer shall have the authority to delegate to the Director of the Department of Public Safety responsibility for determining and installing proper timing and maintenance of traffic control devices, to plan and direct the operation of traffic on streets within the boundaries of Western Michigan University; to establish parking areas therein, designating limitations and uses thereof; to certify as the installation of such devices and uses thereof; to certify as to the installation of such devices and signs by posting the same in the Administration Building of Western Michigan University and the headquarters of the Department of Public Safety or such other public places as may be deemed appropriate within the campus and accessible to the public; to establish and erect stop signs, standing or parking or stopping regulations and speed restrictions; to establish one-way streets, alleys, crosswalks, safety zones and traffic lanes and such other markings, restrictions, and street designations as may be deemed necessary for the public interest and for the protection of vehicles and pedestrians.

Sec. 9.2.

The Treasurer of Western Michigan University Board of Trustees shall have authority to authorize the Director of the Department of Public Safety to determine and designate metered parking zones and to install and maintain as many parking meters as necessary in said metered parking zones where it is

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determined that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles; also to determine or designate parking lots or areas which shall be controlled or restricted by parking gates and to install and maintain as many parking gates as may be necessary in said areas where it is determined that the installation of parking gates shall be necessary to aid the regulation and control of the parked vehicles.

Sec. 9.3.

The Treasurer of the Western Michigan University Board of Trustees is hereby empowered to establish special restricted parking areas (and signs which indicate such restrictions) where such restrictions are necessary for essential activities of the University and/or where interference with such operations may adversely affect the public interest in maintaining a safe and well-ordered campus.

Sec. 9.4.

No person shall attempt to or in fact alter, deface, damage, knock down or remove any traffic control device.

Sec. 9.5.

All motor vehicles parked on the campus by all students, faculty and staff members shall be registered with the University.

Sec. 9.6.

Charges for parking to faculty, staff, students and visitors shall be established from time to time by Western Michigan University Board of Trustees. The Board may exempt certain employees, or groups of employees, students or visitors from such charges.

Sect. 9.7.

It shall be unlawful to have displayed on any motor vehicle, motorcycle or motor driven cycle or to have displayed in any motor vehicle any Western Michigan University Parking Sticker and/or Parking Permit which has not been issued for the motor vehicle, motorcycle or motor driven cycle on which or in which the same is displayed.

Sec. 9.8.

A Parking Violations Bureau is hereby established under the supervision and direction of the Treasurer of the Western Michigan University Board of Trustees, and said Parking Violations Bureau shall be the exclusive agency to accept pleas of guilty in cases of parking violations. All fines for such violations shall be collected by said Parking Violations Bureau.

## Chapter 10 – Penalties and Procedure on Violations

Sec. 10.1.

The enforcement of this ordinance shall be by officers of the Department of Public Safety and by law enforcement officers of the State of Michigan, County of Kalamazoo, and of the township or city wherein the violation of this ordinance occurs.

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Sec. 10.2.

Violation of this ordinance may be enforced in any court having jurisdiction over misdemeanors in the political subdivision where the violation occurs, provided, however, pleas of guilty as to any parking violation shall be made to and accepted by the Parking Violations Bureau of Western Michigan University. Fines for parking violations shall be in accordance with a schedule as approved by the Presiding Judge of the Ninth District Court and posted at the Western Michigan University Parking Violations Bureau. The procedure in such court shall be governed by its ordinary rules of procedure. Appeals may be taken in the same manner as in misdemeanor cases in such court. Fines collected by the court for ordinance violations shall be paid to the Treasurer of the political subdivision in which the offense is tried within thirty (30) days after collection; and costs shall be handled in the same manner as provided for costs imposed for violation of misdemeanors under state statutes.

Sec. 10.3.

- (a) Whenever a person is arrested without a warrant for any violation of this ordinance, the arresting officer shall prepare as soon as possible a written citation in form customarily used in cases of violation of a traffic ordinance in the governmental unit where such violation occurs, said citation to be an original and with three (3) copies, and to notify the alleged violator to appear in court, said citation to contain the name and address of such person, the offense charged, and the time and place when and where such person shall appear in court. The officer shall inform the offender of the violation and give the third copy of the citation to the alleged offender. If such arrested person so demands, he shall be taken before the judge of the court having jurisdiction in lieu of being given such citation.
- (b) The time specified in the citation to appear shall be within a reasonable time after such arrest unless the person arrested shall demand an earlier hearing.
- (c) The place specified in the citation to appear shall be before the court having jurisdiction over the alleged offense charged in the citation.
- (d) Appearance may be made in person, by representation, or by mail. When appearance is made by representation or mail, the court may accept the plea of guilty or not guilty for purposes of arraignment with the same effect as though the person personally appeared before it. The court, by given five (5) days notice of the date of appearance, may require appearance in person at the time and place designated in the citation.
- (e) When a motor vehicle without a driver is found parked or stopped in violation of any restriction imposed by this ordinance or by state law, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a traffic citation.

Sec. 10.4.

In every charge of violation of the speed restrictions in this ordinance, the citation shall specify the speed at which the defendant is alleged to have driven, and also the speed applicable within the district or at the location.

## **Chapter 11 – Severance Provision**

Sec. 11.1.

If any part or parts of this ordinance are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. Western

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Michigan University Board of Trustees does hereby declare that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

### **Chapter 12 – Effective Date of Ordinance**

#### Sec. 12.1.

This ordinance shall become effective on the publication of said ordinance in the Kalamazoo Gazette. Copies of said ordinance shall be made available at the Office of the Department of Public Safety and at the Office of the Treasurer of Western Michigan University Board of Trustees.

(Approved, Board of Trustees May 16, 1969;

Amended: August 14, 1970; June 30, 1972; May 18, 1973; February 7, 1977; July 15, 1977; July 20, 1979; June 19, 1981; September 16, 1988, August 2004, August 2011, August 2012)