

BOARD OF REGENTS

EASTERN MICHIGAN UNIVERSITY

SECTION: 16

DATE:

December 15,
2017

RECOMMENDATION REGARDING THE APPROVAL AND ADOPTION OF A NEW PARKING ORDINANCE

ACTION REQUESTED

It is requested that the Board of Regents approve and adopt a new Parking Ordinance, to replace in its entirety the Parking Ordinance originally adopted by the Board in 1979.

STAFF SUMMARY

The Parking Ordinance adopted by the Board in 1979 (the 1979 Ordinance) was authorized by and designed to comply with the provisions of Michigan law relating to the regulation of parking facilities and vehicles on the campuses of public universities. Policies, rules and regulations promulgated by the Board and the University under the 1979 Ordinance have been variously amended, but the 1979 Ordinance remains as originally adopted. The 1979 Ordinance does not now adequately address Parking System matters, including facilities and traffic, that have evolved since its adoption.

In addition, the Board has approved a Concession Agreement relating to the University's Parking System, which contains provisions which are not in conformance with the 1979 Ordinance.

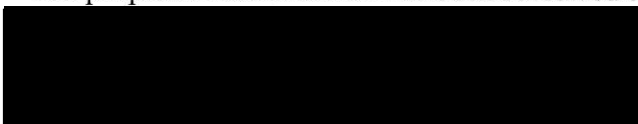
For the purposes of updating the provisions of the 1979 Ordinance and to conform the 1979 Ordinance to the terms of the Concession Agreement, the University Administration has presented a new Parking Ordinance for consideration by the Board. The new Parking Ordinance will conform to the terms of the Concession Agreement and provide more current direction regarding the policies, rules and regulations governing the University's responsibilities with respect to the Parking System in the context of the Concession Agreement.

FISCAL IMPLICATIONS

None.

ADMINISTRATIVE RECOMMENDATION

The proposed Board action has been reviewed and is recommended for Board approval.


University Executive Officer

December 15, 2017
Date

**EASTERN MICHIGAN UNIVERSITY
PARKING ORDINANCE**

Adopted on December 15, 2017

WHEREAS, Section 1 of Act 291 of the Michigan Public Acts of 1967, as amended (Michigan Compiled Laws Annotated, Section 390.891), authorizes the Board of Regents of Eastern Michigan University to enact parking, traffic, and pedestrian ordinances for the government and control of its campuses, and to provide fines for violations of such ordinances; and Section 3 of Act 291 permits the Board of Regents to establish a Parking Violations Bureau as an exclusive agency to accept admissions of responsibility in cases of civil infraction violations of any parking ordinance and to collect and retain fines and costs as prescribed in the ordinance for such violations; and

WHEREAS, pursuant to the above-designated authority, and in discharge of the responsibility imposed thereby, the Board of Regents of Eastern Michigan University deems it necessary to adopt this parking ordinance in replacement of the Eastern Michigan University Parking Ordinance previously adopted by the Board on December 5, 1979;

NOW, THEREFORE, THE BOARD OF REGENTS OF EASTERN MICHIGAN UNIVERSITY HEREBY ORDAINS AS FOLLOWS:

ARTICLE 1 - STATEMENT OF PURPOSE AND AUTHORITY

It is the intent of the Board of Regents of Eastern Michigan University to herewith establish a parking ordinance for the protection of health and property on the campus of Eastern Michigan University for students, faculty, staff, and visitors.

ARTICLE 2 - STATEMENT OF AUTHORITY

This Ordinance is enacted by the Board of Regents of Eastern Michigan University pursuant to and in accordance with the authority and responsibility of said Board as provided in the Constitution of the State of Michigan, Act 300 of the Michigan Public Acts of 1949 (Michigan Vehicle Code), as amended, and Act 291 of the Michigan Public Acts of 1967, as amended.

ARTICLE 3 - DEFINITIONS AND GENERAL PROVISIONS

Section 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 Article. Whenever any word or phrase used herein is not defined herein but is defined in the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, as amended being §257.1 et seq. of the Michigan Compiled Laws, the definition therein shall be deemed to apply to the words and phrases used herein.

(1) Act 291

“Act 291” means Act 291 of the Michigan Public Acts of 1967, as amended.

(2) Alley

“Alley” means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.

(3) Board

“Board” means the Board of Regents of Eastern Michigan University.

(4) Campus

“Campus” means all real property wheresoever situated, owned, or held by the Board in its capacity as the governing board of the University.

(5) Concession Agreement

“Concession Agreement” means the Concession Agreement for Eastern Michigan University Parking System between the Board and the Concessionaire, approved by the Board on December 15, 2017, as it may be amended or restated from time to time.

(6) Concessionaire

“Concessionaire” means Preston Hollow Capital, LLC, a Delaware limited liability company, and its successors and assigns under the Concession Agreement.

(7) Crosswalk

“Crosswalk” means either of the following:

(a) That part of a roadway at an intersection included within the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable highway.

(b) Any portion of a highway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(8) Enforcement Operator

“Enforcement Operator” means the “Enforcement Operator” as such term is defined in the Concession Agreement.

(9) Freight loading zone

“Freight loading zone” means a space adjacent to a curb or elsewhere set aside for the exclusive use of vehicles during the loading or unloading of freight.

(10) Handicapped Person

“Handicapped Person” means a person who has a physical characteristic categorized as a handicap, which limits ambulation or necessitates the use of a wheelchair for mobility. The term also means a person who is blind.

(11) Intersection

“Intersection” means either of the following:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area with which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

(12) Metering Devices

“Metering Devices” means parking meters, pay and display stations, electronic metering devices, and other technology that may be used from time to time in connection with the parking system operations to assess, charge or collect hourly parking fees.

(13) Michigan Vehicle Code

“Michigan Vehicle Code” means Act 300 of the Michigan Public Acts of 1949, as amended.

(14) Motor bus/bus

“Motor bus” or “bus” means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons.

(15) Operator

“Operator” means a Person who drives or is in actual physical control of a vehicle regardless of whether the person is licensed as an operator or a chauffeur.

(16) Parking

“Parking” means standing a vehicle whether occupied or not, upon a street or other area when not loading or unloading, except when making necessary repairs.

(17) Parking Violation Notice

“Parking Violation Notice” has the meaning set forth in Section 742(9)(a) of the Michigan Vehicle Code and means a notice, other than a citation, directing a person to appear at the Parking Violations Bureau and to pay the fines and costs, if any, prescribed by this Ordinance for the parking or standing of a motor vehicle in violation of this Ordinance.

(18) Parking Violations Bureau

“Parking Violations Bureau” means the parking violations bureau established by the University pursuant to this Ordinance and Section 3 of Act 291, as an exclusive agency to accept admissions of responsibility in cases of violations of this Ordinance and to collect and retain fines and costs as prescribed in this Ordinance if the violation is designated a civil infraction.

(19) 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.

(20) Pedestrians

“Pedestrian” means a person afoot.

(21) Police officer, officer

“Police officer” or “officer” means that group of University employees within the University Police Department who are regularly constituted law enforcement officers by virtue of being deputized by the Washtenaw County Sheriff or otherwise, and any person who is a sheriff or deputy sheriff or an officer of the police department of a city, village, township, or an officer of the Michigan State Police.

(22) Roadway

“Roadway” means that portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a street or highway includes two or more separate roadways, the term “roadway,” as used herein, shall refer to a roadway separately, but not to all such roadways collectively.

(23) Sidewalk

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

(24) Stand, standing

“Stand” or “standing” means the halting of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, receiving or discharging of passengers.

(25) Stop, stopping

“Stop” or “stopping,” when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(26) Street, highway

“Street” or “highway” means 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.

(27) Traffic

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

(28) Traffic control devices

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

(29) 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.

(30) University

“University” means Eastern Michigan University.

(31) Vehicle

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

Section 2. Tenses

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

Section 3. Number, gender

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

ARTICLE 4 - ENFORCEMENT OF ORDINANCE

Section 1. The Enforcement of this Ordinance, pursuant to Section 1 of Act 291, shall be by law enforcement officers of the City of Ypsilanti, the County of Washtenaw, Michigan and/or the Michigan State Police, as well as the Department of Public Safety of the University. Such law enforcement officers are hereby appointed and empowered to enforce this Ordinance. Enforcement by law enforcement officers, other than those in the Department of Public Safety of the University, shall occur pursuant to agreement between the University and the public employer of the particular law enforcement officers.

Section 2. The Concessionaire and the Enforcement Operator and its employees are authorized, pursuant to Section 742(7) of the Michigan Vehicle Code, to issue Parking Violation Notices for the parking or standing of a motor vehicle in violation of this Ordinance.

Section 3. It shall be the duty of the Executive Director of the Department of Public Safety, or his/her subordinates, 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 Executive Director of the Department of Public Safety, or his/her authorized representatives, shall make such restrictions known by use of signs, barricades, posting of the University’s police officers, or other authorized person possessing official identification, or establishing lines of restriction beyond which unauthorized persons are not permitted to pass.

Section 4. Nothing contained in this Ordinance is intended to limit the power of any governmental unit or law enforcement agency to enforce on University property any laws, ordinances or regulations which otherwise would be enforceable on such property.

ARTICLE 5 - PARKING

Section 1. Standing or parking close to curb

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this article.

Section 2. One-way streets

Vehicles may park with the left-hand wheels adjacent to and within 12 inches of the left-hand curb on properly signed one-way streets.

Section 3. Obedience to angle parking signs or markings

Upon those streets which have been signed, or marked for angle parking, no person shall stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 4. Parking not to obstruct traffic

No Person shall park any vehicle upon a street or parking lot, in such a manner or under such conditions as to leave available insufficient width of the roadway for free movement of vehicular traffic.

Section 5. Stopping, standing and parking, prohibited places and manner

No Person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law, or the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk.
- (b) In front of a public or private driveway.
- (c) Within an intersection.
- (d) Within 15 feet of a fire hydrant.
- (e) On a crosswalk.
- (f) Within 20 feet of a crosswalk, or if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of streets.
- (g) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign or traffic-control signal located at the side of a street.
- (h) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
- (i) On the street side of any vehicle stopped or parked at the edge or curb of a street.

- (j) At any place where official signs prohibit stopping, standing, or parking.
- (k) In any place or in any manner which blocks immediate egress from any emergency exit or exits conspicuously marked as an emergency exit of a building.
- (l) In any place or in any manner which blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from any building.
- (m) In a parking area clearly identified by an official sign as being reserved for use by Handicapped Persons, unless the person is a Handicapped Person, or unless the person is parking the vehicle for the benefit of a Handicapped Person. A certificate of identification issued by the University, or the state to a Handicapped Person, or a special registration plate issued by the state to a Handicapped Person shall be displayed on the vehicle.
- (n) In violation of an official sign restricting the period of time for or manner of parking.
- (o) On a grass area.
- (p) On a margin.

Section 6. Motor buses; stopping

Motor buses, for the purpose of taking on or discharging passengers, may be stopped at the places designated in subparagraphs b, d, and f of Section 5, or on the street side of a vehicle illegally parked in a designated bus loading zone.

Section 7. Parking in alleys

No Person shall park a vehicle in an alley, except when authorized by official signs, nor shall any person stop or stand a vehicle in any alley except while actually in the process of loading or unloading such vehicle.

Section 8. Parking for certain purposes prohibited

No Person shall park a vehicle upon any street for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Washing, polishing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
- (c) Displaying advertising.
- (d) Selling merchandise from such vehicle.
- (e) Storage for more than 48 continuous hours.

Section 9. Standing or parking on one-way, roadways

In the event a street includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

Section 10. Standing in passenger curb loading zone

No person shall stop, stand, or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective, and then only for a period not to exceed five (5) minutes.

Section 11. Standing freight loading zone

No person shall stop, stand, or park a vehicle for any purpose or length of time except for the expeditious unloading and delivery or pickup 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 material which is waiting to enter or about to enter such zone.

Section 12. Stopping, standing, or parking of buses

The operator of a bus shall not stop, stand, or park upon any street at any place other than at a bus stop except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping standing, or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

Section 13. Restricted use of bus stop

No Person shall stop, stand, or park a vehicle other than a bus in a bus stop, when such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus waiting to enter or about to enter the bus stop.

Section 14. Metered parking zones

When a Metering Device is installed adjacent or in close proximity to a space marked for parking and the collection of hourly parking fees, such space shall be a metered parking zone and no person shall stop a vehicle in any such zone for a period of time longer than designated on such Metering Device upon the payment of United States currency in the amounts designated on such Metering Device on the days and during the time said regulations are in force as designated on such Metering Device, except government-owned vehicles shall be exempt from payment of the meter fee.

Section 15. Drivers to park within spaces

No person shall park any motor vehicle in any parking lot or parking structure other than within the boundaries of the space designated as allocated for the parking of a single motor vehicle, by appropriate lines or other markings. Where a space has been designated for the parking of compact automobiles or other small vehicles only, and appropriate signs erected, it shall be unlawful to park a larger or other type of vehicle thereon so as to extend beyond the designated boundaries of such space.

Section 16. Parking gates

When parking gates are installed to restrict use of a parking area or parking lot, no person shall use such area without an applicable parking permit for such parking area or parking lot or, if the parking lot is not restricted to permit holders, by payment of the applicable parking fee, according to the operating instructions designated for the parking gate.

Section 17. Parking gates; entrance and exit

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 nor shall any person 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.

Section 18. Restricted parking areas

No person shall stop, stand, or park any vehicle in any reserved or specially assigned parking lot or parking area unless such vehicle has been registered with the University and has a currently effective appropriate parking permit displayed. It shall be unlawful to have displayed on any motor vehicle any University registration and/or parking permit which has not been issued for the motor vehicle, on which or in which such permit is displayed.

Section 19. No parking tow-away zone

Where temporary or permanent no parking zones are established and there are posted tow-away zone signs, vehicles parked in violation may be towed away and impounded. The necessary cost of removal and storage shall be borne by the owner. Ownership of the vehicle will be determined according to the records of the State of Michigan, Department of the Secretary of State, or the University or Concessionaire's record of permit holder. The owner/permit holder will be held responsible for payment of all outstanding parking tickets before a vehicle release form is issued.

Section 20. Impoundment or immobilization for six unpaid violations

When any vehicle is found in violation of any of the provisions of this Article, and when it is determined that there are six (6) or more outstanding Parking Violation Notices or citations for illegal parking against the same vehicle, the vehicle may be towed away and impounded or immobilized. Such a vehicle shall not be released from impoundment or immobilization until all

outstanding Parking Violation Notices or citations for illegal parking relating to the vehicle have been cleared with the University or through the appropriate Court. The necessary cost of removal and storage of the vehicle shall become a lien on the vehicle and the person into whose custody the vehicle is given may hold the vehicle until the expenses involved have been paid.

ARTICLE 6 - ADMINISTRATION

Section 1. The President of the University and the Treasurer of the Board are authorized to establish rules and regulations for the issuance of parking permits and the enforcement of this Ordinance in accordance with Michigan Vehicle Code and Act 291.

Section 2. The Executive Director of the Department of Public Safety and the Vice President for Operations and Facilities shall be responsible 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 the University; to establish parking areas therein, designating limitations and uses thereof; the establishment of 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.

Section 3. Subject to the terms of the Concession Agreement, the Executive Director of the Department of Public Safety and the Vice President for Operations and Facilities shall 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 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.

Section 4. The Treasurer of the Board 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.

Section 5. Motor vehicles parked on campus, in reserved or specially assigned areas, must be registered with the University, and have the appropriate parking permit displayed.

Section 6. Charges for parking to faculty, staff, students, and visitors shall be established as set forth in the Concession Agreement. The President of the University and the Treasurer of the Board may establish rules and regulations for exemption of certain employees, or groups of employees, students, or visitors from such charges.

ARTICLE 7 - PENALTIES AND PROCEDURE ON VIOLATIONS

Section 1. There is hereby established a Parking Violations Bureau within the Department of Public Safety to accept admissions of responsibility in cases of violations of this Ordinance and

to collect and retain fines and costs as prescribed in this Ordinance if the violation is designated a civil infraction.

Section 2. Violation of parking regulations set forth in Article 5 of this Ordinance shall constitute “civil infractions,” and shall be enforced and processed in accordance with the rules and procedures developed in accordance with Section 1 above

Section 3. In any proceeding for violation of this Ordinance proof that the person named in the complaint or citation was at the time set forth therein the registered owner of the vehicle and/or was the person who registered the vehicle with the University for the period during which the alleged violation occurred shall constitute in evidence a prima facie presumption that such person was the person who parked or placed such motor vehicle at the point where the alleged violation occurred.

Section 4. Whenever any motor vehicle without a 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 violation notice.

Section 5. Whenever an officer removes and impounds a vehicle, 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, therefore, 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 operator of such garage.

Section 6. Whenever an officer removes and impounds a vehicle, as authorized 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 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 Commissioner of the Michigan State Police, and shall file a copy of such notice with the operator of such 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.

Section 7. Any person who commits a civil infraction under this Ordinance shall be punished by the fine specified below or in other provisions of this Ordinance, or, if there is no such provision, by a \$25.00 fine. As of the effective date of this Ordinance, the following fines shall be imposed for the following violations:

Schedule of Parking Violation Fines	
Violation Description	Fine
Parking in Restricted Zone	\$25.00*
Not Parked Within Space	\$25.00
Parking in Reserved Parking	\$50.00
Illegal Exit	\$45.00
Prohibited Parking 2AM-6AM	\$35.00
Parking in Handicapped Zone	\$200.00
Traffic Hazard	\$35.00
Parked in Margin/Grass/Sidewalk	\$35.00
Parking in Violation of Time Restriction	\$25.00
Overtime Meter	\$10.00
Prohibited Parking	\$35.00
Illegal Entry	\$10.00

*Penalty is \$10 if person presents valid Permit within 48 hours of issuance. Permit must be registered to owner of the vehicle, purchased and picked up prior to issuance of violation.

Section 8. The President of the University and the Treasurer of the Board are authorized to modify the parking fines set forth in Section 7 above from time to time as may be determined to be appropriate for enforcement of this Ordinance, subject to the terms of the Concession Agreement. If a civil infraction included in this Ordinance substantially corresponds to a provision of the Michigan Vehicle Code, the parking fine for that infraction shall not exceed the maximum civil fine for the substantially corresponding provision of the Michigan Vehicle Code.

Section 9. All civil infraction fines for parking violations are payable at the Parking Violations Bureau or other designated location. Admissions of responsibility in cases of civil infraction parking violations of this Ordinance, including rules and regulations issued thereunder, shall be processed exclusively through the Parking Violations Bureau with resulting fines and costs to be retained by the University. All other alleged violations of this Ordinance, including rules and regulations issued thereunder, shall be processed in the court system as provided by law for similar alleged violations occurring in the City of Ypsilanti and Washtenaw County.

Section 10. In the event that a defendant is found to have violated this Ordinance by a Court of proper jurisdiction, the fine schedule provided in Section 7, above, shall be applied by such Court as a minimum fine schedule. In the event of hardship, the Court may suspend the minimum fine, or in the event such violation merits a fine greater than the minimum, the Court may levy a greater fine as permitted under the court rules. In the event such defendant fails to appear in Court and a warrant is issued, the Court may levy a warrant fee in accordance with the regular authority and practice of the Court.

Section 11. The Chief of the University Police Department shall be responsible for causing the Concessionaire to issue violation notices and complaint forms in such form as he/she deems necessary and appropriate, and shall cause the Concessionaire to maintain or cause to be

maintained a record of every such violation notice and complaint form issued. The Concessionaire shall retain a record of every notice so issued.

ARTICLE 8 - MISCELLANEOUS

Section 1. Short title

This Ordinance shall be known and cited as the Eastern Michigan University Parking Ordinance.

Section 2. Severance provision

If any provision of this Ordinance or part thereof shall be adjudged invalid by a court of competent jurisdiction, then such adjudication shall not affect the validity of this Ordinance as a whole or any provision or part thereof not so adjudged invalid.

Section 3. Saving clause

All proceedings pending in all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved, and such proceedings may be consummated under and according to the ordinance in force at the time such proceedings are or were commenced. This Ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed by this Ordinance for violations committed prior to the effective date of this Ordinance; and all prosecutions instituted after the effective date of this Ordinance for violations committed prior to the effective date of this Ordinance may be continued or instituted under and in accordance with the provisions of any ordinance in force at the time of the commission of such violation.

Section 4. Effective date

This Ordinance, as amended, shall take effect immediately. It shall repeal all prior versions of it. Copies of this Ordinance shall be made available at the University Department of Public Safety.