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CODIFIED ORDINANCES OF HIGHLAND PARK

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CHAPTER 420

General Provisions and Definitions

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CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Traffic Bureau - see TRAF. 422.02

Traffic Committee - see TRAF. 422.04

420.01 SHORT TITLE.

This Code shall be known and cited as the "Highland Park Traffic and Parking Code" or just the "Traffic and Parking Code."

(Ord. 1108. Passed 11-1-82.)

420.02 PURPOSE.

The purposes of this Traffic and Parking Code are:

(a) To specify the authority of the City to regulate traffic on the public streets of the City and to specify the procedures to be used in adopting these regulations;

(b) To specify the types of traffic control devices and the necessary conditions for the establishment of these traffic control devices;

(c) To require operators of motor vehicles, bicycles, motorcycles and pedestrians to obey traffic regulations and traffic control devices; and

(d) To specify regulations applying to parked vehicles, to define conditions which permit the City to impound illegally parked vehicles and to define procedures for the disposition of impounded vehicles.

(Ord. 1108. Passed 11-1-82.)

420.03 INVALIDITY OR UNCONSTITUTIONALITY OF CODE; SEPARABILITY.

If any part of this Traffic and Parking Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Code. Council hereby declares that it would have passed this Code and each part thereof irrespective of the fact that any part is declared invalid or unconstitutional.

(Ord. 1108. Passed 11-1-82.)

420.04 SAVING CLAUSE.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Traffic and Parking Code 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 Traffic and Parking Code 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 Traffic and Parking Code for offenses committed before the effective date of this Traffic and Parking Code and all prosecutions pending on the effective date of this Code. All prosecutions instituted after the effective date of this Code for offenses committed before the effective date of this Code 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 offense.

(Ord. 1108. Passed 11-1-82.)

420.05 DEFINITIONS.

The following words and phrases when used in this Traffic and Parking Code shall, for the purpose of this Code, have the meanings respectively ascribed to them in this section. Whenever any word or phrase used in this Code is not defined herein but is defined in Act 300 of the Public Acts of 1949, as amended, being Sections 257.1 et seq. of the Michigan Compiled Laws, the definition therein shall be deemed to apply to the words and phrases used in this Code.

- (1) "Act" means Act No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 et seq. of the Michigan Compiled Laws.
- (2) "Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.
- (3) "Ambulance" means a privately or publicly owned motor vehicle for highway use which is specially designed or constructed and equipped, intended to be used for, and maintained or operated for, the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, including dual purpose police patrol cars and funeral coaches or hearses, and which is equipped according to Section 7 of Act No. 258 of the Public Acts of 1968, as amended, being Section 257.1207 of the Michigan Compiled Laws.
- (4) "Authorized emergency vehicle" means a vehicle of the Fire Department, a police vehicle, an ambulance, a privately owned motor vehicle of a volunteer or paid fireman or a privately owned motor vehicle of a volunteer ambulance driver or a licensed ambulance driver or attendant as authorized by the Department of State Police.
- (5) "Bicycle" means a device on which a person may ride, which is propelled by human power, and which has either two or three wheels in a tandem or tricycle arrangement which are more than fourteen inches in diameter.

(6) "Bicycle lane" means a portion of a street or highway which is adjacent to the roadway and which is established for the use of persons riding bicycles.

(7) "Bicycle path" means a portion of a street or highway which is separated from the roadway by an open, unpaved space or by a barrier and which is established for the use of persons riding bicycles.

(8) "Bus" means a motor vehicle which is designed to carry more than ten passengers and which is used for the transportation of persons, and also means a motor vehicle, other than a taxicab, which is designed and used for the transportation of persons for compensation. "Bus" does not include a school bus or a bus that is equipped and used for living or camping purposes.

(9) "Bus stand" or "bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or by buses waiting for, loading or unloading passengers.

(10) "Business district" means the territory contiguous to a highway when fifty percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

(11) "Civil infraction" means an act or omission which is prohibited by law, which is not a crime as defined in Section 5 of Act No. 328 of the Public Acts of 1931, as amended, being Section 750.5 of the Michigan Compiled Laws, and for which sanctions may be ordered.

(12) "Civil infraction determination" means a determination that a person is responsible for a civil infraction based on one of the following:

A. An admission of responsibility for the civil infraction;

B. An admission of responsibility for the civil infraction, with explanation;

C. A preponderance of the evidence at an informal hearing or formal hearing on the question under Section 746 or 747 of the Act; or

D. A default judgment for failing to appear as directed by a citation or other notice at a scheduled appearance under Section 745(3)(b) or 745(4) of the Act, at a scheduled informal hearing under Section 746 of the Act or at a scheduled formal hearing under Section 747 of the Act.

(13) "Commercial vehicle" means every motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares or merchandise. "Commercial vehicle" also means a motor vehicle which is designed and used for drawing other vehicles and which is not constructed to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(14) "Controlled substance" means a controlled substance as defined by Act No. 196 of the Public Acts of 1971, as amended, being Sections 335.301 et seq. of the Michigan Compiled Laws.

(15) "Crosswalk" means either of the following:

A. That part of a roadway at an intersection that is included within the connections of 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; or

B. A portion of a highway, at an intersection or elsewhere, which is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(16) "Curb loading zone" means a space which is adjacent to a curb and which is reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(17) "Department" means the Department of State.

(18) "Driver" means every person who drives, or is in actual physical control of, a vehicle.

(19) "Explosives" means any chemical compound or mechanical mixture which is commonly used, or intended to be used, for producing an explosion and which contains an oxidizing and combustive unit or other ingredient in such proportions, quantities or packing that an ignition by fire, friction, concussion, percussion or detonator of any part of the compound or mixture might cause such a sudden generation of highly heated gases that the resultant gaseous pressures would be capable of producing destructible effects on contiguous objects or of destroying life or limb.

(20) "Farm tractor" means every motor vehicle that is designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(21) "Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed-cup test device.

(22) "Freight curb loading zone" means a space which is adjacent to a curb and which is provided for the exclusive use of vehicles during the loading or unloading of freight.

(23) "Governmental unit" means an incorporated city, an incorporated village or a township.

(24) "Gross weight" means the weight of a vehicle without load plus the weight of a load thereon.

(25) "Handicapper" means a person who, for the purposes of this Traffic and Parking Code, has a physical characteristic categorized as a handicap which limits ambulation or which necessitates the use of a wheelchair for mobility. "Handicapper" also means a person who is blind.

(26) "Implement of husbandry" means every vehicle which is designed for agricultural purposes and which is used exclusively in agricultural operations. The transportation in a trailer of seeds, fertilizers or sprays, which will be used to plant, fertilize or spray, between a place of storage or supply and farms is an agricultural operation.

(27) "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 within which vehicles traveling upon different highways that join at any other angle might come in conflict; or

B. Where a highway includes two roadways thirty 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. If such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

(28) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

(29) "Limited access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority that has jurisdiction over such highway, street or roadway.

(30) "Moped" means a two or three-wheeled vehicle with operable pedals which is equipped with a motor that does not exceed fifty cubic centimeters piston displacement, which produces 1.5 brake horsepower or less, and which cannot propel the vehicle at a speed of more than twenty-five miles per hour on a level surface.

(31) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but which is not operated upon rails.

(32) "Motorcycle" means every motor vehicle which has a saddle or seat for the use of the rider and which is designed to travel on not more than three wheels in contact with the ground, but excludes a tractor.

(33) "Official time standard" means that hours named in this Traffic and Parking Code mean hours of standard time or daylight savings time, whichever is in current use in the City.

(34) "Operator" means every person, other than a chauffeur, who is in actual physical control of a motor vehicle on a highway.

(35) "Parking" means standing a vehicle, whether occupied or not, upon a highway when not loading or unloading, except when making necessary repairs.

(36) "Parking meter zone" means an area which is adjacent to a parking meter and which is set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified thereon.

(37) "Passenger curb loading zone" means a place which is adjacent to a curb and which is reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(38) "Pedestrian" means a person afoot.

(39) "Person" means every person, firm, copartnership, association or corporation and its legal successors, but does not include the State, a political subdivision of the State or an employee of the State operating within the scope of his or her duties.

(40) "Police officer" means a sheriff or his or her deputies, an officer of the Police Department of the City or an officer of the Michigan State Police.

(41) "Private driveway" means a piece of privately owned and maintained property which is used for vehicular traffic, but which is not opened for, or normally used by, the public.

(42) "Private road" means a privately owned and maintained road which allows access to more than one residence or place of business, which is normally open to the public, and on which persons other than the owners may travel.

(43) "Railroad" means a carrier of persons or property on cars, other than street cars, which are operated on stationary rails.

(44) "Railroad train" means a steam engine or electric or other motor, with or without coupled cars, which is operated on rails, but does not include a street car.

(45) "Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(46) "Right of way" means the privilege of the immediate use of a highway.

(47) "Roadway" means that portion of a highway which is improved, designed or ordinarily used for vehicular travel. If a highway includes two or more separate roadways, "roadway" shall refer to a roadway separately and not to all such roadways collectively.

(48) "Safety zone" means the area or space which is 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.

(49) "School bus" means every motor vehicle, except for a station wagon, with a manufacturer's rated seating capacity of eight or more children which is owned by a public, private or

governmental agency and which is operated for the transportation of children to or from school. The term also means a motor vehicle, except for a station wagon, that is privately owned and operated for compensation for the transportation of children to or from school. The term does not include a bus that is operated by a municipally owned transportation system or by a common passenger carrier certified by the Public Service Commission.

(50) "School crossing" means a crosswalk that is designated by the Department of Transportation, a County road commission or a local authority as any place to be used by school children for crossing a street or highway.

(51) "School crossing guard" means a person who is eighteen years of age or older and who is authorized to supervise children who use a school crossing as provided in Section 613c of the Act.

(52) "Semitrailer" means every vehicle, with or without motive power, other than a pole-trailer, which is designed to carry persons or property and to be drawn by a motor vehicle and which is so constructed that some part of its weight and that of its load rests on, or is carried by, another vehicle.

(53) "Sidewalk" means that portion of a street which is between the curb lines or the lateral lines of a roadway and the adjacent property lines and which is intended for the use of pedestrians.

(54) "Special mobile equipment" means every vehicle which is not designed or used primarily for the transportation of persons or property and which is incidentally operated or moved over the highways, including, but not limited to, farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, well-boring apparatus and well-servicing apparatus.

(55) "Stand" or "standing" means the halting of a vehicle, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

(56) "Stop," when required, means the complete cessation of movement.

(57) "Stop" or "stopping," when prohibited, means the halting, even momentarily, of a vehicle, whether occupied or not. The terms do not apply to the halting of a vehicle when necessary to avoid conflict with other traffic or which is in compliance with the directions of a police officer or traffic control sign or signal.

(58) "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.

(59) "Taxicab" means a licensed public motor vehicle for hire which is designated and constructed to seat not more than ten persons and which is operated as a common carrier on call or demand.

(60) "Taxicab stand" means a fixed area in the roadway which is set aside for taxicabs to stand or wait for passengers.

(61) "Through highway" means every State trunkline highway or any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same.

(62) "Tow-away zone" means a zone where parking, stopping or standing is not 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.

(63) "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars and other conveyances, either singly or together, while using a highway for purposes of travel.

(64) "Traffic control devices" means signs, signals, markings and devices which are not inconsistent with this Traffic and Parking Code and which are placed or erected by authority of a public body or official who has jurisdiction for the purpose of regulating, warning or guiding traffic.

(65) "Traffic control order" means an order which officially establishes the location of traffic control devices and traffic control signals on the highways of this City and which is issued pursuant to Section 422.06. A certified copy of the order shall be prima-facie evidence in all courts of the issuance of such order.

(66) "Traffic control signal" means a device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(67) "Traffic Division" means the Traffic Division of the Police Department of the City.

(68) "Trailer" means every vehicle, with or without motive power, other than a pole-trailer, which is designed to carry property or persons and to be drawn by a motor vehicle and which is constructed so that no part of its weight rests upon the towing vehicle.

(69) "Trailer coach" means every vehicle which is primarily designed and used as temporary living quarters for recreational, camping or travel purposes and which is drawn by another vehicle.

(70) "U turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.

(71) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracks and except for a mobile home as defined in Section 2 of Act 419 of the Public Acts of 1976, as amended, being Section 125.1102 of the Michigan Compiled Laws.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 422

Administration, Enforcement and Penalties

422.01 Responsibilities of Police Department.

422.02 Traffic Bureau.

422.03 Responsibilities of Fire Department.

422.04 Traffic Committee.

422.05 Traffic duties of City Clerk; loading permits.

422.06 Traffic control orders.

422.99 Penalties.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Police Department - see ADM. Ch. 230

Fire Department - see ADM. Ch. 232

Parking Authority - see TRAF. Ch. 430

Adoption of certain provisions of the Michigan Vehicle Code - see TRAF. 468.001

422.01 RESPONSIBILITIES OF POLICE DEPARTMENT.

(a) Traffic Duties. It shall be the duty of the Chief of Police and the officers of the Police Department to enforce the street traffic regulations of the City and all State vehicle laws which are applicable to street traffic in the City, to make arrests for certain traffic violations, to issue citations for civil infractions, to investigate accidents, to cooperate with the City Traffic Engineer

and other officials of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and carry out those duties specially imposed by this Traffic and Parking Code and other traffic ordinances of the City.

(b) Directing Traffic. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformity with traffic laws. However, in case of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

(c) Inspection of Vehicles. A police officer is authorized, on reasonable grounds shown, to stop any motor vehicle and inspect the vehicle, and if any defects in equipment are found, the officer is authorized to cite the driver in the manner provided in this Traffic and Parking Code. In case of an accident, a police officer may make an inspection of the vehicle involved in the accident.

(d) Accident Reports System. The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports, or cards referring to them, shall be filed alphabetically by location. Such reports shall be available for the use and information of the Traffic Engineer or the Traffic Committee.

(e) Use of Accident Reports. The Police Department shall receive and shall properly file all accident reports made to it under State law or under any ordinance of the City. The reports required by this Traffic and Parking Code shall not be available for use in any court action, but shall be available to governmental agencies for the purpose of furnishing statistical information as to the number and cause of accidents.

(f) Form for Accident Reports. The Police Department shall use the official form prescribed by the Director of State Police in reporting accidents to him or her which are required to be reported by the Act or by Section 466.03 or 466.07.

(g) Accident Studies. If the accidents at any particular location become numerous, the Police Department shall cooperate with the traffic engineers in conducting studies of such accidents and shall determine remedial measures.

(h) Drivers' Files. The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints which are reported for each driver, except for those that concern standing or parking. The reported items shall be filed alphabetically under the name of the driver concerned. Such records shall accumulate during a period of not less than five years and from that time on, such records shall be maintained for not less than the most recent five-year period.

(i) Annual Traffic Safety Report. The Police Department shall annually prepare a traffic report which shall be filed with the Mayor and Council. Such reports shall contain all of the following information on traffic matters in the City:

(1) The number of traffic accidents;

- (2) The number of persons killed;
- (3) The number of persons injured;
- (4) The number of traffic accidents investigated;
- (5) The plans and recommendations of the Police Department for future traffic safety activities;
- (6) Other pertinent data on the safety activities of the police; and
- (7) Other pertinent traffic accident data.

(j) Emergency Regulations. The Chief of Police is hereby authorized to make and enforce temporary regulations to cover emergencies of special conditions. Temporary regulations shall remain in effect for not more than ninety days.

(k) Chief to Provide Traffic Citation Forms. Traffic citation forms in serially numbered sets which notify alleged violators to appear and answer to charges of violating traffic laws and ordinances shall be provided by the Chief of Police in books and in a form as provided in Sections 727a, 727b and 727c of the Act and as provided in Sections 424.01 and 424.02.

(l) Issuance and Record of Traffic Citation Books. The Chief of Police shall be responsible for the issuance of traffic citation books to the Police Department and shall maintain a record of each such book.

(Ord. 1108. Passed 11-1-82.)

422.02 TRAFFIC BUREAU.

(a) Establishment. A Traffic Bureau, pursuant to MCLA 600.8391, is hereby authorized and established.

(b) Administration and Supervision. The Traffic Bureau shall be administered and supervised by the District Court by the clerks or other personnel as the presiding judge or his or her designee directs.

(c) Authority to Accept Admissions. The personnel of the Traffic Bureau shall be authorized to accept admissions of civil infractions under Sections 1 to 923 of the Act, except for violations of Sections 625, 625b, 626, 626b and 904 of the Act or local ordinances corresponding thereto.

(Ord. 1108. Passed 11-1-82.)

(d) Collection of Fines and Costs. The Traffic Bureau shall collect civil fines and costs, as prescribed by the District Court Judges, according to a schedule of fines established by resolution of Council.

(Ord. 1120. Passed 4-4-83.)

(e) Violations Before July 1, 1982; Outstanding Parking/Traffic Fund. If the civil infraction, offense or violation occurred prior to July 1, 1982, and if the maximum permissible punishment for the offense at the time the offense was committed did not exceed ninety days in jail or a fine of more than one hundred dollars (\$100.00), or both, the Traffic Bureau may also accept pleas of guilty for such traffic offenses as authorized by the judges of the District Court, except for violations of Sections 625, 625b, 626, 626b and 904 of the Act or a local ordinance corresponding thereto, being this Traffic and Parking Code. The funds collected under this section shall be kept in a special account called the Outstanding Parking/Traffic Fund, which is hereby established. Such funds collected under this section shall at no time be commingled with the City's General Fund or any other City special fund. The Outstanding Parking/Traffic Fund shall be used solely for the Auxiliary Police Force, as set forth in Section 230.01.

(f) Location and Number of Offices. The presiding judge of the District Court, subject to the supervision of the Supreme Court, shall have authority over the personnel and determine the location and number of the Traffic Bureau offices.

(g) District Court Magistrate; Informal Hearings. No traffic violation or civil infraction not scheduled in subsection (d) hereof shall be disposed of by the Traffic Bureau. No person, however, shall be required to dispose of a traffic violation or civil infraction at the Traffic Bureau. A person shall be entitled to have such a violation processed before the magistrate or the District Court thereof, if he or she so desires. A person having knowledge of the facts may make a sworn complaint before the magistrate, as provided by law. Likewise, the fact that a particular violation or civil infraction is included on the schedule set forth in subsection (d) hereof does not entitle the alleged violator to disposition of the violation at the Traffic Bureau. The person in charge of the Traffic Bureau, at his or her discretion, may refuse to dispose of such violation, in which case such violation shall be disposed of before the magistrate, as provided by law.

(h) Appeals to District Court. If a person desires an appeal of the magistrate's decision, such person is entitled to an appeal as a matter of right to the District Court. Appeals shall be taken within seven days after entry of the civil infraction, admission or magistrate's decision and shall be heard de novo.

(i) Fines Paid to District Court; Deposits with Treasurer. All fines, costs and penalties which are imposed by the Traffic Bureau or magistrate or court having jurisdiction over the violations of the Act and this Traffic and Parking Code shall be payable to the Clerk of Court who shall deposit the same with the City Treasurer daily to be deposited in the General Fund, except those special funds to be deposited in the Outstanding Parking/Traffic Fund, which fines, costs and penalties shall be credited as provided by law except for fines, costs and penalties imposed for parking ordinance violations of the City. Such parking ordinance violation fines, penalties and costs shall be payable to the City and deposited with the City Treasurer daily, who shall deposit the same in the General Fund, except those special funds to be deposited in the Outstanding Parking/Traffic Fund.

(j) Maintenance of Records; Audits. The Clerk of Court having jurisdiction over violations of the Michigan Vehicle Code and this Traffic and Parking Code shall maintain a record of the final disposition of all cases subject to appropriate audit.

(Ord. 1108. Passed 11-1-82.)

422.03 RESPONSIBILITIES OF FIRE DEPARTMENT.

Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene of the fire or in the immediate vicinity thereof.

(Ord. 1108. Passed 11-1-82.)

422.04 TRAFFIC COMMITTEE.

(a) Establishment; Composition. There is hereby established a Traffic Committee which shall be composed of the Director of Public Safety, the City Attorney, the City Engineer, the Superintendent of Public Service and the Community Development Director. Each member of the Committee shall designate an alternate who shall perform Committee functions in the absence of the member. (Ord. 1164. Passed 3-23-87.)

(b) Organization.

(1) The members of the Traffic Committee shall select a Traffic Engineer who shall serve as the coordinator of the Committee.

(2) The Committee shall adopt rules of procedure. These rules shall specify the duties of Committee officers, their method of selection and the quorum for the transaction of business.

(3) The Committee shall meet regularly once each month and at such other times as may be necessary, and shall provide for the complete record of its proceedings.

(4) When a member of the Committee is unable to attend any meeting, he or she shall have the power to designate an alternate to represent him or her.

(c) Records. The Traffic Committee shall have custody and control of the property, books, records and equipment belonging to such Committee.

(d) General Duties. The general responsibilities of the Traffic Committee are as follows:

(1) To plan and determine the installation and proper timing and maintenance of traffic control devices;

(2) To conduct engineering analyses of traffic accidents and to devise remedial measures;

(3) To conduct engineering investigations of traffic conditions;

- (4) To plan the operation of traffic on the streets of the City, including parking areas;
- (5) To cooperate with other officials of the City in the development of ways and means to improve traffic conditions; and
- (6) To carry out the additional powers and duties imposed by the ordinances of the City.
- (e) Power to Command Aid. The Traffic Committee shall have the power to call on the departments and divisions of the City, as designated in the City Charter, for assistance in the performance of its duties, and such departments and divisions shall render such assistance as may be reasonably required.

(Ord. 1108. Passed 11-1-82.)

422.05 TRAFFIC DUTIES OF CITY CLERK; LOADING PERMITS.

- (a) Filing Traffic Control Orders with County. As provided by State statute, the City Clerk shall file a copy of the current Traffic Control Order Book with the County Clerk and shall file traffic control orders with the County Clerk when they are adopted.
- (b) Permits for Loading or Unloading at Angle to Curb. The City Clerk, upon receipt of a written application, shall issue, subject to the approval of the Traffic Committee, permits to back a vehicle at right angles to the curb for the purpose of loading or unloading merchandise or material. Such permits shall be subject to the terms and conditions stated thereon. Every such permit shall expire at the end of each calendar year, but may be reissued.
- (c) Permits for Curb Loading Zone.
 - (1) The City Clerk, upon receipt of a written application, shall issue, subject to the approval of the Traffic Committee, permits for curb loading zones. Such permits shall be subject to the terms and conditions stated.
 - (2) The Clerk, upon granting a permit and issuing signs for the loading zone, shall collect from the applicant and deposit with the City Treasurer a service fee for one year or a fraction thereof in an amount specified by resolution of Council. The City may, by regulation, impose conditions upon the use of such signs and provide for the removal of the signs if they are misused or upon expiration of the permit. Every such permit shall expire at the end of one year.

(Ord. 1108. Passed 11-1-82.)

422.06 TRAFFIC CONTROL ORDERS.

- (a) Generally.

(1) The authority in this Traffic and Parking Code to regulate traffic shall be exercised by the Traffic Committee by the issuance of traffic control orders which shall specify the rules and regulations adopted or established. Such traffic control orders shall become effective upon being filed with the City Clerk and upon erection of adequate signs or signals which give notice of the existence of such regulation, if signs or signals are required by the provisions of this Traffic and Parking Code which pertain to such regulation.

(2) Traffic control orders may be issued by the Traffic Engineer or the Traffic Committee on the authority of such Engineer or Committee, but when so issued shall be known as temporary traffic control orders and shall not be effective after the expiration of ninety days from the date of filing. Such temporary traffic control orders shall not be renewed or extended, except upon approval by Council.

(3) Permanent traffic control orders shall be issued by the Traffic Committee, approved by Council and filed with the City Clerk.

(4) Temporary orders shall become permanent orders upon being approved by Council, and notice of such approval shall be filed with the City Clerk.

(b) Order Book.

(1) All traffic control orders and any action which modifies or repeals such orders shall be kept by the City Clerk in a separate book which shall be known as the Traffic Control Order Book.

(2) A copy of a traffic control order, certified by the City Clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic control sign, signal or device that conforms to the provisions of this Traffic and Parking Code was erected or in place when the alleged violation of this Traffic and Parking Code occurred, such showing shall be prima-facie evidence of the existence of a lawful traffic control order which authorizes such traffic control sign, signal or device. It is not necessary for the prosecution to affirmatively show the existence of a valid traffic control order in such cases, unless and until such presumption is rebutted by competent evidence.

(c) Current Regulations. All intersection stop and yield right of way requirements; regulations on stopping, standing or parking; one-way streets, roadways and alleys; crosswalks; restricted turns; through streets; play streets; angle parking zones; all-night parking restrictions; curb loading zones; public carrier stands; parking meter zones and spaces; weight restrictions; prima-facie speed limits; no passing zones; and traffic control devices heretofore established and effective on the effective date of this Traffic and Parking Code, shall be deemed established under permanent traffic control orders and shall remain effective until rescinded or modified by a traffic control order.

(d) Types of Orders. Traffic control orders may be issued to regulate the following:

(1) Restrictions on moving traffic.

A. Speed restrictions. Traffic control orders may be issued to establish, increase or decrease speed regulations provided for in this Traffic and Parking Code and to erect signs which give notice thereof, as follows:

1. Establish prima-facie lawful speed limits on streets outside of business or residential districts, which shall not be less than fifteen miles per hour;
2. Increase prima-facie speed limits on through streets within business or residential districts; or
3. Establish prima-facie speed limits in public parks, alleys and cemeteries.

B. Through streets. Traffic control orders may be issued to designate through highways if stop signs are erected at the entrances thereto, subject to the approval of the State Highway Commission if a State trunkline highway is involved.

C. One-way streets, roadways and alleys. Traffic control orders may be issued to designate one-way streets, roadways or alleys. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

D. No-passing zones. Traffic control orders may be issued to establish no-passing zones and thereby determine areas where such provisions shall be applicable. Signs shall be erected indicating such restrictions and the limits thereof.

E. Truck routes. Traffic control orders may be issued to prohibit the use of a street or highway by trucks or other commercial vehicles and to impose limitations as to the weight thereof on designated streets and highways, but such prohibitions and limitations shall not become effective until notice thereof is given by means of appropriate signs placed on such streets and highways.

F. Fire lanes. No person shall park a motor vehicle, motorcycle or motor-driven cycle for a period exceeding three consecutive minutes in a designated fire lane on public property or on private property where a request has been filed with the City by the owner of such property or his or her authorized agent for the establishment of such fire lane. However, a person making deliveries to an establishment having no other entrance to which deliveries can conveniently be made may park in such fire lane for the period of time required to make such delivery, but shall move promptly if so requested by a fire official during a fire emergency. Location of fire lanes shall be determined by the Traffic Committee and shall be designated with signs provided by the establishment involved. The signs shall be posted at intervals along the fire lane route and shall state that such lane is a fire lane.

G. Snow emergency routes. Traffic control orders may be issued to regulate the operation and parking of motor vehicles during a declared snow emergency.

H. Periodic restriction of direction of traffic. The Traffic Committee is hereby authorized to determine and designate streets, parts of streets or specific lanes of streets on which vehicular

traffic shall proceed in one direction during one period of the day, and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Traffic Engineer or the Committee may erect signs that temporarily designate lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.

(2) Restrictions at intersections and/or railroads.

A. Restricted turn signs. Traffic control orders may be issued to determine those streets or intersections of such streets from which drivers of vehicles shall not make a right, left or U turn, and proper signs shall be placed upon such streets and at such intersections. The making of such turns may be prohibited between certain hours of a day and permitted at other hours, in which event the same shall be plainly indicated on the signs or the signs shall be removed when such turns are unrestricted.

B. Intersection stops. Traffic control orders may be issued to determine and designate intersections where conditions warrant the stopping of traffic or the requiring of traffic to yield the right of way to cross traffic and determine whether vehicles shall stop or yield the right of way at one or more entrances to any such intersection. A stop sign shall be erected at every place where a stop is required, except at those intersections which are controlled by automatic signals or other traffic control devices. A yield right of way sign shall be erected at every place where approaching traffic is required to yield the right of way.

C. Railroad grade crossings. Traffic control orders may be issued to designate the crossing of railroads by highways at grade as either stop crossways or with an electric or mechanical signal device that gives warning of the immediate approach of a railroad train.

D. Authority to place turning markers. The Traffic Committee is authorized to place markers, buttons or signs in or adjacent to intersections which indicate the course to be traveled by vehicles turning at such intersections. The course to be traveled, as indicated, may conform to, or be other than, that prescribed by law or ordinance.

(3) Restrictions on stopping, standing and parking.

A. Generally. Traffic control orders may be issued to prohibit or restrict the stopping, standing or parking of vehicles on a highway or street or upon any City-owned property, and signs giving notice thereof shall be erected.

B. Angle parking. Traffic control orders may be issued to fix the location of angle parking zones, and appropriate signs indicating the same shall be erected.

C. All-night parking. Traffic control orders may be issued to prohibit all-night parking. Signs shall be erected giving notice thereof upon a street or portion thereof affected thereby, except where the regulation is uniform and general throughout the City and related signs not less than three feet by four feet have been posted on highways at the City limits.

D. Curb loading zones. Traffic control orders may be issued to fix the location of curb loading zones. Where facilities are available for deliveries from an alley, no such zones shall be established. Appropriate signs at such locations indicating the same and stating the hours during which such zones shall be restricted for loading purposes shall be erected and maintained.

E. Public carrier stands. Traffic control orders may be issued to establish bus stops, bus stands and taxicab stands on the streets, in such places and in such number as determined to be of the greatest benefit and convenience to the public. Every such bus stop, bus stand or taxicab stand shall be designated by appropriate signs.

F. Parking meter zones and spaces. Traffic control orders may be issued to designate parking meter zones, to establish rates and time limits in connection therewith, and to install and maintain as many parking meters as necessary in such parking meter zones and spaces.

G. Tow-away zones. Traffic control orders may be issued to establish tow-away zones as follows:

1. At locations already designated as no-stopping, no-standing or no-parking zones;
2. On streets where the normal width of the roadway is reduced by a building or a construction project; or
3. At or adjacent to streets and locations where safety and traffic movement is affected by occurrence of a public event.

Such tow-away zones shall be designated by posting signs which read "tow-away zone." Such signs shall be posted independently or as an extra panel attached below the posted signs which prohibit stopping, standing or parking at the location. The distance between such posted signs shall be not more than 100 feet.

(4) Other restrictions.

A. Crosswalks. Traffic control orders may be issued to designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at those places where there is particular danger to pedestrians crossing the roadway.

B. Play streets. Traffic control orders may be issued to declare and to establish a street or part thereof as a play street, and appropriate signs and barricades enclosing the roadway shall be erected, indicating that such street is closed temporarily to vehicular traffic. Whenever authorized signs are erected indicating a street or part thereof as a play street, no person shall drive a vehicle upon such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area. Any such driver shall exercise the greatest care in driving upon the street or portion thereof.

C. Private property. With the consent or at the request of the owners or persons in charge of private property that is open to the general public for travel, the Traffic Committee may

determine controls for the movement of vehicles and pedestrians and the parking of vehicles as needed for the safety and convenience of the public and users of the property. The Committee shall place and maintain whatever traffic control devices are necessary to give notice of the controls determined to be necessary.

D. Traffic control devices. Traffic control orders may be issued to place and maintain, or remove, traffic control signs, signals and other devices and to determine the hours and days during which a traffic control device shall be in operation or in effect.

(Ord. 1108. Passed 11-1-82.)

422.99 PENALTIES.

(a) A violation of any of the provisions of this Traffic and Parking Code, or rules substantially corresponding to the Act, that is designated a civil infraction, is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense. A schedule of civil fines and costs for civil infractions shall be established by resolution of Council.

(Ord. 1138. Passed 4-15-85.)

(b) Unless another penalty is expressly provided, every person who is convicted of a misdemeanor violation of any of the provisions of this Traffic and Parking Code shall be imprisoned for not more than ninety days or fined not more than one hundred dollars (\$100.00), or both.

(c) Whoever violates Section 424.19 shall be imprisoned not more than one year or fined not more than five hundred dollars (\$500.00), or both.

(d) Whoever violates Section 440.06 may be imprisoned not more than one year or fined not more than five hundred dollars (\$500.00), or both.

(e) Whoever violates Section 440.09 may be imprisoned not more than ninety days or fined not more than five hundred dollars (\$500.00), or both.

(f) Whoever violates Section 460.02(a) may be imprisoned not less than three nor more than ninety days and, in addition, a fine of not more than one hundred dollars (\$100.00) may be imposed.

Whoever violates Section 460.02(b) may be imprisoned not more than ninety days or fined not more than one hundred dollars (\$100.00), or both.

For a second or subsequent violation of such subsections, a person shall be imprisoned not less than five days but not more than one year and, in addition, a fine of not more than five hundred dollars (\$500.00) may be imposed.

(g) Whoever violates Section 460.05 shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned not more than one year, or both.

(h) Whoever violates Section 460.06(d) may be imprisoned for not more than one year or fined not more than five hundred dollars (\$500.00), or both.

(i) Whoever violates Section 466.17 shall be fined not more than one hundred dollars (\$100.00). (Ord. 1108. Passed 11-1-82.)

(j) Whoever violates Section 466.18 shall be imprisoned for not less than three days nor more than ninety days and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).

(Ord. 1163. Passed 3-23-87.)

(k) Whoever violates Section 466.19 may be imprisoned not more than ninety days or fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or both, together with the costs of prosecution.

On a second conviction under such section, a person shall be guilty of a misdemeanor which is punishable by imprisonment for not more than one year and, at the discretion of the court, a fine of not more than one thousand dollars (\$1,000).

On a third or subsequent conviction, within a period of ten years, under such section, a person shall be guilty of a felony.

(l) Whoever violates Section 466.21 may be imprisoned not more than ninety days or fined not more than three hundred dollars (\$300.00), or both, together with the costs of prosecution in addition to the sentence provided in Section 466.21.

On a second or subsequent conviction under such section, a person may be imprisoned not more than one year or fined not more than one thousand dollars (\$1,000), or both. The Secretary of State, within ten days after the receipt of a properly prepared abstract, shall record four points for each conviction under Section 466.21.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 424

Citation and Violation Procedures

424.01 Citation defined; numbering; form.

424.02 Issuance of citation books.

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- 424.05 Issuance of citation for civil infraction; parking violations.
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- 424.15 Citations to drivers in accidents.
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- 424.18 Audit of citation records.
- 424.19 Falsification or illegal disposition of citations.
- 424.20 Citation of illegally parked vehicles.
- 424.21 Arrests without warrants.
- 424.22 Sworn complaints required for further action.
- 424.23 Records of traffic violations and warrants.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Traffic Bureau - see TRAF. 422.02

Traffic Committee - see TRAF. 422.04

424.01 CITATION DEFINED; NUMBERING; FORM.

(a) As used in this chapter, "citation" means a complaint or notice upon which a police officer records an occurrence which involves one or more vehicle law violations by the person cited. Each citation shall be numbered consecutively, shall be in a form determined by the Secretary of State, the Attorney General, the State Court Administrator and the Director of the Department of State Police and shall consist of the following parts:

(1) The original copy, which shall be a complaint or notice to appear issued by the officer and which shall be filed with the court in which the appearance is to be made;

(2) The first copy, which shall be retained by the Police Department;

(3) The second copy, which shall be delivered to the alleged violator if the violation is a misdemeanor; and

(4) The third copy, which shall be delivered to the alleged violator if the violation is a civil infraction.

(b) With the prior approval of the State officials listed in subsection (a) hereof, the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of a citation for other than moving violations is optional.

(Ord. 1108. Passed 11-1-82.)

424.02 ISSUANCE OF CITATION BOOKS.

The Police Chief shall issue citation books to each police officer of his or her Department whose duties may or will include traffic duty or traffic law enforcement. The Police Chief shall obtain a receipt from an officer to whom a citation book has been issued.

(Ord. 1108. Passed 11-1-82.)

424.03 ISSUANCE OF CITATION FOR MISDEMEANOR.

(a) When a person is arrested without a warrant for a violation of the Act which is punishable as a misdemeanor, or for a violation of a provision of this Traffic and Parking Code which substantially corresponds to any provision of the Act, under conditions not referred to in Sections 466.04, 466.05, 466.19 and 466.27 or Sections 617, 619 and 727(1), (2) and (3) of the Act, the arresting officer shall prepare, as soon and as completely as possible, an original and three copies of a written citation to appear in court which shall 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 shall give the third copy of the citation to the alleged offender. If such arrested person so demands, rather than being given a citation, the arrested person shall be taken before a magistrate or probate court which has jurisdiction.

(b) The time to appear in court which is specified in the citation shall be within a reasonable time after the arrest, unless the person arrested demands an earlier hearing.

(c) The place to appear in court which is specified in the citation shall be before a magistrate who has jurisdiction over the alleged offense charged in the citation.

(d) An appearance may be made in person, by representation or by mail. When an appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment with the same effect as though the person personally appeared before him or her. The magistrate, by giving five days notice of the date of appearance, may require an appearance in person at the time and place designated in the citation.

(Ord. 1108. Passed 11-1-82.)

424.04 CIVIL INFRACTION ACTIONS; JURISDICTION; MINORS.

(a) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in Section 424.05. The plaintiff in a civil infraction action shall be the City.

(b) The Thirtieth District Court has jurisdiction over civil infraction actions in the City.

(c) The time specified in the citation for appearance in court shall be within a reasonable time after the citation is issued pursuant to Section 742 of the Act.

(d) The place specified in the citation for appearance in court shall be the court referred to in subsection (b) hereof. Venue in the District Court shall be governed by Section 8312 of Act 236 of the Public Acts of 1961, as amended, being Section 600.8312 of the Michigan Compiled Laws.

(e) If the person cited is a minor, he or she shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The court referred to in subsection (b) hereof shall have jurisdiction over the minor and may proceed in the same manner as if that individual were an adult.

(Ord. 1108. Passed 11-1-82.)

424.05 ISSUANCE OF CITATION FOR CIVIL INFRACTION; PARKING VIOLATIONS.

(a) A police officer who witnesses a person violating the Act or a local ordinance that substantially corresponds to the Act which constitutes a civil infraction may stop the person, detain the person temporarily for purposes of making a record or vehicle check and prepare and subscribe, as soon and as completely as possible, an original and three copies of a written citation which shall be a notice to appear in court for one or more civil infractions.

(b) A police officer may issue a citation to a person who is a driver of a motor vehicle which is involved in an accident if, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person is responsible for a civil infraction in connection with the accident.

(c) A citation issued under subsection (a) or (b) hereof shall be in the form prescribed in Sections 727c and 743 of the Act.

(d) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender.

(e) In a civil infraction action that involves the parking or standing of a motor vehicle, a copy of the citation need not be served personally upon the defendant, but may be served upon the registered owner by attaching the copy to the vehicle. The City may also authorize personnel other than a police officer to issue and serve a citation for violation of its ordinances involving the parking or standing of a motor vehicle.

(f) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the Parking Violations Bureau, a citation may be filed with the court in compliance with Section 424.03(d) and a copy of the citation may be served by first-class mail on the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer or other person duly authorized by the City to issue such a notice under its ordinances. The citation that is filed with the court pursuant to this subsection need not comply in all particulars with Sections 727c and 743 of the Act, but shall consist of a sworn complaint which contains the allegation stated in the parking violation notice and shall inform the defendant how to respond to the citation.

(g) A citation that is issued under subsection (e) or (f) hereof for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (a) or (b) hereof or Section 428.02.

(h) As used in subsection (f) hereof:

(1) "Parking violation notice" means a notice, other than a citation, that directs a person to appear at a Parking Violations Bureau in the City and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.

(2) "Parking Violations Bureau" means the Parking Violations Bureau that is established pursuant to Section 8395 of Act 236 of the Public Acts of 1961, as amended, being Section 600.8395 of the Michigan Compiled Laws.

(Ord. 1108. Passed 11-1-82.)

424.06 CONTENTS OF CIVIL INFRACTION CITATION.

(a) A citation that is issued pursuant to Section 424.04 shall contain all of the following information:

- (1) The name of the City, as plaintiff;
- (2) The name and address of the person to whom the citation is issued;
- (3) Each civil infraction alleged;
- (4) The place where the person shall appear in court;
- (5) The telephone number of the court;
- (6) The time period during which the appearance shall be made; and
- (7) Additional information required by this section.

(b) The citation shall contain a notice in boldface type that the person, within the time period specified for appearance, may do any of the following:

- (1) Admit responsibility for the civil infraction in person, by representation or by mail;
- (2) Admit responsibility for the civil infraction "with explanation" in person, by representation or by mail; or
- (3) Deny responsibility for the civil infraction by doing either of the following:
 - A. Appearing in person for an informal hearing before a District Court magistrate or a judge without the opportunity of being represented by an attorney; or
 - B. Appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.

(c) The citation shall contain a notice in boldface type that if the person desires to admit responsibility "with explanation" other than by mail or desires to have an informal hearing or a formal hearing, the person shall apply to the court in person, by mail or by telephone within the time specified for appearance and shall obtain a scheduled date and time to appear for a hearing.

(d) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a formal hearing or informal hearing shall result in the entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license. Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitutes a timely appearance.

(Ord. 1108. Passed 11-1-82.)

424.07 SWORN COMPLAINTS FOR CIVIL INFRACTIONS.

If an officer issues a citation under Section 742 of the Act for a civil infraction, or if a citation is issued under Section 742 of the Act for a parking or standing violation, the court may accept an admission "with explanation" or an admission or denial of responsibility on the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, there shall not be any further proceeding until a sworn complaint is filed with the court. A warrant for arrest under Section 321a of the Act for failure to appear in court pursuant to the civil infraction citation shall not be issued until a sworn complaint relative to the civil infraction is filed with the court.

(Ord. 1108. Passed 11-1-82.)

424.08 RESPONSES TO CIVIL INFRACTION CITATIONS.

(a) A person to whom a citation is issued under Section 424.05 shall appear within the time specified in the citation and may respond to the allegations in the citation as provided in this section.

(b) If a person chooses to admit responsibility for the civil infraction, a person may do so by appearing in person, by representation or by mail. If an appearance is made by representation or mail, the court may accept the admission as though the person personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under Section 907 of the Act.

(c) If a person chooses to admit responsibility for the civil infraction "with explanation," a person may do so in either of the following ways:

(1) By appearing by mail; or

(2) By contacting the court in person, by mail, by telephone or by representation, to obtain from the court a scheduled date and time to appear. At such time, the person shall appear in person or by representation.

(d) If a person admits responsibility for a civil infraction "with explanation" under subsection (c) hereof, the court shall accept the admission as though the person has admitted responsibility under subsection (b) hereof and may consider the person's explanation by way of mitigating any sanction which the court may order under Section 907 of the Act. If an appearance is made by representation or mail, the court may accept the admission as though the person personally appeared in court, but the court may request the person to provide a further explanation.

(e) If a person chooses to deny responsibility for a civil infraction, he or she shall do so by contacting the court in person, by representation, by mail or by telephone and obtaining a scheduled date and time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless a person expressly requests a formal hearing. If a person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to Section 424.09 and a formal hearing shall be conducted pursuant to Section 424.10.

(Ord. 1108. Passed 11-1-82.)

424.09 INFORMAL HEARINGS FOR CIVIL INFRACTIONS.

(a) An informal hearing shall be conducted by a District Court magistrate when authorized by a judge of the District Court. A referee or District Court magistrate may administer oaths, examine witnesses and make findings of fact and conclusions of law at an informal hearing. The judge, referee or District Court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law, but shall not be bound by the statutory provisions or rules of practice, procedure, pleading or evidence, except for provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing is not required.

(b) At an informal hearing, the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or the City Attorney.

(c) Notice of a scheduled informal hearing shall be given to the Police Department. The Department may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid to a witness in advance of an informal hearing.

(d) If the judge, referee or District Court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge, referee or magistrate shall enter an order against the person as provided in Section 907 of the Act. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(e) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal shall be a trial de novo in the form of a scheduled formal hearing as follows:

(1) The appeal from a judge of the District Court shall be heard by a different judge of the district.

(2) The appeal from a District Court magistrate shall be heard by a judge of the district.

(Ord. 1108. Passed 11-1-82.)

424.10 FORMAL HEARINGS.

(a) A formal hearing shall be conducted only by a judge of a court which has jurisdiction over civil infraction actions under Section 424.04.

(b) In a formal hearing, the person cited may be represented by an attorney, but is not entitled to appointed counsel at public expense.

(c) Notice of a formal hearing shall be given to the prosecuting attorney or the City Attorney. Such attorney shall appear in court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid to a witness in advance of an informal hearing.

(d) There shall not be a jury trial in a formal hearing.

(e) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in Section 907 of the Act. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

(Ord. 1108. Passed 11-1-82.)

424.11 FAILURE TO APPEAR AT HEARINGS.

If the person to whom a citation is issued for a civil infraction fails to appear, as directed by the citation or other notice, at a scheduled appearance under Section 424.08(c)(2) or 424.08(d), at a scheduled informal hearing or at a scheduled formal hearing, the court shall enter a default judgment against the person and the person's license shall be suspended pursuant to Section 321a of the Act until that person appears in court and all matters pertaining to the violation are resolved or until the default judgment is set aside.

(Ord. 1108. Passed 11-1-82.)

424.12 STOPPING NONRESIDENT FOR CIVIL INFRACTION.

(a) When a person who is not a resident of the State is stopped for a civil infraction pursuant to Section 424.05, the police officer who makes the stop shall take the person's driver's license as security for the nonresident's appearance in court and satisfaction of any order which may be issued under Section 907 of the Act and shall issue to the person a citation as provided in Sections 424.01 and 424.05. The officer who takes the driver's license, within forty-eight hours after the taking (excluding Sundays, legal holidays and Saturdays when court is closed), shall deliver the driver's license to the court named in the citation, together with a report of the fact relating to the civil infraction. Failure to make a report and deliver the license shall be considered contempt of court. If the person does not have a license in his or her immediate possession, in violation of Section 301 or 311 of the Act, the officer shall arrest the person pursuant to Section 727(4) of the Act.

(b) In place of the officer's taking of the license under subsection (a) hereof, or before appearance in court, the person stopped may guarantee the officer or the court of his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed one hundred dollars (\$100.00).

(c) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer shall immediately take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, whether or not "with explanation," or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed one hundred dollars (\$100.00) as security for payment of fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in Section 424.10, but the defendant's license shall be retained by the court until final resolution of the matter, unless the defendant leaves with the court the guaranteed appearance certificate or deposit as provided in subsection (b) hereof as security for appearance at the scheduled formal hearing.

(d) The officer who receives a guaranteed appearance certificate or deposit under subsection (b) hereof shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited, together with the written citation required under subsection (a) hereof.

(e) The officer who takes a certificate or deposit shall, within forty-eight hours after the taking (excluding Sundays, legal holidays and Saturdays when court is closed), deliver the certificate or deposit to the court named in the citation, together with a report of the facts relating to the citation. Failure to make a report and deliver the deposit shall be embezzlement of public money.

(f) If the person who posts a certificate or deposit fails to appear as required in the citation, or fails to appear for a scheduled formal hearing, the court that has jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate or deposit shall be forfeited and applied to any civil fine or cost ordered pursuant to Section 907 of the Act.

(g) As used in this section, "guaranteed appearance certificate" means a card or certificate which contains a printed statement that a surety company which is authorized to do business in the State guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or if the person fails to pay any fine or cost imposed pursuant to Section 907 of the Act, will pay any fine, cost or bond forfeiture imposed on the person in a total amount not to exceed two hundred dollars (\$200.00).

(Ord. 1108. Passed 11-1-82.)

424.13 FEES FOR MAKING ARRESTS OR ISSUING CITATIONS.

No officer who makes an arrest pursuant to this Traffic and Parking Code for a misdemeanor without a warrant, except pursuant to Section 727(1), (2) and (3) of the Act, shall be entitled to any fee for making the arrest or for issuing a citation pursuant to this section.

(Ord. 1108. Passed 11-1-82.)

424.14 MISCONDUCT OF OFFICERS OR MAGISTRATES.

An officer or magistrate who violates any of the provisions of Sections 424.01 through 424.13 and 424.19 is guilty of misconduct in office and is subject to removal from office.

(Ord. 1108. Passed 11-1-82.)

424.15 CITATIONS TO DRIVERS IN ACCIDENTS.

A police officer may issue a citation to a person who is the driver of a motor vehicle involved in an accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed an offense under this Traffic and Parking Code in connection with the accident. The officer shall prepare an original and three copies of the citation which shall set forth the name and address of such person, and the offense that may be charged against the person and the time and place of the appearance of such person in court. The citation shall inform the person of the office, bureau or department to which requests for a change or adjournment of the court date are made.

(Ord. 1108. Passed 11-1-82.)

424.16 DISPOSITION OF CITATIONS.

(a) At or before the completion of his or her tour of duty, a police officer to whom a citation book has been issued and who has recorded the occurrence of a vehicle law violation upon a citation shall deliver to the Police Chief, or to the person authorized by the Chief, all copies of the citation duly signed. The Chief or the authorized person shall deposit the original of the citation, together with the copy designated for the Police Department's motor vehicles record,

with the court which has jurisdiction over the offense not more than two days after the date of the citation, Sundays and legal holidays excepted.

(b) If a police officer arrests a person without a warrant for a vehicle law violation, the arrest shall be noted on the citation.

(c) If a citation is voided, the citation shall be endorsed with a full explanation by the police officer who voids the citation and shall be duly accounted for to the Chief or the authorized person.

(d) Nothing in this section shall prevent a person, other than a police officer, from applying for a criminal complaint for a vehicle law violation, and such person need not show that the alleged offender has been issued a citation in connection with such offense.

(Ord. 1108. Passed 11-1-82.)

424.17 ACCOUNTABILITY IN PROCESSING CITATIONS; PUBLIC INSPECTION OF RECORDS.

The various officers and administrators of the City shall establish procedures, as provided by instruction from the State Treasurer, to ensure accountability in the processing of citations. The record that shows the issuance and subsequent disposition of a citation shall be maintained for not less than the most recent five-year period, and such records and notices shall be available for public inspection.

(Ord. 1108. Passed 11-1-82.)

424.18 AUDIT OF CITATION RECORDS.

A complete audit of citation records shall be made at least once annually by the appropriate fiscal officer of the City. Citation records may be audited by the State Treasurer if deemed by him or her to be necessary.

(Ord. 1108. Passed 11-1-82.)

424.19 FALSIFICATION OR ILLEGAL DISPOSITION OF CITATIONS.

No person shall falsify a citation, copy of a citation or a record of the issuance of a citation; dispose of such a citation, copy or record in a manner other than as required in this Traffic and Parking Code; or attempt to falsify or dispose of such a citation, copy or record.

(Ord. 1108. Passed 11-1-82.)

424.20 CITATION OF ILLEGALLY PARKED VEHICLES.

When a motor vehicle without a driver is found parked or stopped in violation of any restriction imposed by ordinances of the City or by State law, the officer who finds the vehicle shall take its registration number and may take any other information displayed on the vehicle which might identify its user and shall conspicuously affix to the vehicle a traffic citation.

(Ord. 1108. Passed 11-1-82.)

424.21 ARRESTS WITHOUT WARRANTS.

(a) A person who is arrested without a warrant on a charge of violating Section 466.16 shall be taken, without unreasonable delay, before the magistrate or probate court which has jurisdiction. The person may be released if, under existing circumstances, it does not appear that his or her release pending the issuance of a warrant as provided in Section 424.03 would constitute a public menace.

(b) A person who is arrested without a warrant on a charge of violating Section 466.19 shall be taken, without unreasonable delay, before the magistrate or probate court which has jurisdiction.

(c) A person who is arrested without a warrant on a charge of driving a motor vehicle without a valid operator's or chauffeur's license in his or her immediate possession, as provided in Sections 460.01 through 460.03, 460.07 and 460.09, and no valid insurance, as provided in Section 460.05, shall be taken, without unreasonable delay, before the magistrate or probate court which has jurisdiction. If the arresting officer satisfactorily determines the identity of the person and the likelihood of subsequent apprehension in the event of failure to voluntarily appear before a magistrate or probate court as directed, the officer may release the person from custody after issuing him or her a citation as provided in Section 424.03.

(Ord. 1108. Passed 11-1-82.)

424.22 SWORN COMPLAINTS REQUIRED FOR FURTHER ACTION.

When, under the provisions of this chapter, an officer issues a citation, a magistrate may accept a plea of guilty/responsible or not guilty/not responsible or responsible "with explanation" upon the citation without the necessity of a sworn complaint, but the officer shall sign the complaint before the magistrate makes his or her docket return thereon. If the alleged offender pleads not guilty/not responsible, further proceedings shall not be conducted until a sworn complaint is filed with the magistrate. No warrant for arrest shall be issued for an offense under this Traffic and Parking Code until a sworn complaint is filed with the magistrate.

(Ord. 1108. Passed 11-1-82.)

424.23 RECORDS OF TRAFFIC VIOLATIONS AND WARRANTS.

The Chief of Police shall maintain, or cause to be maintained, a record of all warrants which are issued on traffic violation charges and which are delivered to the Police Department for service.

The Chief shall also maintain, or cause to be maintained, a record of the final disposition of all such warrants.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 426

Obedience to Traffic Regulations

426.01 Obedience required.

426.02 Parental responsibility.

426.03 Obedience to Police and Fire Department officials.

426.04 Failure to stop upon police signal.

426.05 Government vehicles.

426.06 Authorized emergency vehicles.

426.07 Signal required on emergency vehicles; exception for police vehicles.

426.08 Responsibility of emergency vehicle drivers.

426.09 Road workers and equipment.

426.10 Application of Code on public and private ways.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Obedience to traffic control devices - see TRAF. 442.04

426.01 OBEDIENCE REQUIRED.

No person shall do any act which is forbidden, or fail to perform any act which is required, by this Traffic and Parking Code.

(Ord. 1108. Passed 11-1-82.)

426.02 PARENTAL RESPONSIBILITY.

(a) No parent of a child or guardian of a ward shall authorize or knowingly permit his or her child or ward to violate any of the provisions of this Traffic and Parking Code.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

426.03 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

(a) No person shall willfully fail or refuse to comply with a lawful order or direction of a police officer or member of the Fire Department (at the scene of or in the immediate vicinity of a fire) which officer or member is vested with authority under this Traffic and Parking Code to direct, control or regulate traffic.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

426.04 FAILURE TO STOP UPON POLICE SIGNAL.

(a) If a driver of a motor vehicle is given a visual or audible signal by hand, voice, emergency light or siren by a police officer who is acting in the lawful performance of his or her duty and who is directing the driver to bring his or her motor vehicle to a stop and the driver willfully fails to obey such direction by increasing his or her speed, extinguishing his or her lights or otherwise attempting to flee or elude the officer, the driver shall be punished, upon conviction, as provided for in Section 422.99(b). The officer who gives the signal shall be in uniform. A police vehicle that is driven at night shall be adequately identified as an official police vehicle.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

426.05 GOVERNMENT VEHICLES.

The provisions of this Traffic and Parking Code that are applicable to the drivers of vehicles on streets and highways shall apply to the drivers of all vehicles owned by, or used in the service of, the United States, this State or any county, city, town, district or other political subdivision of the State, subject to such specific exceptions as are set forth in this Traffic and Parking Code or in the State statutes.

(Ord. 1108. Passed 11-1-82.)

426.06 AUTHORIZED EMERGENCY VEHICLES.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in subsection (b) hereof, subject to the conditions stated in this section and Sections 426.07 and 426.08.

(b) The driver of an authorized emergency vehicle may do all of the following:

- (1) Park or stand, irrespective of the provisions of this Traffic and Parking Code;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;
- (3) Exceed the prima-facie speed limit if the excessive speed does not endanger life or property;
- (4) Disregard regulations that govern direction of movement or the turning in specified directions; and
- (5) Drive through a funeral or other authorized procession.

(Ord. 1108. Passed 11-1-82.)

426.07 SIGNAL REQUIRED ON EMERGENCY VEHICLES; EXCEPTION FOR POLICE VEHICLES.

The privileges granted to an authorized emergency vehicle in Sections 426.06 shall apply only when the driver of the vehicle in motion sounds an audible signal by bell, siren or exhaust whistle, as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp which displays a flashing, oscillating or rotating red or blue light which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. Only an authorized emergency vehicle shall be equipped with such a light, except when deemed advisable not to equip such authorized emergency vehicle operating as a police vehicle with a flashing, oscillating or rotating light. A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run where silence is required.

(Ord. 1108. Passed 11-1-82.)

426.08 RESPONSIBILITY OF EMERGENCY VEHICLE DRIVERS.

The provisions of Sections 426.06 and 426.07 do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, and shall

not protect the driver from the consequences of his or her reckless disregard for the safety of others.

(Ord. 1108. Passed 11-1-82.)

426.09 ROAD WORKERS AND EQUIPMENT.

The provisions of this Traffic and Parking Code that are the same as the provisions of Chapter 6 of the Act do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work on the surface of a street, but do apply to such persons and vehicles when traveling to or from such work. The provisions of Chapter 6 of the Act that govern the size and width of vehicles do not apply to vehicles owned by public highway authorities when such vehicles are proceeding to or from work on public highways.

(Ord. 1108. Passed 11-1-82.)

426.10 APPLICATION OF CODE ON PUBLIC AND PRIVATE WAYS.

(a) The provisions of this Traffic and Parking Code that relate to the operation of vehicles refer exclusively to the operation of vehicles on streets, except where a different place is specifically referred to in a given section of this Traffic and Parking Code.

(b) Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of this Traffic and Parking Code.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 428

Towing and Impounding

428.01 Abandoned vehicle defined.

428.02 Pound; towing and pound organization; charges; special fund.

428.03 Authority to impound.

428.04 Impounding procedures.

428.05 Release of impounded vehicles.

428.06 Public sale of vehicles.

428.07 Authority to take abandoned vehicles into custody.

428.08 Procedures for taking abandoned vehicles into custody.

428.09 Public sale of abandoned vehicles.

428.10 Disposition of proceeds from sale of abandoned vehicles.

428.11 Disposition of abandoned vehicles not sold at public sale.

428.12 Removal of vehicles from private property.

428.13 Registered abandoned scrap vehicles.

428.14 Unregistered abandoned scrap vehicles.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Traffic Bureau - see TRAF. 422.02

Traffic Committee - see TRAF. 422.04

428.01 ABANDONED VEHICLE DEFINED.

As used in this chapter, "abandoned vehicle" means a vehicle which has remained on public or private property for a period of forty-eight hours after the Police Department or other governmental agency designated by the Police Department has affixed a written notice to the vehicle.

(Ord. 1108. Passed 11-1-82.)

428.02 POUND; TOWING AND POUND ORGANIZATION; CHARGES; SPECIAL FUND.

(a) The Chief of Police is hereby authorized to create a vehicle pound, to which motor vehicles may be removed by police officers or designated personnel in the manner provided by this Traffic and Parking Code. Such pound shall be located and operated at such place as may be designated by Council. The location of the current pound shall be a designated location.

(b) The Chief of Police, subject to the approval of the Mayor, shall promulgate rules and regulations to ensure the orderly receiving, safeguarding and discharging of vehicles as outlined in this chapter. Such rules and regulations shall include the organization, duties and responsibilities of personnel, times and days the pound is open, the number and identity of personnel supervising the towing, impounding, guarding and auctioning of vehicles, and the personnel, places and method of accounting for charges and penalties collected.

(c) The Chief of Police shall establish the amount of charges to be assessed for towing and impoundment with the approval of Council.

(d) The towing personnel may remove motor vehicles as described in Section 428.03 and convey them by means of towing to the pound or to a point or place where parking is permitted, as the situation dictates.

(e) A private operator of towing motor vehicles may be contracted, with the approval of Council, to remove vehicles and supervise the motor vehicle pound for the storing of vehicles under such conditions as may be appropriate. A condition of such contract shall be the employment as, at least, the towing and guard personnel, and other additional personnel as may be necessary, by the private contractor, of as many as possible of first, laid-off police and fire officers, and second, laid-off City employees, in that order.

(f) The funds collected under this chapter shall be kept in a special account, except those funds which are already to go to a different special fund. This new special fund shall be called the Towing/Pound Fund, which is hereby established. Such funds collected under this chapter shall at no time be commingled with the City's General Fund or any other City special fund. This Towing/Pound Fund shall be used solely for the operation of the towing and impounding of motor vehicles under this Code. Surplus funds so collected may be used for the purpose which is to be decided by Council.

(Ord. 1108. Passed 11-1-82.)

428.03 AUTHORITY TO IMPOUND.

The Police Department or other authorized persons may immediately remove a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:

(a) When a vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public;

(b) When a vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic;

(c) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube or tunnel, where the vehicle constitutes an obstruction to traffic;

- (d) When a disabled vehicle on a street constitutes an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the custody or removal of the vehicle;
- (e) When a vehicle is left unattended on a street and is parked in a manner which constitutes a definite hazard or obstruction to the normal movement of traffic;
- (f) When a vehicle is found being driven on the streets or highways in an unsafe condition which endangers persons or property;
- (g) When a vehicle is left continuously unattended on a street or public parking lot for more than forty-eight hours and notice pursuant to Section 428.07 has been affixed for an additional forty-eight hours;
- (h) When the driver of the vehicle is taken into custody by the Police Department and the vehicle would thereby be left unattended on the street;
- (i) When removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster or other emergency reason;
- (j) When a vehicle is found parked in a tow-away zone which is designated by the Traffic Engineer and which is properly signposted;
- (k) When there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen;
- (l) When the vehicle must be seized to preserve evidence of a crime or there is reasonable cause to believe that the vehicle was used in the commission of a crime;
- (m) When the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle;
- (n) When a vehicle is parked in front of or adjacent to a public or private driveway in such a manner as to constitute a definite hazard or obstruction to the normal movement of traffic from a public street or from a public or private driveway onto a public street;
- (o) When a vehicle is found parked on public property or private property available for public use in a parking space clearly identified by an authorized sign as being reserved for use by handicapped persons, contrary to Section 480.11;
- (p) When removal is necessary to permit snow removal, street construction, cleaning or repair, tree work or other public utility work, after at least twenty-four hours notice thereof has been posted;
- (q) When a vehicle is in violation of any provision of Chapter 448;

(r) When a vehicle is unattended and the registered owner of the vehicle has six or more unpaid and outstanding citations for parking violations. In lieu of or prior to impoundment under this subsection, the Chief of Police or his or her designee may attach to the vehicle a device that will prevent the vehicle from being moved. The device may be removed by the Chief or his or her designee if the violations are dismissed, or if it is necessary to impound the vehicle. No person shall remove such a device without authorization of the Chief of Police or his or her designee.

(s) In any other situation in which impoundment is authorized under the State Motor Vehicle Code.

(Ord. 1108. Passed 11-1-82.)

428.04 IMPOUNDING PROCEDURES.

The Police Department or other authorized persons shall do all of the following in connection with impounding a vehicle under Section 428.03:

- (a) Check to determine if the vehicle has been reported stolen;
- (b) Within twenty-four hours after impounding the vehicle, enter the vehicle as impounded into the law enforcement information network;
- (c) Take two photographs of the vehicle;
- (d) Detail the damage or missing equipment to the vehicle and personal property in the vehicle; and
- (e) Within seven days, excluding Saturday, Sunday and legal holidays, after impounding the vehicle, send a notice that the vehicle has been impounded to the owner and the secured party, if any, by certified mail. Each notice shall contain all of the following information:
 - (1) The year, make and vehicle identification number of the vehicle;
 - (2) The location from which the vehicle was taken into custody;
 - (3) The date on which the vehicle was taken into custody;
 - (4) The name and address of the Police Department or other authorized person in whose custody the vehicle is being held;
 - (5) The location where the vehicle is being held;
 - (6) The procedure to redeem the vehicle;
 - (7) The procedure to contest the fact that the vehicle was properly removed or the reasonableness of the towing and daily storage fees;

(8) A form petition which the owner may file in person or by mail within the specified court which requests a hearing on the action of the Police Department or other authorized person; and

(9) A warning that failure to redeem the vehicle or to request a hearing within twenty days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.

(Ord. 1108. Passed 11-1-82.)

428.05 RELEASE OF IMPOUNDED VEHICLES.

(a) The owner of the vehicle may contest the impoundment or the reasonableness of the towing and storage charges by requesting a hearing. The request shall be filed with the District Court within twenty days after the date of the notice informing the owner that the vehicle has been impounded or deemed abandoned. The hearing shall be conducted in accordance with the requirements set forth in this Traffic and Parking Code.

(b) If a hearing is requested, the owner may obtain the release of the vehicle by paying the towing and storage charges or by posting a bond in an amount equal to the accrued towing and storage charges. Such bond will be turned over to the Court within forty-eight hours after the taking of such bond, excluding Sundays, legal holidays and Saturdays when the Court is closed. If a hearing is not requested, the owner may obtain release of the vehicle by paying the accrued towing and storage charges. These charges shall be paid over to the City Treasurer within forty-eight hours after the taking of such charges, excluding Sundays, legal holidays and Fridays and Saturdays when the City's Treasurer's office is closed. The disposition with appropriate documentation shall be reported to the Traffic Bureau of the District Court.

(c) No towing or storage fee shall be charged for a stolen vehicle if the vehicle is claimed within four days of receipt of the notice of impounding and if the claimant signs an affidavit stating that he or she is the owner of the vehicle and the vehicle was stolen. If the vehicle is not claimed within four days of receipt of the notice, then the vehicle owner shall pay the towing and storage fee before the vehicle will be released.

(d) After a vehicle becomes available for release following the hearing, the owner of the vehicle shall be liable for any further storage charges.

(e) Not less than twenty days after the hearing or, if a hearing is not requested, not less than twenty days after the date of the notice informing the owner that the vehicle has been impounded or deemed abandoned, the Chief of Police or his or her designee may offer the vehicle for sale at a public sale if it has not been redeemed. The public sale shall be conducted and proceeds of the sale dispersed in accordance with the requirements of this Traffic and Parking Code.

(f) If the owner of an impounded vehicle does not request a hearing within twenty days of the notice to the owner of the impoundment, a party with a security interest in the vehicle may obtain

the release of the vehicle by paying the accrued towing and storage charges for the vehicle and by entering into an indemnity agreement with the City to save harmless the City from any and all liability occasioned by the releasing of such vehicle to such lienholder.

(g) In all cases, if there is any outstanding or unpaid parking violation penalties against the vehicle, such penalties shall be paid before such vehicle will be released. The payment of these unpaid parking violation penalties shall be paid over to the City Treasurer within forty-eight hours after the taking of such penalties, excluding Sundays, legal holidays and Fridays and Saturdays when the City Treasurer's office is closed. The disposition, with appropriate documentation, shall be reported to the Traffic Bureau of the District Court.

(Ord. 1108. Passed 11-1-82.)

428.06 PUBLIC SALE OF VEHICLES.

(a) After the disposition of the hearing described in Section 428.05, and, if a hearing is not requested, not less than twenty days nor more than 180 days after the date the notice described in Section 428.04(e) is sent, the Police Department or other authorized persons shall offer the vehicle for sale at a public sale unless the vehicle is redeemed.

(b) A public sale shall be conducted in the following manner:

(1) It shall be under the control of the Police Department or other authorized persons.

(2) It shall be open to the public and consist of open auction bidding.

(3) It shall be held not less than five days after public notice of the sale has been published.

(4) The public notice shall be published at least once in a newspaper having a general circulation in the County. The public notice shall give a description of the vehicle for sale and shall state the time, date and location of the sale.

(c) The money received from the public sale of the vehicle shall be applied in the following order or priority:

(1) Towing and storage charges;

(2) Expenses incurred by the Police Department or other authorized person;

(3) Remainder to the secured party, if any. If there is not a secured party, remainder to the owner. If the remainder of the money is not claimed by the secured party or owner within thirty days after the sale, it shall become the property of the City.

(d) If there are no bidders on the vehicle, the Police Department or other authorized person may do either of the following:

- (1) Turn the vehicle over to the towing firm to satisfy charges against the vehicle;
- (2) Obtain title to the vehicle for the Police Department or the City by doing both of the following:
 - A. Paying the towing and storage charges; and
 - B. Applying for title to the vehicle; or
- (3) Hold another public sale pursuant to Section 428.09.
 - (e) Within two days, excluding Saturday, Sunday and legal holidays, after the disposition of the vehicle, the Police Department or other authorized person shall do both of the following:
 - (1) Notify the Secretary of State of the disposition; and
 - (2) Cancel the entry into the law enforcement information network described in Section 428.04(b).

(Ord. 1108. Passed 11-1-82.)

428.07 AUTHORITY TO TAKE ABANDONED VEHICLES INTO CUSTODY.

- (a) If a vehicle has remained on public or private property open to travel by the public for a period of time so that it appears to the Police Department to be abandoned, the Police Department or other authorized persons shall do all of the following:
 - (1) Determine if the vehicle has been reported stolen;
 - (2) Affix a written notice to the vehicle. The written notice shall contain all of the following information:
 - A. The date and time the notice was affixed;
 - B. The name and address of the Police Department or other authorized person taking the action;
 - C. The name and badge number of the police officer affixing the notice;
 - D. The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed; and
 - E. The year, make and vehicle identification number of the vehicle, if available.
- (b) If the vehicle is not removed within forty-eight hours after the date the notice was affixed, the vehicle is deemed abandoned, the owner is responsible for a civil infraction, and the Police Department or other authorized persons may take the vehicle into custody. In a civil infraction

action involving the abandoning of a vehicle, a copy of the citation need not be served personally upon the defendant but may be served upon the registered owner by certified mail. (Ord. 1108. Passed 11-1-82.)

428.08 PROCEDURES FOR TAKING ABANDONED VEHICLES INTO CUSTODY.

(a) The Police Department or other authorized persons shall do all of the following in connection with taking a vehicle into custody:

(1) Recheck to determine if the vehicle has been reported stolen;

(2) Within twenty-four hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network;

(3) Take two photographs of the vehicle;

(4) Detail the damage or missing equipment to the vehicle and personal property in the vehicle; and

(5) Within seven days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the Secretary of State, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the Secretary of State. Each notice form shall contain the following information:

A. The year, make and vehicle identification number of the vehicle, if available;

B. The location from which the vehicle was taken into custody;

C. The date on which the vehicle was taken into custody;

D. The name and address of the Police Department or other authorized person who has taken the vehicle into custody;

E. The business address of the custodian of the vehicle;

F. The procedure to redeem the vehicle;

G. The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees;

H. A form petition which the owner may file in person or by mail with the specified court which requests a hearing on the action of the Police Department or other authorized person; and

I. A warning that the failure to redeem the vehicle or to request a hearing within twenty days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.

(b) The registered owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the District Court specified in the notice within twenty days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to Sections 252c and 252f of the Act. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the accrued towing and storage fees with the Court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the Court finds that the vehicle was not properly deemed abandoned, the Police Department or other authorized person shall reimburse the owner of the vehicle for the accrued towing and storage fees.

(c) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

(d) If the owner does not redeem the vehicle or request a hearing within twenty days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle and the Police Department or other authorized person for its accrued costs.

(e) Not less than twenty days after the disposition of the hearing described in subsection (b) hereof or, if a hearing is not requested, not less than twenty days after the date of the notice, the Police Department or other authorized person shall offer the vehicle for sale at a public sale pursuant to Section 428.09.

(f) If the ownership of a vehicle which has been deemed abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the Secretary of State does not reveal ownership, the Police Department or other authorized person may sell the vehicle at public sale pursuant to Section 428.09 not less than thirty days after public notice of the sale has been published.

(Ord. 1108. Passed 11-1-82.)

428.09 PUBLIC SALE OF ABANDONED VEHICLES.

A public sale shall be conducted in the following manner:

(a) It shall be under the control of the Police Department or other authorized person.

(b) It shall be open to the public and consist of open auction bidding.

(c) It shall be held not less than five days after public notice of the sale has been published.

(d) The public notice shall be published at least once in a newspaper having a general circulation within the County. The public notice shall give a description of the vehicle for sale and shall state the time, date and location of the sale.

(Ord. 1108. Passed 11-1-82.)

428.10 DISPOSITION OF PROCEEDS FROM PUBLIC SALE OF ABANDONED VEHICLES.

The money received from the public sale of the vehicle shall be applied in the following order of priority:

- (a) Towing and storage charges;
- (b) Expenses incurred by the Police Department or other authorized person;
- (c) Remainder to the secured party, if any. If there is not a secured party, remainder to the owner. If the remainder of the money is not claimed by the secured party or owner within thirty days after the sale, it shall become the property of the City.

(Ord. 1108. Passed 11-1-82.)

428.11 DISPOSITION OF ABANDONED VEHICLES NOT SOLD AT PUBLIC SALE.

(a) If there are no bidders on the vehicle, the Police Department or other authorized person may do one of the following:

- (1) Turn the vehicle over to the towing firm to satisfy charges against the vehicle;
- (2) Obtain title to the vehicle for the Police Department or the City by doing both of the following:

A. Paying the towing and storage charges; and

B. Applying for title to the vehicle; or

(3) Hold another public sale pursuant to Section 428.09.

(b) Within two days, excluding Saturday, Sunday and legal holidays, after the disposition of the vehicle, the Police Department or other authorized person shall do both of the following:

(1) Notify the Secretary of State of the disposition; and

(2) Cancel the entry into the law enforcement information network described in Section 428.04(b). (Ord. 1108. Passed 11-1-82.)

428.12 REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

(a) When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or the Police Department or other authorized person, the custodian of the vehicle shall immediately notify the Police Department or other authorized person.

(b) Upon receipt of the notification described in subsection (a) hereof, the Police Department or other authorized person shall immediately do both of the following:

(1) Determine if the vehicle has been reported stolen; and

(2) Enter the vehicle into the law enforcement information network.

(c) If the vehicle described in subsection (a) hereof is not claimed by the owner within seven days after the Police Department or other authorized person has been notified by the custodian that it has been taken into custody, the vehicle shall be deemed abandoned and the owner is responsible for a civil infraction.

(d) If a vehicle is deemed abandoned by the Police Department or other authorized person under subsection (c) hereof, the procedures prescribed in Sections 428.04 through 428.11 shall then apply.

(Ord. 1108. Passed 11-1-82.)

428.13 REGISTERED ABANDONED SCRAP VEHICLES.

(a) As used in this section, "registered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:

(1) Is on public property or private property;

(2) Is seven or more years old;

(3) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe, as required by Section 683 of the Act, would exceed the fair market value of the vehicle;

(4) Is currently registered in the State or displays current year registration plates from another state; and

(5) Is not removed within forty-eight hours after a written notice, as described in Section 428.08(a)(5), is affixed to the vehicle.

(b) The Police Department or other authorized person may have a registered abandoned scrap vehicle taken into custody, in which case the Police Department or other authorized person shall do all of the following:

(1) Determine if the vehicle has been stolen;

(2) Take two photographs of the vehicle;

(3) Make a report to substantiate the vehicle as a registered abandoned scrap vehicle, which report shall contain the following information:

A. The year, make and vehicle identification number, if available;

B. The date of abandonment;

C. The location of abandonment;

D. A detailed listing of the damage or the missing equipment;

E. The reporting officer's name and title; and

F. The location where the vehicle is being held;

(4) Within twenty-four hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network; and

(5) Within seven days after taking the vehicle into custody, send to the registered owner and secured party, as shown by the records of the Secretary of State, by first-class mail or personal service, notice that the vehicle has been deemed abandoned. The form for the notice shall be furnished by the Secretary of State. Each notice form shall contain the following information:

A. The year, make and vehicle identification number of the vehicle, if available;

B. The location from which the vehicle was taken into custody;

C. The date on which the vehicle was taken into custody;

D. The name and address of the Police Department or other authorized person who has taken the vehicle into custody;

E. The business address of the custodian of the vehicle;

F. The procedure to redeem the vehicle;

G. The procedure to contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing and daily storage fees;

H. A form petition which the owner may file in person or by mail with the District Court, which petition requests a hearing on the action of the Police Department or other authorized person;

I. A warning that failure to redeem the vehicle or to request a hearing within twenty days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.

(c) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the District Court specified in the notice within twenty days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted pursuant to Sections 252e and 252(f) of the Act. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond with the Court in an amount determined by the Court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying the towing and storage fees instead of posting the towing and storage bond. If the Court finds that the vehicle was not properly deemed abandoned, the Police Department or other authorized person shall reimburse the owner of the vehicle for the accrued towing and storage fees.

(d) If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

(e) If the owner does not redeem the vehicle or request a hearing within twenty days after the date of the notice, the secured party may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.

(f) Not less than twenty days after the disposition of the hearing described in subsection (c) hereof, or, if a hearing is not requested, not less than twenty days after the date of the notice described in paragraph (b)(5) hereof, the Police Department or other authorized person shall follow the procedures established in Section 428.14(c) to (e).

(Ord. 1108. Passed 11-1-82.)

428.14 UNREGISTERED ABANDONED SCRAP VEHICLES.

(a) As used in this section, "unregistered abandoned scrap vehicle" means a vehicle which meets all of the following requirements:

(1) Is on public or private property;

(2) Is seven or more years old;

(3) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe, as required by Section 683 of the Act, would exceed the fair market value of the vehicle;

(4) Is not currently registered in the State and does not display current year registration plates from another state; and

(5) Is not removed within forty-eight hours after a written notice, as described in Section 428.08(a)(5), is affixed to the vehicle.

(b) The Police Department or other authorized person may have an unregistered abandoned scrap vehicle taken into custody, in which case the Police Department or other authorized person shall do all of the following:

(1) Determine if the vehicle has been reported stolen;

(2) Take two photographs of the vehicle;

(3) Make a report to substantiate the vehicle as an unregistered abandoned scrap vehicle, which report shall contain the following information:

A. The year, make and vehicle identification number, if available;

B. The date of abandonment;

C. The location of abandonment;

D. A detailed listing of the damage or the missing equipment;

E. The reporting officer's name and title; and

F. The location where the vehicle is being held; and

(4) Within twenty-four hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.

(c) Within twenty-four hours, excluding Saturday, Sunday and legal holidays, after taking the vehicle into custody, the Police Department or other authorized person shall complete a release form and release the vehicle to the towing service, to a used vehicle parts dealer or to a vehicle scrap metal processor, who shall then transmit that release form to the Secretary of State and apply for a certificate of the title or a certificate of scrapping. Upon receipt of the release form and application, the Secretary of State shall issue a certificate of title or a certificate of scrapping.

(d) The release form described in subsection (c) hereof shall be furnished by the Secretary of State and shall include a certification executed by the Police Department or other authorized person when the abandoned scrap vehicle is released. The certification shall state that the Police Department or other authorized person has complied with all the requirements of paragraphs (b)(2) and (3) hereof.

(e) The Secretary of State shall retain the records relating to an abandoned scrap vehicle for not less than two years. The two photographs taken pursuant to paragraph (b)(2) hereof shall be retained by the Police Department or other authorized person for not less than two years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 430

Parking Authority

430.01 Administration by Traffic Committee.

430.02 Responsibilities.

430.03 Personnel.

430.04 Issuance of parking violation notices.

430.05 Citation and notice books.

430.06 Disposition of fines, costs and penalties.

430.07 Responsibility of Traffic Committee for traffic handling; Council powers unabridged.

430.08 Enforcement by Director of Public Safety.

430.09 Budget requests.

430.10 Investigation of traffic problems.

430.11 Interdepartmental crosses.

430.99 Penalty.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Parking generally - see M.C.L.A. Secs. 257.672 et seq.; TRAF. Ch. 480

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Citations for unlawful parking - see TRAF. 424.05, 424.20

Parking meters - see TRAF. Ch. 482

Automobile parking system and bonds - see TRAF. Ch. 484

430.01 ADMINISTRATION BY TRAFFIC COMMITTEE.

The Municipal Parking Authority shall be administered by the Traffic Committee, as established in Section 422.04. (Ord. 1165. Passed 5-18-87.)

430.02 RESPONSIBILITIES.

The Parking Authority, under the direct supervision of the Traffic Committee, shall regulate all Municipal parking in the City, maintain and improve parking facilities and meters, issue parking violation notices and maintain records on the books and of the individual notices issued by civilian employees authorized to issue parking violation notices.

(Ord. 1165. Passed 5-18-87.)

430.03 PERSONNEL.

(a) The Parking Authority shall consist of civilian employees authorized to issue parking violation notices, meter or coin box collectors, i.e. collection agents or entities, meter repair persons, a civilian employee who shall supervise the Parking Authority employees and parking lot attendants. There will also be a parking consultant to the Traffic Committee and Parking Authority.

(b) The Supervisor of the Authority shall report to the Director of Public Safety or his or her designee.

(c) The personnel staff for the Authority shall be selected by the Director of Public Safety and approved by the Traffic Committee.

(Ord. 1165. Passed 5-18-87.)

430.04 ISSUANCE OF PARKING VIOLATION NOTICES.

Parking violation notices shall be issued in the notice books and in the form prescribed by the City in accordance with State law.

(Ord. 1165. Passed 5-18-87.)

430.05 CITATION AND NOTICE BOOKS.

The Director of Public Safety shall issue citation and notice books to each civilian employee whose duties may or will include parking duty or parking law enforcement.

(Ord. 1165. Passed 5-18-87.)

430.06 DISPOSITION OF FINES, COSTS AND PENALTIES.

All fines, costs and penalties which are imposed by the court having jurisdiction over violations of this Traffic and Parking Code shall be payable to the clerk of such court, who shall deposit the same with the City Treasurer daily. All of such fines, costs and penalties imposed for parking violations shall be credited to the Parking Authority and kept in a separate fund and/or account.

(Ord. 1165. Passed 5-18-87.)

430.07 RESPONSIBILITY OF TRAFFIC COMMITTEE FOR TRAFFIC HANDLING; COUNCIL POWERS UNABRIDGED.

(a) The Traffic Committee shall have centralized and complete responsibility for the safe and expeditious handling of traffic in the City and shall have a paramount interest in traffic problems of the City.

(b) Nothing in this section shall be construed as power or authority to lessen or abridge the legislative or other powers of Council or the use of such powers by Council in enacting or approving measures as to how traffic shall be regulated in the City.

(Ord. 1165. Passed 5-18-87.)

430.08 ENFORCEMENT BY DIRECTOR OF PUBLIC SAFETY.

The Director of Public Safety shall enforce this chapter and the rules and regulations adopted by the Traffic Committee or Council in accordance with the authority granted by the Charter, this Traffic and Parking Code and other ordinances of the City. No person shall violate any of the provisions of this chapter or any such rules and regulations. Subject to this chapter and other traffic rules and regulations, the Department of Public Safety shall direct and control vehicular and pedestrian traffic.

(Ord. 1165. Passed 5-18-87.)

430.09 BUDGET REQUESTS.

The Traffic Committee shall:

(a) Prepare a detailed breakdown of budget requests for capital improvements covering the Parking Authority and submit the same to the Finance Department for inclusion in the City's budget; and

(b) Review and report on budget requests for capital improvements or major maintenance covering Municipal parking lots and parking meters.

(Ord. 1165. Passed 5-18-87.)

430.10 INVESTIGATION OF TRAFFIC PROBLEMS.

The Traffic Committee shall investigate all petitions relating to streets and traffic problems, including rules, regulations and control devices, shall hold hearings thereon when requested or found necessary and shall promptly render a report to Council with recommendations thereon and reasons therefor.

(Ord. 1165. Passed 5-18-87.)

430.11 INTERDEPARTMENTAL CROSSES.

To maintain, administer and improve parking facilities, there will be interdepartmental crosses by applicable pertinent departments to the Parking Authority.

(Ord. 1165. Passed 5-18-87.)

430.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

TITLE FOUR - Public Ways and Traffic Control Devices

Chap. 440. Obstruction and Special Uses of Public Ways.

Chap. 442. Traffic Control Devices.

Chap. 444. Pedestrians.

Chap. 446. Parades.

Chap. 448. Snow Emergency Routes.

CHAPTER 440

Obstruction and Special Uses of Public Ways

440.01 Obstructing traffic.

440.02 Persons propelling pushcarts or riding animals.

440.03 Use of roller skates, coasters, toy vehicles.

440.04 Sales on streets.

440.05 Deposit of litter on streets.

440.06 Throwing objects at or into paths of vehicles.

440.07 Snow and ice removal.

440.08 Removal of damaged vehicles from streets.

440.09 Spilling loads on streets.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Obstruction of streets by trains - see TRAF. 466.52

Obstruction of streets by auto washes - see B.R. & T. 812.08

Obstruction of streets by moving of buildings - see B. & H. 1468.04

440.01 OBSTRUCTING TRAFFIC.

(a) No person, without authority, shall block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic on a public street or highway by means of a barricade, object or device, or with his or her person. This section does not apply to persons who maintain, rearrange or construct public utilities in or adjacent to a street or highway.

(b) Whoever violates this section is responsible for a civil infraction.

440.02 PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS.

Whoever propels a pushcart or rides an animal upon a roadway or drives an animal-drawn vehicle shall be subject to the provisions of this Traffic and Parking Code which are applicable to the driver of a vehicle, except for the provisions of this Traffic and Parking Code which by their very nature can have no application.

(Ord. 1108. Passed 11-1-82.)

440.03 USE OF ROLLER SKATES, COASTERS, TOY VEHICLES.

(a) No person on roller skates or riding in or by means of a coaster, toy vehicle or similar device shall go on a roadway, except while crossing a street on a crosswalk. When crossing a street on a crosswalk, such person shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

440.04 SALES ON STREETS.

(a) No person shall sell, offer for sale, display or attempt to display for sale any goods, wares, produce, fruit, vegetables or merchandise within the right of way of a highway, except as provided in Sections 468.04 and 480.08(a)(4). This section shall not be construed to interfere with any permanently established business presently located on or partially on private property, to grant to the owner any additional right or authority that the owner may not now possess, to diminish the legal rights or authority that the owner may not now possess or to diminish the legal rights or duties of the authority that has jurisdiction of the right of way.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

440.05 DEPOSIT OF LITTER ON STREETS.

(a) No person shall, without the consent of the public authority having supervision of a street, deposit, place, dump, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of, any destructive or injurious material, rubbish, refuse, waste material, garbage, offal, paper, glass, can, bottle, trash or debris on a street.

(b) Whoever throws or drops, or permits to be thrown or dropped, on a street any of the material or matter listed in subsection (a) hereof shall immediately remove it or cause it to be removed.

(c) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

440.06 THROWING OBJECTS AT OR INTO PATHS OF VEHICLES.

(a) No person shall knowingly cause any litter or object to fall or to be thrown into the path of, or to hit, a vehicle traveling on a street.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

440.07 SNOW AND ICE REMOVAL.

(a) As used in this section, "safety vision" means an unobstructed line of sight which enables a driver to travel on, enter or exit a roadway in a safe manner.

(b) No person shall remove, or cause to be removed, snow, ice or slush onto or across a roadway or the shoulder of a roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than an off-road vehicle.

(c) No person shall deposit, or cause to be deposited, snow, ice or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.

(d) No person shall deposit, or cause to be deposited, snow, ice or slush on a roadway or highway.

(e) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

440.08 REMOVAL OF DAMAGED VEHICLES FROM STREETS.

(a) Whoever removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped on the street from the vehicle.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

440.09 SPILLING LOADS ON STREETS.

(a) No vehicle shall be driven or moved on a street unless the vehicle is constructed or loaded to prevent its contents from dropping, shifting, leaking or otherwise escaping therefrom.

(b) Actual spillage of material on a street or proof of such spillage is not necessary to prove a violation of this section.

(c) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 442

Traffic Control Devices

442.01 Authority to install.

442.02 Manual and specifications.

442.03 Limit of authority.

442.04 Obedience to official devices.

442.05 Avoiding traffic control devices.

442.06 Signs required for enforceability.

442.07 Sign placement and legend.

442.08 Signals outside intersections.

442.09 Pedestrian signals.

442.10 Special pedestrian signals.

442.11 Flashing signals.

442.12 Unauthorized devices and signals.

442.13 Damage or removal.

442.14 Crosswalks.

442.15 Safety zones.

442.16 Traffic lanes.

442.17 School crossings.

442.18 School crossing guards.

442.19 Failure to obey school crossing signal.

442.20 Establishment and identification of bicycle paths or lanes.

442.21 Snowmobiles and other vehicles on bicycle paths.

442.22 Vehicles on bicycle lanes.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Devices for pedestrians - see TRAF. 444.01

Obedience of bicyclists - see TRAF. 464.07

Turning markers and no turn signs - see TRAF. 466.44

Parking signs - see TRAF. 480.13

442.01 AUTHORITY TO INSTALL.

The Traffic Engineer or Traffic Committee shall place, maintain or remove traffic control signs, signals, lane markings and other devices and shall determine the hours and days during which a traffic control device shall be in operation or in effect. This shall be done when and as required under the traffic ordinances of the City to indicate and to carry out the provisions of such ordinances and under State law to regulate, warn or guide traffic.

(Ord. 1108. Passed 11-1-82.)

442.02 MANUAL AND SPECIFICATIONS.

All traffic control signs, signals and devices shall conform to the official Michigan Manual of Uniform Traffic Control Devices. All signs and signals required by this Traffic and Parking Code for a particular purpose shall, so far as is practical, be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of State law or this Traffic and Parking Code shall be official traffic control devices.

(Ord. 1108. Passed 11-1-82.)

442.03 LIMIT OF AUTHORITY.

Notwithstanding the authority granted to the Traffic Engineer or Traffic Committee under this Traffic and Parking Code, traffic control devices shall not be placed or maintained on any trunkline highway which is under the jurisdiction of the State Highway Commissioner, except by the Commissioner's permission, or on any County road, except by permission of the County Road Commission which has jurisdiction thereof.

(Ord. 1108. Passed 11-1-82.)

442.04 OBEDIENCE TO OFFICIAL DEVICES.

(a) The driver of a vehicle shall obey the instructions of an official traffic control device which is placed in accordance with the traffic ordinances of the City, unless otherwise directed by a police officer.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.05 AVOIDING TRAFFIC CONTROL DEVICES.

(a) No driver of a vehicle shall avoid obedience to an official traffic control device by driving on or through private property or on or through public property which is not a street or highway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.06 SIGNS REQUIRED FOR ENFORCEABILITY.

Provisions of this Traffic and Parking Code which require signs shall not be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign was not in proper position and was not sufficiently legible so as to be seen by an ordinarily observant person. When a particular section of such Code does not state that signs are required, such section shall be effective even though signs are not erected or in place.

(Ord. 1108. Passed 11-1-82.)

442.07 SIGNAL PLACEMENT AND LEGEND.

(a) When traffic is controlled by traffic control signals, at least one such signal shall be located over the traveled portion of the roadway to give drivers a clear indication of the right-of-way

assignment from their normal positions approaching the intersection. The signals shall exhibit different colored lights successively one at a time or with arrows. The following colors shall be used and the terms and lights shall indicate and apply to drivers of vehicles as follows:

(1) Green indication. Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at such place prohibits either turn. However, vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians who are lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Steady yellow indication. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line, when marked, but if such stop cannot be safely made, a vehicle may be driven cautiously through the intersection.

(3) Steady red indication. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line, when marked, or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except that vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line, when marked, or, if none, then before entering the intersection, may make a right turn from a one or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn or may make a left turn from a one or two-way street into a one-way roadway carrying traffic in the direction of the left turn unless prohibited by sign, signal, marking, light or other traffic control device. The vehicular traffic shall yield the right of way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Arrow indications.

A. Green arrow (steady). Vehicular traffic facing a green arrow signal which is shown alone or in combination with another indication may cautiously enter the intersection only to make the movement indicated by the arrow or to make other movement permitted by other indications shown at the same time. Vehicle traffic shall yield the right of way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic which is lawfully using the intersection.

B. Red arrow (flashing). When a red arrow is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line, when marked, or, if none, then before entering the intersection and may then make the movement indicated if interference is not offered to pedestrians or vehicles which are lawfully on the highway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.08 SIGNALS OUTSIDE INTERSECTIONS.

(a) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except for those provisions which by their nature can have no application. A stop that is required shall be made at a sign or marking on the pavement which indicates where the stop shall be made. In the absence of a sign or marking, the stop shall be made at the signal.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.09 PEDESTRIAN SIGNALS.

(a) When special pedestrian control signals are not utilized, the regular traffic control signals, as indicated in Sections 442.07 and 442.08, shall apply to pedestrians as follows:

(1) Green indication. Pedestrians facing such signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication. Pedestrians facing such signal are advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right of way to all vehicles.

(3) Steady red indication. Pedestrians facing such signal shall not enter the highway unless they can do so safely and without interfering with any vehicular traffic.

(4) Red with arrow. Pedestrians facing such signal shall not enter the highway unless they can do so safely without interfering with any vehicular traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.10 SPECIAL PEDESTRIAN SIGNALS.

(a) Installation; Application. When special pedestrian control signals are installed, they shall be placed at the far end of each crosswalk and shall indicate a "walk" or "don't walk" interval. Such special signals shall apply to pedestrians only to the exclusion of any regular traffic control signal or signals which may be present at the same location.

(b) "Walk" Interval. Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(c) "Don't Walk" (Steady Burning or Flashing) Interval. A pedestrian shall not start to cross the highway in the direction of such signals, but a pedestrian who has partially completed his or her

crossing on the walk interval of such signal shall proceed to a sidewalk or safety island while the "don't walk" interval of the signal is showing.

(d) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.11 FLASHING SIGNALS.

(a) When flashing red or yellow signals are used, they shall be obeyed by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line, when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may only proceed through the intersection or past such signal if caution is exercised.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

442.12 UNAUTHORIZED DEVICES AND SIGNALS.

(a) Except as authorized by the Traffic Engineer or Traffic Committee, no person shall place, maintain or display, along a street or upon a structure in or over a street, a sign, signal, marking, device, blinking, oscillating or rotating light, decoration or banner which:

(1) Is or purports to be a traffic control device or railroad sign or signal;

(2) Imitates or resembles, or which can be mistaken for, a traffic control device or railroad sign or signal; and

(3) Attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of, a traffic control device or a railroad sign or signal.

(b) No person shall place or maintain, and a public authority shall not permit, on any highway, a traffic sign or signal that bears any commercial advertising.

(c) No person shall place, maintain or display, along a street, any blinking, oscillating or rotating light which is sufficiently similar to the distinguishing lights authorized by law for emergency vehicles in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or which create a hazard for the safety of drivers using a street.

Every such prohibited sign, signal, marking, device, decoration or banner is hereby deemed a public nuisance, and the authority that has jurisdiction over the street is authorized to remove the same or cause it to be removed without notice.

(d) Decorations or banners that may be placed over the traveled portion of a street or highway shall be placed not closer than ten feet on either side of traffic lights or signals and shall be placed so as not to obstruct a clear view of such traffic lights or signals.

(e) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

442.13 DAMAGE OR REMOVAL.

(a) No person shall, without lawful authority, attempt to alter, deface, injure, knock down or remove a traffic control device, railroad sign or signal, inscription, shield or insignia thereon or any other part thereof.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

442.14 CROSSWALKS.

The Traffic Engineer or Traffic Committee is hereby authorized to designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in the opinion of the Engineer or the Committee, there is particular danger to pedestrians crossing the roadway and at such other places as deemed necessary by the Engineer or the Committee.

(Ord. 1108. Passed 11-1-82.)

442.15 SAFETY ZONES.

The Traffic Engineer or Traffic Committee is hereby authorized to establish safety zones of a kind and character and at such places as the Engineer or the Committee may deem necessary for the protection of pedestrians.

(Ord. 1108. Passed 11-1-82.)

442.16 TRAFFIC LANES.

The Traffic Engineer or Traffic Committee is hereby authorized to mark traffic lanes on the roadway of a street or highway where a regular alignment of traffic is necessary.

(Ord. 1108. Passed 11-1-82.)

442.17 SCHOOL CROSSINGS.

The Traffic Engineer or Traffic Committee may, after traffic and engineering studies and in consultation with the Superintendent of the School District, designate appropriate crosswalks as school crossings and may create additional school crossings where they are considered necessary on streets or highways under the jurisdiction of the Engineer or the Committee.

(Ord. 1108. Passed 11-1-82.)

442.18 SCHOOL CROSSING GUARDS.

(a) Assignment; Clothing; Signs.

(1) When school crossing guards are assigned, they shall be stationed at school crossings during the times of day designated by the Superintendent of the School District and the Chief of Police.

(2) When on duty, a school crossing guard shall wear an outer vest of a color and style that meets the standards of the Michigan Manual of Uniform Traffic Control Devices. The school crossing guard shall also hold a stop sign which conforms to the Michigan Manual of Uniform Traffic Control Devices for hand-held signs.

(3) When school crossing guards are assigned at designated school crossings, warning signs shall be erected in conformity with the Michigan Manual of Uniform Traffic Control Devices.

(b) Selection; Training; Supervision.

(1) The Police Department has the responsibility for selection and training of school crossing guards in its jurisdiction.

(2) No person shall receive less than four hours of instruction before performing the duties of a school crossing guard. Two hours of additional instruction shall be given annually to a school crossing guard before the beginning of each school year. The courses of instruction shall be approved by the Department of Education and the Department of State Police and shall be conducted by the Police Department or its designee.

(3) School crossing guards shall serve on a voluntary basis, unless funding is provided for these positions by either the City and/or the School District of the City.

(Ord. 1108. Passed 11-1-82.)

442.19 FAILURE TO OBEY SCHOOL CROSSING SIGNAL.

(a) The driver of a motor vehicle who fails to stop at a school crossing when a school crossing guard is in the crossing and is holding the stop sign in an upright position which is visible to approaching vehicular traffic is guilty of a violation of Section 442.04.

(b) In a proceeding for a violation of subsection (a) hereof, proof that the particular vehicle described in the citation, complaint or warrant was in violation of subsection (a) hereof, together with proof that the defendant named in the citation, complaint or warrant was, at the time of the violation, the registered owner of the vehicle, constitutes an evidentiary presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(Ord. 1108. Passed 11-1-82.)

442.20 ESTABLISHMENT AND IDENTIFICATION OF BICYCLE PATHS OR LANES.

(a) When the Traffic Engineer or Traffic Committee, after a traffic survey and engineering study, determines there is a need, such Engineer or Committee may establish a part of a street or highway under the jurisdiction thereof as a bicycle path or lane.

(b) A bicycle path or lane shall be identified by official traffic control devices which conform to the Michigan Manual of Uniform Traffic Control Devices.

(Ord. 1108. Passed 11-1-82.)

442.21 SNOWMOBILES AND OTHER VEHICLES ON BICYCLE PATHS.

(a) No person shall operate a vehicle on or across a bicycle path, except to enter or leave adjacent property or as otherwise permitted in this section.

(b) A person may operate a snowmobile on a bicycle path which is snow covered and which is not snow plowed for bicycle traffic.

(c) No person shall park a vehicle on a bicycle path.

(d) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

442.22 VEHICLES ON BICYCLE LANES.

(a) No person shall operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property.

(b) No person shall park a vehicle on a bicycle lane, except where parking is permitted by official signs.

(c) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 444

Pedestrians

444.01 Traffic control signals; privileges and restrictions.

444.02 Right of way in crosswalks.

444.03 Passing vehicles stopped for pedestrian crossing.

444.04 Prohibited on limited access highways.

444.05 Crossing roadway at right angles to curb.

444.06 Right of way when pedestrian not in crosswalk.

444.07 Right of way at tunnels or overhead crossings.

444.08 Yielding right of way to emergency vehicles.

444.09 Crossing between adjacent intersections.

444.10 Crossing roadway in business district.

444.11 Obedience to bridge and railroad barriers.

444.12 Walking on roadways.

444.13 Soliciting ride, employment or business in roadway.

444.14 Soliciting the watching or guarding of vehicle in street.

444.15 Stopping for blind pedestrians.

444.16 Use of white cans by other than blind persons.

444.17 Driver's exercise of due care.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Pedestrian control signals - see TRAF. 442.09, 442.10

Pedestrians on limited access highways - see TRAF. 464.05

Splashing pedestrians - see TRAF. 466.65

444.01 TRAFFIC CONTROL SIGNALS; PRIVILEGES AND RESTRICTIONS.

(a) Pedestrians are subject to traffic control signals at intersections as provided in Chapter 442. At all other places, pedestrians shall be accorded the privileges, and shall be subject to the restrictions, stated in this chapter.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.02 RIGHT OF WAY IN CROSSWALKS.

(a) When traffic control signals are not in place or are not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. However, no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.03 PASSING VEHICLES STOPPED FOR PEDESTRIAN CROSSING.

(a) When a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.04 PROHIBITED ON LIMITED ACCESS HIGHWAYS.

(a) Pedestrians are prohibited on limited access highways, as provided in the Act.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.05 CROSSING ROADWAY AT RIGHT ANGLES TO CURB.

(a) No pedestrian shall, except in 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.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.06 RIGHT OF WAY WHEN PEDESTRIAN NOT IN CROSSWALK.

(a) Every pedestrian who crosses a roadway at a point other than within a marked crosswalk at an intersection shall yield the right of way to all vehicles on the roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.07 RIGHT OF WAY AT TUNNELS OR OVERHEAD CROSSINGS.

(a) A pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles on the roadway, if signs prohibiting the crossing of the roadway by pedestrians at such point are in place.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.08 YIELDING RIGHT OF WAY TO EMERGENCY VEHICLES.

(a) A pedestrian shall yield the right of way to an authorized emergency vehicle under the conditions prescribed in Section 466.01.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.09 CROSSING BETWEEN ADJACENT INTERSECTIONS.

(a) Where traffic control signals are in operation, pedestrians shall not cross the roadway except in a marked crosswalk.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.10 CROSSING ROADWAY IN BUSINESS DISTRICT.

(a) In a business district, no pedestrian shall cross a roadway other than in a crosswalk.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.11 OBEDIENCE TO BRIDGE AND RAILROAD BARRIERS.

(a) No pedestrian shall pass through, around, over or under a crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.12 WALKING ON ROADWAYS.

(a) Where sidewalks are provided, no pedestrians shall walk on the roadway. Where sidewalks are not provided, pedestrians shall, when practical, walk on the left side of the street or highway facing traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.13 SOLICITING RIDE, EMPLOYMENT OR BUSINESS IN ROADWAY.

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of a vehicle.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.14 SOLICITING THE WATCHING OR GUARDING OF VEHICLE IN STREET.

(a) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of a vehicle while parked or about to be parked on a street or highway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

444.15 STOPPING FOR BLIND PEDESTRIANS.

(a) A driver of a vehicle who approaches within ten feet of a person who is wholly or partially blind, who is carrying a cane or walking stick which is white or white tipped with red or who is being led by a guide dog wearing a harness and walking on either side, or slightly in front, of the person, shall immediately come to a full stop and shall take such precautions before proceeding as may be necessary to avoid accident or injury to the wholly or partially blind person.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

444.16 USE OF WHITE CANES BY OTHER THAN BLIND PERSONS.

(a) No person, except one who is wholly or partially blind, shall use any white cane, or a white can the lower end of which is red in color, upon the streets and alleys of the City.

(Ord. 527; 1959 Code Sec. 3-131)

(b) Whoever violates this section is responsible for a civil infraction.

444.17 DRIVER'S EXERCISE OF DUE CARE.

(a) Notwithstanding the other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with a pedestrian on any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precautions upon observing a child or a confused or incapacitated person on a roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 446

Parades

446.01 Definitions.

446.02 Permit required; exceptions.

- 446.03 Permit applications.
- 446.04 Conditions of issuance of permit.
- 446.05 Denial of permit.
- 446.06 Alternate permit.
- 446.07 Copies of permit to officers.
- 446.08 Contents of permit.
- 446.09 Compliance with, and possession of, permit.
- 446.10 Public conduct.
- 446.11 Revocation of permit.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Funeral processions - see TRAF. 466.57 et seq.

Participation in parades or processions; permit required - see TRAF. 466.60

446.01 DEFINITIONS.

As used in this chapter:

(a) "Parade" means a parade, march ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or on a street, park or other public place in the City.

(b) "Parade permit" means a permit as required under this chapter.

(Ord. 887; 1959 Code Sec. 7-801)

446.02 PERMIT REQUIRED; EXCEPTIONS.

(a) No person shall engage in, participate in, aid, form or start a parade, unless a permit therefor has been obtained from Council.

(b) This chapter does not apply to funeral processions or to a governmental agency acting within the scope of its functions.

(Ord. 887; 1959 Code Sec. 7-802)

446.03 PERMIT APPLICATIONS.

(a) A person seeking issuance of a parade permit, as required by Section 446.02, shall file an application with the City Clerk on forms provided by such officer.

(b) Such application shall be filed with the Clerk not less than twenty-one days, or more than ninety days, before the date on which it is proposed to conduct the parade.

(c) The application shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by, an organization, the names, addresses and telephone numbers of the headquarters of the organization and of the authorized and responsible heads of such organization;

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The approximate number of persons who, and animals and vehicles which, will constitute such parade, and the types of animals and a description of the vehicles;

(6) The hours when such parade will start and terminate;

(7) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(8) The location, by streets, of any assembly area for such parade;

(9) The time at which units of the parade will begin to assemble at any such assembly area;

(10) The interval of space to be maintained between units of such parade;

(11) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his or her behalf; and

(12) Any additional information which Council finds reasonably necessary to a fair determination as to whether or not a permit should be issued.

(d) Council, where good cause is shown therefor, may consider an application made pursuant to this section which is filed less than fifteen days before the date such parade is proposed to be conducted.

(e) There shall be paid at the time of filing the application for a parade permit, a fee of ten dollars (\$10.00).

(Ord. 887; 1959 Code Sec. 7-803)

446.04 CONDITIONS OF ISSUANCE OF PERMIT.

Council shall issue the permit required by Section 446.02 when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(b) The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City.

(c) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto.

(d) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly points.

(e) The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire.

(f) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(g) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(h) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.

(Ord. 887; 1959 Code Sec. 7-804)

446.05 DENIAL OF PERMIT.

Council shall act upon an application for the permit required by Section 446.02 within fifteen days after the filing thereof. If Council disapproves the application, it shall mail to the applicant, within eighteen days after the date upon which the application was filed, a notice of its action, stating the reasons for its denial of the permit.

(Ord. 887; 1959 Code Sec. 7-805)

446.06 ALTERNATE PERMIT.

Council, in denying an application for a parade permit, as provided in Section 446.02, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept such alternate permit shall, prior to the proposed parade but in any event within five days after notice of the action of Council, file a written notice of acceptance with Council. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this chapter.

(Ord. 887; 1959 Code Sec. 7-806)

446.07 COPIES OF PERMIT TO OFFICERS.

Immediately upon the issuance of a parade permit, the City Clerk shall send a copy thereof to the following:

- (a) The Mayor;
- (b) The City Attorney;
- (c) The Fire Chief;
- (d) The Director of the Department of Public Works;
- (e) The Chief of Police; and
- (f) The general manager or responsible head of each public transportation utility, the regular routes of whose vehicles will be affected by the route of the proposed grade.

(Ord. 887; 1959 Code Sec. 7-807)

446.08 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (a) The starting time;
- (b) The minimum speed;
- (c) The maximum speed;
- (d) The maximum interval of space to be maintained between the units of the parade;
- (e) The portions of the streets to be traversed that may be occupied by the parade;
- (f) The maximum length of the parade in miles or fractions thereof; and
- (g) Such other information as Council finds necessary to the enforcement of this chapter.

(Ord. 887; 1959 Code Sec. 7-808)

446.09 COMPLIANCE WITH, AND POSSESSION OF, PERMIT.

A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.

The parade chairman or other person heading or leading such activity shall carry the parade permit on his or her person during the conduct of the parade.

(Ord. 887; 1959 Code Sec. 7-809)

446.10 PUBLIC CONDUCT.

(a) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with, a parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on Parade Route. The Chief of Police may, when reasonably necessary, prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief shall post signs to such effect, and no person shall park or leave unattended a vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

(Ord. 887; 1959 Code Sec. 7-810)

446.11 REVOCATION OF PERMIT.

Council may revoke a parade permit issued under this chapter upon application of the standards for issuance set forth in Section 446.04.

(Ord. 887; 1959 Code Sec. 7-811)

CHAPTER 448

Snow Emergency Routes

448.01 Definitions.

448.02 Certain parking prohibited in snow emergency; declarations by Coordinator.

448.03 Public announcements of declarations required.

448.04 Abandoning disabled vehicles.

448.05 Removal of vehicles during snow emergency.

448.06 Termination of parking prohibition.

448.07 Conflict with other traffic regulations.

448.08 Signs.

448.09 Designation of routes.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Emergency traffic regulations - see TRAF. 422.01(j)

Removal of snow and ice - see TRAF. 440.07; S.U. & P.S. 1020.02

448.01 DEFINITIONS.

As used in this chapter:

(a) "Coordinator" means the Superintendent of Public Service or his or her duly designated and acting representative.

(b) "Snow emergency routes" means those streets marked as such.

(Ord. 1108. Passed 11-1-82.)

448.02 CERTAIN PARKING PROHIBITED IN SNOW EMERGENCY; DECLARATIONS BY COORDINATOR.

(a) Whenever, between the hours of 6:00 a.m. and 11:00 p.m., snow or ice has accumulated to a depth of two inches or more on any part of a snow emergency route, a parking prohibition shall automatically go into effect on that part of the route one hour after such condition exists.

(b) Whenever the Coordinator finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service of snow, sleet or freezing rain, that weather conditions will make it necessary that parking on City streets be prohibited or restricted for snow plowing or other purposes, the Coordinator shall cause to be put into effect a parking prohibition on snow emergency routes as necessary by declaring it in the manner prescribed in this chapter.

(c) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Coordinator in accordance with this chapter, except that any street area which has become clear of snow and ice from curb to curb for the length thereof lying between two successive street intersections shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked a vehicle on any portion of a snow emergency route to which the prohibition applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

(Ord. 1108. Passed 11-1-82.)

448.03 PUBLIC ANNOUNCEMENTS OF DECLARATIONS REQUIRED.

The Coordinator shall cause each declaration made by him or her pursuant to this chapter to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the City, and he or she may cause such declaration to be further announced in newspapers of general circulation when feasible. Each announcement shall describe the action taken by the Coordinator, including the time it became or will become effective, and shall specify the streets or areas affected.

(Ord. 1108. Passed 11-1-82.)

448.04 ABANDONING DISABLED VEHICLES.

Whenever a vehicle becomes disabled for any reason on any part of a snow emergency route on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow emergency route. No person shall abandon or leave a vehicle in the roadway of a snow emergency route, regardless of whether indicated, by a raised hood or otherwise, that the vehicle is disabled, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or nearby garage, gasoline station or other place of assistance. After so securing assistance, the person shall return without delay.

(Ord. 1108. Passed 11-1-82.)

448.05 REMOVAL OF VEHICLES DURING SNOW EMERGENCY.

(a) Whenever a motor vehicle is found parked on a snow emergency route during the prohibited parking period of a snow emergency, the Police Department is hereby authorized to remove or have removed such vehicle from such street to the nearest garage, temporary or permanent auto pound or area designated for impoundment by the Department, or to another place on a public street. Such removal, impoundment and storage shall be at the risk of the owner of the vehicle.

(b) Whenever a vehicle has been so removed from a snow emergency route as authorized in this section, the Department shall attempt to ascertain from the registration records the name and address of the owner thereof. The Department shall, as soon as is practical, give or cause to be given notice in writing to such owner of the fact of such removal, the reason therefor and the place to which such vehicle has been removed.

(c) A vehicle not claimed within ten days after notice of impoundment has been given the owner shall be considered an abandoned vehicle and disposed of according to law.

(d) The Police Department shall keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of the owner and last operator, if known, its final disposition and the parking violation involved.

(Ord. 1108. Passed 11-1-82.)

448.06 TERMINATION OF PARKING PROHIBITION.

Whenever the Coordinator finds that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this chapter no longer exist, he or she may declare this prohibition terminated.

(Ord. 1108. Passed 11-1-82.)

448.07 CONFLICT WITH OTHER TRAFFIC REGULATIONS.

Any provision of this chapter, while temporarily in effect, shall take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized vehicles or emergency traffic directions by a police officer.

(Ord. 1108. Passed 11-1-82.)

448.08 SIGNS.

On each street designated as a snow emergency route, the Coordinator shall post special signs, at intervals not exceeding 500 feet, with the appropriate wording designating the street as a snow emergency route and that parked vehicles would be towed away during an emergency. The signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street.

(Ord. 1108. Passed 11-1-82.)

448.09 DESIGNATION OF ROUTES.

Snow emergency routes shall be designated by traffic control order. Such orders shall make reference to the signs required by Section 448.08.

(Ord. 1120. Passed 4-4-83.)

TITLE SIX - Vehicles and Operation

Chap. 460. Licensing, Registration and Insurance.

Chap. 462. Equipment.

Chap. 464. Bicycles and Motorcycles.

Chap. 466. Operation and Accidents.

Chap. 468. Commercial and Heavy Vehicles.

CHAPTER 460

Licensing, Registration and Insurance

460.01 Licenses required; exceptions for motorcycles, mopeds and heavy vehicles; change of residence.

460.02 Driving without a license or with a suspended or revoked license.

460.03 Possession and display of license.

460.04 Violating license restrictions.

460.05 Uninsured motorists; nonresidents.

460.06 Evidence of insurance; suspension of license.

460.07 Use of revoked or fictitious license.

460.08 Transfer of license.

460.09 Fraudulent display or representation of license.

460.10 Instruction permits.

460.11 Authorizing operation by unlicensed driver.

460.12 License plates required.

460.13 Registration certificate required.

460.14 Notice of change of address.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Traffic Bureau - see TRAF. 422.02

Traffic Committee - see TRAF. 422.04

Inspection of motor vehicles - see TRAF. 422.01(c)

460.01 LICENSES REQUIRED; EXCEPTIONS FOR MOTORCYCLES, MOPEDS AND HEAVY VEHICLES; CHANGE OF RESIDENCE.

(a) No person who is not licensed as an operator or chauffeur, as required by the Act, shall operate a motor vehicle on the streets or highways of the City.

(b) Whoever operates a motorcycle shall have a motorcycle endorsement on his or her operator's or chauffeur's license.

(c) An operator or chauffeur who changes his or her residence before the expiration of his or her license shall immediately take the license to the local examining board or to the Secretary of State, where the new address and the date of the changes shall be entered on the back of the license.

(d) Before operating a moped on a highway, a person shall procure a special restricted license to operate a moped, unless the person has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to a person who is fifteen years of age or older, if the person satisfies the office of the Secretary of State that he or she is competent to operate a moped with safety. The Secretary of State shall not require a road test before issuing a special restricted license to operate a moped.

(e) Before operating a single vehicle weighing over 24,000 pounds gross vehicle weight or a bus or school bus, a person shall procure a class 1 endorsement on his or her operator's or chauffeur's license. Before operating a combination of vehicles weighing over 24,000 pounds gross vehicle weight or a vehicle towing a vehicle weighing over 10,000 pounds gross vehicle weight, a person shall procure a class 2 endorsement on his or her operator's or chauffeur's license. The license shall be issued, suspended, revoked, cancelled or renewed pursuant to the Act.

(f) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.02 DRIVING WITHOUT A LICENSE OR WITH A SUSPENDED OR REVOKED LICENSE.

(a) No person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified, as provided in Section 212 of the Act, of the suspension or revocation or whose application for license has been denied, as provided in the Act, or who has never applied for a license, shall drive a motor vehicle on the highways of the City or knowingly permit a motor vehicle owned by him or her to be operated by another on a highway, except as permitted under the Act, while the license or registration certificate is suspended or revoked. A person so acting is guilty of a misdemeanor. In addition to the penalty provided in Section 422.99(f), unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be confiscated.

(b) No person whose operator's or chauffour's license has been suspended under Section 321a of the Act because the person failed to answer a citation shall drive a motor vehicle on a highway.

(c) Whoever is convicted of a second or subsequent violation of this section is guilty of a misdemeanor. In addition to the penalty provided in Section 422.99(f), unless the vehicle was stolen, the registration plates of the vehicle shall be confiscated.

(d) The Department of State, upon receiving a record of the conviction of a person upon a charge of unlawful operation of a motor vehicle while the license of the person is suspended, revoked or denied, or of the conviction of a person for violation of the motor vehicle laws of the State or the City while the license of the person is suspended, revoked or denied, shall immediately extend the period of the first suspension or revocation for an additional like period or, if a period has not been determined, then for not less than thirty days, but not more than one year.

(e) Before the plea of the person is accepted under this section, the arresting officer shall check with the Department of State to determine the record and status of the person according to the Department files and shall so inform the court.

(Ord. 1108. Passed 11-1-82.)

460.03 POSSESSION AND DISPLAY OF LICENSE.

(a) Every driver shall have his or her operator's or chauffeur's license in his or her immediate possession at all times when driving a motor vehicle and shall display the license on demand of a police officer.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.04 VIOLATING LICENSE RESTRICTIONS.

(a) No person shall drive a motor vehicle in violation of the restrictions imposed on his or her license by the Secretary of State.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.05 UNINSURED MOTORISTS; NONRESIDENTS.

(a) No owner or registrant of a motor vehicle, with respect to which security is required, shall operate the motor vehicle or permit it to be operated upon a public highway in the City without having in full force and effect security complying with Section 3101, 3102 or 3103 of Act 218 of the Public Acts of 1956, as amended, being Section 500.3101, 500.3102 or 500.3103 of the Michigan Compiled Laws. No person shall operate a motor vehicle upon a public highway in the

City with the knowledge that the owner or registrant thereof does not have security in full force and effect.

(b) No nonresident owner or registrant of a motor vehicle not registered in the State shall operate or permit the vehicle to be operated in the State for an aggregate of more than thirty days in any calendar year unless he or she continuously maintains security for the payment of benefits.

(Ord. 1108. Passed 11-1-82.)

460.06 EVIDENCE OF INSURANCE; SUSPENSION OF LICENSE.

(a) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the highways of the City or the operator of the motor vehicle shall produce, pursuant to subsection (b) hereof, upon the request of a police officer, evidence that the motor vehicle is insured under Chapter 31 of Act 218 of the Public Acts of 1956, as amended, being Sections 500.3101 to 500.3179 of the Michigan Compiled Laws.

An owner or operator of a motor vehicle who fails to produce evidence under this subsection when requested to produce that evidence is responsible for a civil infraction.

(b) A certificate of insurance, if issued by an insurance company, which certificate states that security which meets the requirements of Sections 3101 and 3102 of Act 218 of the Public Acts of 1956, as amended, being Sections 500.3101 and 500.3102 of the Michigan Compiled Laws, is in force shall be accepted as prima-facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, shall state the name of each person named on the policy, policy declaration or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.

(c) If an owner of a motor vehicle is determined to be responsible for a violation of subsection (a) hereof, the court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance meeting the requirements of Section 3102 of Act 218 of the Public Acts of 1956, as amended, is submitted to the court. If the court requires the license to be surrendered, the court shall order the Secretary of State to suspend the person's license and shall forward the surrendered license and a certificate of civil infraction to the Secretary. Upon receipt of the certificate of civil infraction and the surrendered license, the Secretary shall suspend the person's license beginning with the date on which a person is determined to be responsible for the civil infraction for a period of thirty days or until proof of insurance which meets the requirements of Section 3102 of Act 218 of the Public Acts of 1956, as amended, is submitted to the Secretary, whichever occurs later. If the license is not forwarded, an explanation of the reason why it is not forwarded shall be attached. A person who submits proof of insurance to the Secretary of State under this subsection shall pay a service fee of ten dollars (\$10.00) to the Secretary of State. The person shall not be required to be examined as set forth in Section 320c of the Act.

(d) No owner or operator of a motor vehicle shall knowingly produce false evidence under this section. An owner or operator so acting is guilty of a misdemeanor.

(e) Points shall not be entered on a driver's record pursuant to Section 320a of the Act for a violation of this section.

(f) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than the State of Michigan or a foreign country or province.

(Ord. 1108. Passed 11-1-82.)

460.07 USE OF REVOKED OR FICTITIOUS LICENSE.

(a) No person shall display or cause or permit to be displayed or have in his or her possession an operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.08 TRANSFER OF LICENSE.

(a) No person shall lend his or her chauffeur's or operator's license to, or knowingly permit the use of the license by, one who is not entitled thereto.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.09 FRAUDULENT DISPLAY OR REPRESENTATION OF LICENSE.

(a) No person shall display or represent as one's own any operator's or chauffeur's license which has not been issued to the person so displaying the license.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.10 INSTRUCTION PERMITS.

(a) No person who holds an instruction permit shall operate a motor vehicle unless accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.11 AUTHORIZING OPERATION BY UNLICENSED DRIVER.

(a) No person shall knowingly authorize or permit a motor vehicle owned by him or her or under his or her control to be driven by a person who is unlicensed to drive such a vehicle.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.12 LICENSE PLATES REQUIRED.

(a) No person shall operate or park on the streets of the City a vehicle which is required to be registered pursuant to the Act, unless the vehicle bears valid registration plates issued for it.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

460.13 REGISTRATION CERTIFICATE REQUIRED.

(a) The certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

460.14 NOTICE OF CHANGE OF ADDRESS.

(a) Whoever, after making application for or obtaining the registration of a vehicle or a certificate of title, moves from the address named in the application as shown on a registration certificate or the certificate of title, shall, within ten days after moving, notify the Secretary of State in writing of the old and new addresses.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 462

Equipment

462.01 Driving or moving unsafe vehicles.

- 462.02 Exceptions to equipment requirements.
- 462.03 Additional parts and accessories.
- 462.04 Lights required.
- 462.05 Dimming lights.
- 462.06 Spot lamps; fog lamps.
- 462.07 Additional lamps and reflectors; emergency and warning lamps.
- 462.08 Reflective devices on slow-moving vehicles.
- 462.09 Turn signals required; exceptions.
- 462.10 Stop lamps required; exceptions.
- 462.11 Brakes.
- 462.12 Horns.
- 462.13 Windshields required; exemptions; goggles for motorcyclists.
- 462.14 Windshields; obstructions; devices.
- 462.15 Tires.
- 462.16 Mirrors.
- 462.17 Bumpers; vehicle modification.
- 462.18 Flap-type devices on commercial vehicles.
- 462.19 Lamps or flags on projecting loads.
- 462.20 Mufflers.
- 462.21 Excessive fumes or smoke.
- 462.22 Devices for flame or smoke emission; noisy exhaust systems; used car sales.
- 462.23 Television in motor vehicles.
- 462.24 Red lights on front and green lights on rear of vehicles prohibited.

462.25 Safety belts; child restraints.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Inspection of motor vehicles - see TRAF. 422.01(c)

Spilling loads - see TRAF. 440.09

Noisy vehicles - see TRAF. 466.69

462.01 DRIVING OR MOVING UNSAFE VEHICLES.

(a) No person shall drive or move, and no owner shall cause or knowingly permit to be driven or moved, on a street, a vehicle or combination of vehicles which is in such unsafe condition as to endanger a person, which does not contain those parts, or is not at all times equipped with such lamps and other equipment in proper condition and adjustment, as required by this Traffic and Parking Code, or which is equipped in any manner in violation of this Traffic and Parking Code.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.02 EXCEPTIONS TO EQUIPMENT REQUIREMENTS.

The provisions of this Traffic and Parking Code or of the Act, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as made applicable by this Traffic and Parking Code or by the Act.

(Ord. 1108. Passed 11-1-82.)

462.03 ADDITIONAL PARTS AND ACCESSORIES.

Nothing contained in this Traffic and Parking Code shall be construed to prohibit the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this Traffic and Parking Code or the laws of the State.

(Ord. 1108. Passed 11-1-82.)

462.04 LIGHTS REQUIRED.

(a) Every vehicle on a street in the City shall be equipped with lights which shall be lighted pursuant to the provisions of the Act.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.05 DIMMING LIGHTS.

(a) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light or composite beam which is aimed so that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whoever violates this section is responsible for a civil infraction.

462.06 SPOT LAMPS; FOG LAMPS.

(a) No motor vehicle may be equipped with more than two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp. Every lighted spot lamp shall be aimed and used upon approaching another vehicle so that part of the beam is not directed into the eyes of the approaching driver. Spot lamps shall not emit light that is other than white or amber.

(b) No motor vehicle may be equipped with more than two fog lamps mounted on the front at a height of not less than twelve, but not more than thirty, inches above the level surface on which the vehicle stands. The fog lamps shall be aimed so that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle, at a distance of twenty-five feet ahead, projects higher than a level of four inches below the level of the center of the lamp from which it is emitted. Lighted fog lamps that meet the requirements of this subsection may be used with lower head lamp beams.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.07 ADDITIONAL LAMPS AND REFLECTORS; EMERGENCY AND WARNING LAMPS.

(a) No motor vehicle may be equipped with more than two side cowl or fender lamps that emit an amber or white light without glare.

(b) No motor vehicle may be equipped with more than one running board courtesy lamp on each side that emits a white or amber light without glare.

(c) Backing lights that emit red, amber or white light may be mounted on the rear of a motor vehicle if the switch that controls the light is arranged so that it may be turned on only when the vehicle is in reverse gear. When unlighted, the backing lights shall be covered or otherwise arranged so as not to reflect objectionable glare into the eyes of drivers of vehicles approaching from the rear.

(d) Lamps or reflectors on a vehicle, other than those expressly required or permitted by this chapter shall, if visible from the front, display or reflect a white or amber light; if visible from either side, display or reflect an amber or red light; and if visible from the rear, display or reflect a red light, except as otherwise provided by law.

(e) The use or possession of flashing, oscillating or rotating red, blue or amber lights is prohibited, except under the following circumstances:

(1) Publicly owned police vehicles shall be equipped with flashing, rotating or oscillating red or blue lights for use in the performance of police duties.

(2) Publicly owned fire vehicles and ambulances that are available for public use or for use by the United States, the State or any unit thereof, whether publicly or privately owned, shall be equipped with flashing, rotating or oscillating red lights and shall be used as required for safety.

(3) School buses shall be equipped with flashing red lights which shall be activated by the driver only when the school bus is stopped or is stopping on a highway in accordance with Section 682 of the Act.

(4) When authorized by the Department of State Police, private motor vehicles owned by volunteer or paid firemen, volunteer ambulance drivers or licensed ambulance drivers or attendants may be equipped with flashing, rotating or oscillating red lights for use when responding to an emergency all if, when in use, the flashing, rotating or oscillating red lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets, and are clearly visible in a 360-degree arc from a distance of 500 feet. Whoever operates lights under this paragraph at any time other than when responding to an emergency call is guilty of a misdemeanor.

(5) Flashing, rotating or oscillating amber lights that are placed in such a position as to be visible throughout an arc of 360 degrees shall be used by State, County or Municipal vehicles which are engaged in the removal of ice, snow or other material from the highway and in other operations designed to control ice and snow.

(6) Vehicles that are used to perform public utility services, automobile service cars and wreckers, vehicles engaged in authorized highway repair or maintenance, vehicles of peace officers, vehicles operated by rural letter carriers, vehicles utilized for snow removal and farm tractors may be equipped with flashing, rotating or oscillating amber lights. However, wreckers

may be equipped with flashing, rotating or oscillating red lights which shall be activated only when a wrecker is engaged in removing or assisting vehicles at the scene of a traffic accident or disablement. The flashing, rotating or oscillating amber lights shall not be activated, except in those circumstances when the warning produced by the light is required for public safety.

(7) A light or reflector on a vehicle, except when otherwise authorized by this Traffic and Parking Code or State law, shall, if visible from the front, display or reflect a white or amber light; if visible from either side, display or reflect an amber or red light, and if visible from the rear, display or reflect a red light.

(8) Police vehicles, ambulances and fire vehicles may display a flashing, rotating or oscillating white light in conjunction with an authorized emergency light as prescribed in this section.

(9) A private motor vehicle of a physician who is responding to an emergency call may be equipped with, and the physician may use, flashing, rotating or oscillating red lights which are mounted on the roof section of the vehicle, either as a permanent installation or by means of magnets or suction cups, and which are clearly visible in a 360-degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the County Sheriff.

(10) Whoever is engaged in the manufacture, sale or repair of flashing, rotating or oscillating lights governed by this subsection may possess such lights for purposes of his or her employment, but shall not activate them on the highway unless authorized to do so under the provisions of subsection (f) hereof.

(f) No person shall sell, loan or otherwise furnish a flashing, rotating or oscillating blue or red light which is designed primarily for installation on an authorized emergency vehicle to a person, except a duly constituted police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fireman, volunteer ambulance driver or licensed ambulance driver or attendant of the State or a county or municipality in the State, or a person who is engaged in the business of operating an ambulance or wrecker service. This subsection does not prohibit an authorized vehicle that is equipped with flashing, rotating or oscillating blue or red lights from being operated by a person other than as described in this section, if the person receives authorization to operate the emergency vehicle from a policeman, sheriff, deputy sheriff, volunteer or paid fireman, volunteer ambulance driver, licensed ambulance driver or attendant, authorized physician or person who operates an ambulance or wrecker service, except that the authorization shall not permit the person to operate lights as described in paragraph (e)(1), (e)(2), (e)(4), (e)(7) or (e)(8) hereof or to exercise the privileges described in Section 603 of the Act. Whoever operates an authorized emergency vehicle in violation of the terms of such authorization is guilty of a misdemeanor.

(g) This section shall not be construed to prohibit, restrict or limit the use of lights that are authorized or required under Sections 697, 697a and 698a of the Act.

(h) A vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing and, when so equipped, may display such warning in addition to any other warning signal required by law. The lamps used to display such

warning to the front shall be mounted at the same level and as widely spaced laterally as is practical and shall display simultaneously flashing white or amber lights or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practical and shall show simultaneously flashing amber or red lights or any shade of color between amber and red. Such warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

(i) Whoever violates subsection (a), (b), (c), (d) or (h) hereof is responsible for a civil infraction. Violations of subsection (e) or (f) hereof are misdemeanors.

(Ord. 1108. Passed 11-1-82.)

462.08 REFLECTIVE DEVICES ON SLOW-MOVING VEHICLES.

(a) When operated on the highway, a vehicle which has a maximum potential speed of twenty-five miles per hour, an implement of husbandry, a farm tractor or special mobile equipment shall be identified with a reflective device as follows:

(1) It shall be an equilateral triangle in shape which is not less than sixteen inches wide at the base and not less than fourteen inches in height and which has a dark red border that is not less than one and three-fourths inches wide and is made of a highly reflective beaded material.

(2) The center triangle shall be not less than twelve and one-fourth inches on each side and shall be made of yellow-orange fluorescent material.

(3) The device shall be mounted on the rear of the vehicle, broad base down, not less than three, or more than five, feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow-moving vehicles specified in this section. Use of such a reflective device on any other type of vehicle or stationary object on the highway is prohibited.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.09 TURN SIGNALS REQUIRED; EXCEPTIONS.

(a) No person shall sell, offer for sale or operate on a street a vehicle manufactured or assembled after January 1, 1955, except for those vehicles exempted from certificate of title requirements under the provisions of the Act, unless the vehicle is equipped with mechanical or electrical turn signals which meet the requirements of the Act. This section does not apply to a motorcycle or a moped.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.10 STOP LAMPS REQUIRED; EXCEPTIONS.

(a) No person shall sell, offer for sale or operate on the highway a vehicle manufactured or assembled after January 1, 1965, except for those exempted from certificate of title requirements under the provisions of the Act, unless the vehicle is equipped with two rear stop lamps, except on a motorcycle or a moped, which meet the requirements of the Act. A motorcycle or moped shall have one rear stop lamp.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.11 BRAKES.

(a) The requirements for brake equipment shall be as follows:

(1) A motor vehicle, other than a motorcycle or moped, when operated on a highway, shall be equipped with brakes which are adequate to control the movement of, and to stop and hold, the vehicle, including two separate means of applying the brakes to not fewer than two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that the failure of one part of the operating mechanism still leaves the motor vehicle with brakes on not fewer than two wheels.

(2) A motorcycle or moped, when operated on a highway, shall be equipped with not less than two brakes, one on the front wheel and one on the rear wheel, which may be operated by hand or foot.

(3) A trailer or semitrailer of a gross weight of 5,000 pounds or more, when operated on a highway, shall be equipped with brakes which are adequate to control the movement of, and to stop and hold, the vehicle and which are designed to be applied by the driver of the towing motor vehicle from its cab.

(4) A new motor vehicle, trailer or semitrailer which is hereafter sold in the State and which is operated on the highways thereof shall be equipped with brakes that are adequate to control the movement of, and to stop and hold, the vehicle, except for a motorcycle or moped and except for a semitrailer or trailer of less than 3,300 pounds gross weight, which need not be equipped with brakes. This paragraph does not apply to a trailer or semitrailer which is owned by a farmer and which is used exclusively in connection with the farming operations of the farmer and is not used for hire. A truck or truck tractor that has three or more axles need not have brakes on the front wheels. A truck or truck tractor that is equipped with not less than two steerable axles shall require brakes on one of the steerable axles.

(5) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, for a trailer equipped with brakes, in approximate synchronism with the

brakes on the towing vehicle and for developing the required braking effort on the rearmost wheels at the fastest rate, means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes or both of the means specified in this paragraph which are capable of being used alternatively may be employed.

(6) A motor vehicle or a combination of vehicles, except pole trailers, motorcycles and mopeds, shall be equipped with parking brakes which are adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformity with the requirements of this section by the driver's muscular effort, by spring action or by equivalent means. The operation of such brakes may be assisted by the service brakes or another source of power if failure of the service brake activation system or another power assisting mechanism will not prevent the parking brakes from being applied. The parking brakes shall be designed so that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes, lining assemblies, brake shoe anchors and mechanical brake shoe activation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed so that failure of one part still leaves the vehicle with operative brakes.

(7) The brake shoes operating within or on the drums of the vehicle wheels of a motor vehicle may be used for both service and hand operation.

(b) A motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road which is free from loose material within the distances specified in this subsection or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake.

	Feet to Stop From 20 Miles Per Hour	Deceleration in Feet Per Second
Vehicles or combination of vehicles having brakes on all wheels	30	14.0
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

(c) All brakes shall be maintained in good working order and shall be adjusted to operate as equally as is practical with respect to the wheels on the opposite side of the vehicle.

(d) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.12 HORNS.

(a) Every motor vehicle, when operated on a street, shall be equipped with a horn which is in good working order and which is capable of emitting sound that is audible under normal conditions from a distance of not less than 200 feet, but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his or her horn, but shall not otherwise use such horn when on a street.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.13 WINDSHIELDS REQUIRED; EXEMPTIONS; GOGGLES FOR MOTORCYCLISTS.

(a) No motor vehicle shall be operated on the streets or highways of the City unless the vehicle is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects and highway surface water and debris when the motor vehicle is moving forward. A farm tractor, other implements of husbandry and historic vehicles, as defined in Section 803a of the Act, are exempt from this section. If a motorcycle operated on the streets and highways in excess of thirty-five miles per hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eyeglasses. The goggles, eyeglasses or face shield shall be made of shatter-resistant material and shall be of sufficient size to protect the operator's eyes against insects, other airborne material and highway surface water and debris.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.14 WINDSHIELDS; OBSTRUCTIONS; DEVICES.

(a) No person shall drive a motor vehicle with a sign, poster or other nontransparent material on the front windshield, sidewings or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or an intersecting highway. No person shall drive a motor vehicle with a dangling ornament or other suspended object which in any way obstructs the vision of the driver of the vehicle, except as authorized by law.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be constructed so as to be controlled or operated by the driver of the vehicle. A vehicle that is licensed as an historical

vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device.

(c) Every windshield wiper on a motor vehicle shall be maintained in good working order.

(d) On and after October 1, 1955, a licensed commercial vehicle shall not be operated on the highways at any time between December 15 and March 15, both dates inclusive, unless the vehicle is equipped with a hot air windshield defroster, an electrically heated windshield or other means capable of keeping the windshield heated and maintained in operable condition at all times.

(e) A licensed motor vehicle that is manufactured after January 1, 1956, shall not be operated on the highways unless it is equipped with a windshield washer which is maintained in operable condition at all times and which is capable of cleaning the windshield so that the driver has a clear view of the highway or an intersecting highway.

(f) No person shall drive a motor vehicle with either of the following:

(1) A window application, reflective film or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than four inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield; or

(2) A rear window or side window to the rear of the driver composed of, covered by, or treated with, a material that creates a total solar reflectance of thirty-five percent or more in the visible light range, including a silver or gold reflective film.

(g) No person shall drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with two rear-view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle.

(h) This section does not apply to any of the following:

(1) The use of draperies, louvers or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver, if the vehicle is equipped with two outside rear-view mirrors, one on each side, adjusted so that the driver has a clear view of the highway behind the vehicle;

(2) The use of a nonreflective, smoked or tinted glass, nonreflective film, perforated window screen or other decorative window application on the rear window or a side window to the rear of the driver;

(3) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway;

(4) A vehicle registered in another state, territory, commonwealth of the United States, or another country or province; or

(5) A special window treatment or application determined necessary by a physician, for the protection of a person who is light or photosensitive, if the owner or operator of a motor vehicle has in possession a letter, signed by a physician, indicating the need for the special window treatment or application as a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.

(i) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.15 TIRES.

(a) No person shall operate on a public highway of the City a vehicle or special mobile equipment which has metal or plastic track or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact of metal or plastic with the surface of the road, except as provided in subsections (c), (d) and (e) hereof.

(b) No person shall operate on a highway a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in subsections (b), (c) and (d) hereof. A person may, however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion on a vehicle when required for safety because of snow, ice or another condition that tends to cause a vehicle to skid.

(c) A person may operate on a highway a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded, if the tire is constructed so that the percent of metal in contact with the highway is not more than five percent of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire, the metal in contact with the highway shall not be more than twenty percent of the tire area.

(d) A person may operate on a highway a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs, if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service.

(e) No person shall operate a vehicle on a highway when a tire in use on that vehicle is unsafe as provided in subsection (g) hereof.

(f) No person who is in the business of selling tires shall sell or offer for sale for highway use a tire which is unsafe as provided in subsection (g) hereof.

(g) A tire is unsafe if it:

(1) Has a part of the belting material, tire cords or plys exposed;

(2) Has evidence of cord or tread separation;

(3) Is worn to or below the minimum tread level in two or more adjacent major grooves at three or more locations spaced around the circumference of the tire. Minimum allowable tread levels are as follows:

A. Motorcycles and mopeds - 1/32 inch front and rear;

B. Passenger cars and vehicles weighing less than 10,000 pounds - 2/32 inches front and rear;

C. Vehicles weighing 10,000 pounds or more - 4/32 inch front and 2/32 inch rear.

Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle that is licensed as an historic vehicle under Section 803a of the Act is exempt from the tread depth requirements of this paragraph.

(4) Has a marking that reads: "not for highway use," "for racing purposes only," "for farm use only" or "unsafe for highway use;" or

(5) Has been regrooved or recut below the original tread design depth, except in the case of special purpose designed tires which have extra undertread rubber provided for this purpose and which are identified as such tires.

(h) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.16 MIRRORS.

(a) No person shall drive on a highway a motor vehicle which is constructed or loaded so as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located to reflect to the driver a view of the highway to the rear of the vehicle. In addition, all motor vehicles shall be equipped with an outside rear-view mirror on the driver's side which shall be positioned to give the driver a rear viewing angle from the driver's side of the vehicle, except for a motor vehicle that is licensed as an historic vehicle if the vehicle was not originally equipped with an outside rear-view mirror. Rear-view mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of one-half ton capacity or more that operates on the public ways of the City

shall be equipped with two mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under Section 717 of the Act.

(b) Whoever violates this section is responsible for a civil infraction.

462.17 BUMPERS; VEHICLE MODIFICATION.

(a) No person shall operate a passenger vehicle on a public highway or street of the City unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function.

(b) No person shall modify a passenger vehicle or operate upon a public highway or street of the City a passenger vehicle, except for a four-wheel drive vehicle, which has been modified, if the resultant operational altitude of a bumper of the vehicle is less than fourteen, or more than twenty-two, inches, as measured from the ground to a load-bearing member of the horizontal bumper bar. The suspension system of a passenger vehicle shall not be modified to defeat the safe operation of the system.

(c) No vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, to expose the fuel tank to damage from collision or to cause the wheels to come in contact with the body under normal operation, and no part of the original suspension system shall be disconnected to defeat the safe operation of the suspension system. However, nothing contained in this section shall prevent the installation of heavy-duty equipment, including shock absorbers and overload springs, and nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear does not affect the control of the vehicle.

(d) This section does not apply to a commercial vehicle, other than a vehicle carrying passengers for hire, a vehicle that has a design which intrinsically precludes conformance with the Act or a vehicle that has an unaltered and undamaged stock bumper or energy absorption system with an analogous function of the type supplied by the vehicle manufacturer.

(e) Installation of a shock absorber or overload spring as heavy-duty equipment is not prohibited by this section.

(f) This section shall not be construed to establish standards higher than those formulated by the United States Department of Transportation for bumpers on a passenger motor vehicle sold in the United States.

(g) As used in this section, "passenger vehicle" means a vehicle displaying registration plates issued pursuant to Section 801(1)(a) of the Act.

(h) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.18 FLAP-TYPE DEVICES ON COMMERCIAL VEHICLES.

(a) A commercial vehicle, except for a truck tractor between terminals which is traveling at a speed of not more than twenty-five miles per hour, and a combination of a commercial vehicle and trailer or semitrailer, when used on a highway, shall be constructed, equipped or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents of more than twenty-two and one-half degrees measured from the road surface. If a flap-type device is used, it shall not have attached any type of lamp, breakable reflective material or reflecting buttons, and the device shall not extend beyond the ninety-six inch maximum width of the vehicle or combination.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.19 LAMPS OR FLAGS ON PROJECTING LOADS.

(a) When the load on a vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, a red light or lantern that is plainly visible from a distance of not less than 500 feet to the sides and rear shall be displayed at the extreme rear end of the load, during the hours between one-half hour after sunset and one-half hour before sunrise and at any other time when there is not sufficient light to clearly discern persons and vehicles on the highway at a distance of 500 feet ahead. The red light or lantern required under this section shall be in addition to the red rear light required on every vehicle.

(b) At times other than between one-half after sunset to one-half hour before sunrise, a red flag or cloth not less than twelve inches square shall be displayed at the extreme rear end of such load and shall be hung so that the entire area is visible to the driver of a vehicle approaching from the rear.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.20 MUFFLERS.

(a) A motor vehicle, including a motorcycle or a moped, shall at all times be equipped with a muffler that is in good working order which prevents excessive or unusual noise. No person shall remove, destroy or damage the baffles contained in the muffler or use a muffler cutout, bypass or similar device on a motorcycle or moped on a street or highway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.21 EXCESSIVE FUMES OR SMOKE.

(a) The engine and power mechanism of a motor vehicle shall be equipped and adjusted to prevent the escape of excessive fumes or smoke.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.22 DEVICES FOR FLAME OR SMOKE EMISSION; NOISY EXHAUST SYSTEMS; USED CAR SALES.

(a) No person shall install, sell or distribute a device for the purpose of causing flame or smoke to be emitted from a motor vehicle, except for highway maintenance vehicles, and no person shall use any such device on a motor vehicle not so excepted.

(b) No person, either acting for himself or herself or as the agent or employee of another, shall sell, install or replace a muffler or exhaust part which causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by the Act or this Traffic and Parking Code.

(c) No person shall modify, repair, replace or remove parts of an exhaust system which causes the motor vehicle to which the system is attached to produce noise in excess of the levels established by the Act, and no person shall operate a motor vehicle so altered on a street or highway.

(d) No dealer shall sell a used motor vehicle, as defined by Section 78 of the Act, which is not in compliance with the Act for use on a street or highway.

(e) Whoever violates subsection (a) hereof is responsible for a civil infraction. Violations of subsection (b), (c) or (d) are misdemeanors.

(Ord. 1108. Passed 11-1-82.)

462.23 TELEVISION IN MOTOR VEHICLES.

(a) No person shall drive a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast, which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating the motor vehicle.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

462.24 RED LIGHTS ON FRONT AND GREEN LIGHTS ON REAR OF VEHICLES PROHIBITED.

(a) No vehicle, except an authorized emergency vehicle, shall display a red light to the front or a green light to the rear.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

462.25 SAFETY BELTS; CHILD RESTRAINTS.

(a) Safety Belts.

(1) This section shall not apply to a driver or passenger of:

A. A motor vehicle manufactured before January 1, 1965;

B. A bus;

C. A motorcycle;

D. A moped;

E. A motor vehicle, if the driver or passenger possesses a written verification from a physician that the driver or passenger is unable to wear a safety belt for physical or medical reasons;

F. A motor vehicle which is not required to be equipped with safety belts under Federal law;

G. A commercial or United States Postal Service vehicle which makes frequent stops for the purpose of pick-up or delivery of goods or services; or

H. A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route.

(2) This section shall not apply to a passenger of a school bus.

(3) Each driver and front seat passenger of a motor vehicle operated on a street or highway in the City shall wear a properly adjusted and fastened safety belt, except that a child less than four years of age shall be protected as required in subsection (b) hereof.

Each driver of a motor vehicle transporting a child of four years of age or more, but less than sixteen years of age, in the front seat of the motor vehicle, shall secure the child in a properly adjusted and fastened safety belt.

(4) Enforcement of this section by the Department of Public Safety shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this Traffic Code or a violation of the Michigan Motor Vehicle Code.

(5) This section shall not apply after April 1, 1989, if, on that date or at any time thereafter, the United States Government requires the installation of passive passenger restraints in new automobiles, whether that requirement is by statute, administrative rule, court decision or in any other way.

(b) Mandatory Child Restraints.

(1) Except as provided in this subsection, or as otherwise provided by law, by a rule promulgated pursuant to Public Act 306 of 1969, as amended, being Sections 24.201 to 24.315 of Michigan Compiled Laws, or by Federal regulations, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

A. A child less than one year of age shall be secured in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213.

B. A child one year of age or more but less than four years of age, when transported in the front seat, shall be secured in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213.

C. A child one year of age or more but less than four years of age, when transported in the rear seat, shall be secured in a child restraint system which meets the standards prescribed in 49 C.F.R. 571.213, unless the child is secured by a safety belt provided in the motor vehicle.

(2) This section does not apply to a nonresident driver transporting a child in this State or to any child being nursed.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle or other motor vehicle not required to be equipped with safety belts under Section 710b of the Michigan Motor Vehicle Code or Federal law or regulation.

(4) The Secretary of State may exempt, by rules promulgated pursuant to Public Act 306 of 1969, as amended, a class of children from the requirements of this subsection if the Secretary determines that the use of the child restraint system required under paragraph (b)(1) hereof is impractical because of physical unfitness, a medical problem or body size. The Secretary may specify alternative means of protection for children exempted under this paragraph.

(c) Penalty. Whoever violates subsection (a) hereof is responsible for a civil infraction, and, subsequent to January 1, 1986, such a violation shall result in a civil fine of twenty-five dollars (\$25.00). Whoever violates subsection (b) hereof is responsible for a civil infraction. Points shall not be assessed for a violation of subsection (b) hereof.

(Ord. 1148. Passed 4-25-86.)

CHAPTER 464

Bicycles and Motorcycles

464.01 Rights and duties of operator of motorcycle or moped.

464.02 Interpretation of chapter.

464.03 Application of Code to bicycles.

464.04 Rights and duties of operator of bicycle.

464.05 Pedestrians and certain vehicles prohibited on limited access highways.

464.06 Reports of sales.

464.07 Obedience to traffic control devices.

464.08 Obedience to pedestrian regulations when dismounted from bicycle.

464.09 Passengers on motorcycles and mopeds.

464.10 Number and manner of carrying persons on bicycles.

464.11 Riding on roadways and bicycle paths.

464.12 Riding two abreast.

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464.16 Bicycles yielding right of way when entering traffic.

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464.18 Parking on sidewalk.

464.19 Parking bicycles on roadways.

464.20 Obedience to signs prohibiting bicycle riding.

464.21 Bicycles yielding right of way on sidewalks.

464.22 Bicycle lights and reflectors.

464.23 Audible devices on bicycles.

464.24 Bicycle brakes.

464.25 Motorcycle helmets required.

464.26 Helmet standards.

464.27 Furnishing motorcycles or mopeds to unlicensed operators.

464.28 Responsibility of motorcycle or moped dealer re maintenance, explanation of operation and refusal to furnish.

464.29 Motor vehicle liability policies required for motorcycles.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Bicycle paths or lanes - see TRAF. 442.20 et seq.

Motorcycles excepted from licensing requirements - see TRAF. 460.01

Motorcycle clubs - see B.R. & T. Ch. 858

Operation of vehicles on sidewalks and bicycle paths - see TRAF. 466.61

464.01 RIGHTS AND DUTIES OF OPERATOR OF MOTORCYCLE OR MOPED.

(a) Whoever operates a motorcycle or a moped on a roadway shall be granted all the rights, and shall be subject to all the duties, applicable to the driver of a vehicle under this Traffic and Parking Code, except as to those provisions which by their nature do not apply.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.02 INTERPRETATION OF CHAPTER.

The provisions of this chapter applicable to motorcycles and mopeds shall be considered supplementary to other provisions of this Traffic and Parking Code governing the operation of such vehicles.

(Ord. 1108. Passed 11-1-82.)

464.03 APPLICATION OF CODE TO BICYCLES.

The provisions of this Traffic and Parking Code that are applicable to bicycles shall apply when a bicycle is operated on a street or public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this Traffic and Parking Code.

(Ord. 1108. Passed 11-1-82.)

464.04 RIGHTS AND DUTIES OF OPERATOR OF BICYCLE.

Whoever rides a bicycle on a roadway shall be granted all of the rights, and shall be subject to all of the duties, applicable to the driver of a vehicle pursuant to the laws of Michigan which declare rules of the road applicable to vehicles or pursuant to the traffic ordinances of the City which are applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature do not apply.

(Ord. 1108. Passed 11-1-82.)

464.05 PEDESTRIANS AND CERTAIN VEHICLES PROHIBITED ON LIMITED ACCESS HIGHWAYS.

(a) No person shall operate a moped, farm tractor, motorcycle with less than a 125 cubic centimeter engine or other self-propelled farm implement, nor shall any pedestrian, bicycle, except as provided in this Traffic and Parking Code, or other nonmotorized traffic be permitted, on a limited access highway in the City. Bicycles are permitted on paths which are constructed separately from the roadway and which are designated for the exclusive use of bicycles.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.06 REPORTS OF SALES.

(a) Whoever is engaged in the business of buying or selling new or secondhand bicycles shall make a report to the Chief of Police of every bicycle purchased or sold by such dealer, which shall include all of the following information:

(1) The name and address of the person from whom the bicycle was purchased or to whom the bicycle was sold;

(2) A description of such bicycle by name or make;

(3) The frame number; and

(4) The number of the license plate, if any, found thereon.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.07 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) Whoever operates a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.08 OBEDIENCE TO PEDESTRIAN REGULATIONS WHEN DISMOUNTED FROM BICYCLE.

(a) When authorized signs are erected which indicate that right, left or U turns are not permitted, a person who operates a bicycle shall obey the direction of any such sign, except where the person dismounts from the bicycle to make such turn, in which event the person shall then obey the regulations applicable to pedestrians.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.09 PASSENGERS ON MOTORCYCLES AND MOPEDS.

(a) Whoever operates a motorcycle shall ride on and astride the permanent and regular seat attached to the vehicle and shall not carry another person, or permit another person to ride, on the motorcycle as a passenger, unless the motorcycle is designed and equipped to carry more than one person. If the motorcycle is so designed and equipped, the passenger may ride on the permanent and regular seat if the motorcycle is designed for two persons or may ride on another seat firmly attached to the vehicle which is to the rear or side of the operator.

(b) Whoever operates a moped shall ride on and astride the permanent and regular seat attached to the vehicle and shall not carry another person as a passenger on the moped.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.10 NUMBER AND MANNER OF CARRYING PERSONS ON BICYCLES.

(a) Whoever propels a bicycle shall not ride other than astride a permanent and regular seat attached thereto and shall not carry more persons at one time than the number for which the bicycle is designed and equipped.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.11 RIDING ON ROADWAYS AND BICYCLE PATHS.

(a) Whoever operates a bicycle, motorcycle or moped on a roadway shall ride as near to the right-hand side of the roadway as is practical and shall exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(b) No operator of a bicycle, motorcycle or moped shall pass between lanes of traffic, but such operator may pass in an unoccupied lane on the left of traffic moving in his or her direction in the case of a two-way street and on the left or right of traffic in the case of a one-way street.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.12 RIDING TWO ABREAST.

(a) No operator of a bicycle, motorcycle or moped on a roadway shall ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of such vehicles.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.13 USE OF PATHS REQUIRED WHEN PROVIDED.

(a) When a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.14 CLINGING TO OTHER VEHICLES.

(a) No person who rides on a bicycle, motorcycle, moped, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle on a roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.15 BICYCLE SPEED.

(a) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.16 BICYCLES YIELDING RIGHT OF WAY WHEN ENTERING TRAFFIC.

(a) The operator of a bicycle who emerges from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across an alleyway, yield the right of way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right of way to all vehicles approaching on the roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.17 CARRYING ARTICLES; HEIGHT OF HANDLEBARS.

(a) No operator of a bicycle, motorcycle or moped shall carry a package, bundle or article which prevents the operator from keeping both hands on the handlebars of the vehicle.

(b) No person shall operate on a street or highway of the City a motorcycle or moped equipped with handlebars that are higher than fifteen inches from the lowest point of the undepressed saddle to the highest point of the handlegrip of the operator.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.18 PARKING ON SIDEWALK.

(a) No person shall park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic control devices. No person shall park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.19 PARKING BICYCLES ON ROADWAYS.

(a) Notwithstanding the provisions of Chapters 480 and 482, and unless prohibited or restricted by traffic control devices, a bicycle may be parked as follows:

(1) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed; or

(2) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.

(b) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of Chapters 480 and 482 which regulate the parking of vehicles.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.20 OBEDIENCE TO SIGNS PROHIBITING BICYCLE RIDING.

(a) When a sign is erected on a sidewalk which prohibits the riding of bicycles thereon, a person shall obey the sign.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.21 BICYCLES YIELDING RIGHT OF WAY ON SIDEWALKS.

(a) When a person is riding a bicycle on a sidewalk, such person shall yield the right of way to a pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.22 BICYCLE LIGHTS AND REFLECTORS.

(a) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light that is visible from a distance of not less than 500 feet to the front and shall be equipped with a red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when the bicycle is directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp that emits a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.23 AUDIBLE DEVICES ON BICYCLES.

(a) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal which is audible for a distance of not less than 100 feet, except that such vehicle shall not be equipped with, nor shall any person use on such vehicles, a siren or whistle.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.24 BICYCLE BRAKES.

(a) Every bicycle shall be equipped with a brake which enables the operator to make the braked wheels skid on dry, level, clean pavement.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.25 MOTORCYCLE HELMETS REQUIRED.

(a) Whoever operates or rides on a motorcycle on a public thoroughfare shall wear on his or her head a protective helmet of a type approved by the Department of State Police.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.26 HELMET STANDARDS.

(a) Protective helmets, as required by Section 464.25, which are sold or offered for sale in the City shall meet or exceed the State Police standards, and shall be clearly labeled as meeting such standards.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

464.27 FURNISHING MOTORCYCLES OR MOPEDS TO UNLICENSED OPERATORS.

(a) No dealer shall rent, lease or furnish a motorcycle or moped to a person for use on the streets and highways who is not licensed to operate a motorcycle or moped by the State, if a resident, or by the state of which he or she is a resident, if a nonresident.

(b) No person to whom a motorcycle or moped is rented, leased or furnished shall rent, sublease or otherwise authorize the use of the motorcycle or moped on public streets and highways to any person who is not licensed to operate a vehicle in the State.

(c) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

464.28 RESPONSIBILITY OF MOTORCYCLE OR MOPED DEALER RE MAINTENANCE, EXPLANATION OF OPERATION AND REFUSAL TO FURNISH.

(a) The dealer shall maintain in safe operating condition all motorcycles and mopeds rented, leased or furnished by him or her. The dealer or his or her agent or employee shall explain the operation of the motorcycle or moped being rented, leased or furnished. If such dealer or his or her agent or employee believes that a person to whom the motorcycle or moped is to be rented, leased or furnished is not competent to operate such motorcycle or moped on public streets and highways, he or she shall refuse to rent, lease or furnish the same thereto.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

464.29 MOTOR VEHICLE LIABILITY POLICIES REQUIRED FOR MOTORCYCLES.

(a) A dealer who rents, leases or furnishes motorcycles shall carry a motor vehicle liability policy of the same type and coverage as that outlined in Section 520 of the Act for each motorcycle so rented, leased or furnished or, in the alternative, shall demand and be shown proof that the person renting, leasing or being furnished a motorcycle carries a motor vehicle liability policy of at least the type and coverage as specified in Section 520 of the Act.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 466

Operation and Accidents

- 466.01 Operation of vehicles on approach of authorized emergency vehicles.
- 466.02 Accidents resulting in damage to vehicles.
- 466.03 Accidents resulting in damage to fixtures.
- 466.04 Accidents resulting in injury or death.
- 466.05 Giving information and obtaining aid.
- 466.06 Collision with unattended vehicles.
- 466.07 Duty to report accidents forthwith.
- 466.08 Report of garage keeper or repairman.
- 466.09 Use of accident reports.
- 466.10 Speed restrictions; assured clear distance.
- 466.11 Driving at slow speed.
- 466.12 Specific speed limits.
- 466.13 Violation of speed limits.
- 466.14 Violation of speed limit signs.
- 466.15 Manner of charging violation of speed restriction.
- 466.16 Reckless driving.
- 466.17 Careless driving.
- 466.18 Drag racing.
- 466.19 Operating under the influence; allowing one to drive while OUIL; operating while visibly impaired.
- 466.20 Criminal prosecutions for operating under influence of intoxicating liquor or while blood contains 0.10 percent or more by weight of alcohol; tests; preliminary chemical breath analysis.
(Repealed)
- 466.21 Impaired driving. (Repealed)

466.22 Implied consent; exceptions. (Repealed)

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466.24 Notice of receipt of report. (Repealed)

466.25 Hearings; suspension or denial of license, permit or operating privilege. (Repealed)

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466.41 Following too closely.

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466.45 Limitations on turning around.

466.46 Signals for stopping or turning.

466.47 Stop signs.

466.13 VIOLATION OF SPEED LIMITS.

(a) It shall be prima-facie unlawful for a person to exceed any of the speed limitations set forth in Section 466.12.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.14 VIOLATION OF SPEED LIMIT SIGNS.

(a) It shall be prima-facie unlawful to exceed the speed stated on signs erected in accordance with the traffic ordinances of the City.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.15 MANNER OF CHARGING VIOLATION OF SPEED RESTRICTION.

In every charge of violating a speed restriction in the traffic ordinances of the City, the complaint and traffic citation shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

(Ord. 1108. Passed 11-1-82.)

466.16 RECKLESS DRIVING.

Whoever drives a vehicle on a highway or a frozen public lake, stream, pond or other place open to the general public, including an 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, upon conviction, is punishable as a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.17 CARELESS DRIVING.

(a) No person shall operate a vehicle on a highway or a frozen public lake, stream, pond or other place open to the general public, including an area designated for the parking of vehicles, in a

careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness.

(b) Whoever violates this section is responsible for a civil infraction and shall be punished as provided in Section 422.99(i).

(Ord. 1108. Passed 11-1-82.)

466.18 DRAG RACING.

(a) No person shall operate a vehicle on a highway or other place open to the general public, including an 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 participate in drag racing, as defined in subsection (b) hereof.

(b) As used in this section, "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 who render 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 and shall be punished, upon conviction, as a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.19 OPERATING UNDER THE INFLUENCE; ALLOWING ONE TO DRIVE WHILE OUIL; OPERATING WHILE VISIBLY IMPAIRED.

(a) Driving Under the Influence of Intoxicating Liquor or a Controlled Substance.

(1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this City, if either of the following applies:

A. The person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

B. The person has a blood alcohol content of 0.10 percent or more by weight of alcohol.

(2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within this City by a person who is under the influence of intoxicating liquor or a

controlled substance, or a combination of intoxicating liquor and a controlled substance, or who has a blood alcohol content of 0.10 percent or more by weight of alcohol.

(3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles within this City, when, due to the consumption of an intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating paragraph (a)(1) hereof, a finding of guilty under this subsection may be rendered.

(4) If a person is convicted of violating paragraph (a)(1) hereof, the following punishment shall apply:

A. Except as otherwise provided in paragraph (a)(4)B. hereof, the person is guilty of a misdemeanor, and may be punished by 1 or more of the following:

1. Service to the community for a period of not more than 45 days.
2. Imprisonment for not more than 90 days.
3. A fine of not less than \$100.00 or more than \$500.00.

B. If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 or more than \$1,000.00 and either of the following:

1. Service to the community for a period of not less than 10 days nor more than 90 days, and may be imprisoned for not more than 1 year.
2. Imprisonment for not less than 48 consecutive hours nor more than 1 year, and may be sentenced to service to the community for a period of not more than 90 days.

C. A term of imprisonment imposed under paragraph (a)(4)B.2. hereof shall not be suspended.

D. A person sentenced to perform service to the community under this subsection shall not receive compensation, and shall reimburse the City for the cost of supervision incurred by the City as a result of the person's activities in that service.

E. As used in this subsection, "prior conviction" means a conviction for a violation of M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5) or former M.C.L.A. 257.625(1) or (2), including paragraph (a)(1)A. or B. hereof.

(5) In addition to imposing the sanctions prescribed under paragraph (a)(4) hereof, the court may, pursuant to the Code of Criminal Procedure, Act 175 of the Public Acts of 1927, being Sections 760.1 to 776.21 of the Michigan Compiled Laws, order the person to pay the costs of the prosecution.

(6) The court shall impose license sanctions pursuant to subsection (c) hereof.

(7) A person who is convicted of violating paragraph (a)(2) hereof is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 nor more than \$500.00, or both.

(8) If a person is convicted of violating paragraph (a)(3) hereof, the following shall apply:

A. Except as otherwise provided in paragraph (a)(8)B. and C. hereof, the person is guilty of a misdemeanor punishable by 1 or more of the following:

1. Service to the community for a period of not more than 45 days.
2. Imprisonment for not more than 90 days.
3. A fine of not more than \$300.00.

B. If the violation occurs within 7 years of 1 prior conviction, the person shall be sentenced to both a fine of not less than \$200.00 nor more than \$1,000.00, and either of the following:

1. Service to the community for a period of not less than 10 days nor more than 90 days, and may be sentenced to imprisonment for not more than 1 year.
2. Imprisonment for not more than 1 year, and may be sentenced to community service for not more than 90 days.

C. If the violation occurs within 10 years or 2 or more prior convictions, the person shall be sentenced to both a fine of not less than \$200.00 nor more than \$1,000.00, and either of the following:

1. Service to the community for a period of not less than 10 days nor more than 90 days, and may be sentenced to imprisonment for not more than 1 year.
2. Imprisonment for not more than 1 year, and may be sentenced to community service for not more than 90 days.

D. As used in paragraphs (a)(8)B. and C. hereof, "prior conviction" means a conviction for a violation of M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a law of another state substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, including paragraph (a)(1) or (3) hereof, or former Section 466.19, or former Section 466.21.

E. In addition to imposing the sanctions prescribed in paragraph (a)(8)A., B. or C. hereof, the court may, pursuant to the Code of Criminal Procedure, Act 175 of the Public Acts of 1927, order the person to pay the costs of the prosecution.

F. The court shall order the Secretary of State to impose license sanctions pursuant to subsection (b) hereof.

G. A person sentenced to perform service to the community under this subsection shall not receive compensation and shall reimburse the City for the cost of supervision incurred by the City as a result of the person's activities in that service.

(9) If the prosecuting attorney intends to seek an enhanced sentence under paragraph (a)(4)B. or (a)(8)B. or C. hereof based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include, on the complaint and information filed in District Court, Circuit Court, Recorder's Court, Municipal Court or Probate Court, a statement listing the defendant's prior convictions.

(10) A prior conviction shall be established at sentencing by 1 or more of the following:

A. An abstract of conviction.

B. A copy of the defendant's driving record.

C. An admission by the defendant.

(11) A person who is convicted of an attempted violation of paragraph (a)(1) or (3) hereof shall be punished as if the offense had been completed.

(12) When taking licensing action under this section, the court shall treat a conviction of an attempted violation of paragraph (a)(1) or (3) hereof the same as if the offense had been completed.

(b) Arrests; Chemical Tests.

(1) A peace officer, without a warrant, may arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the operator of a vehicle involved in the accident in this City while in violation of paragraph (a)(1) or (3) hereof.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this City, and that the person, by the consumption of intoxicating liquor, may have affected his or her ability to operate a vehicle, may require the person to submit to a preliminary chemical breath analysis. The following provisions shall apply with respect to a preliminary chemical breath analysis:

A. A peace officer may arrest a person based, in whole or in part, upon the results of a preliminary chemical breath analysis.

B. The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in paragraph (a)(1) or (3) hereof, or in an administrative hearing solely to assist the court or hearing officer in determining a challenge to the validity of an arrest. This paragraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

C. A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of subsection (d), (e) and (f) hereof, for the purposes of chemical tests described in those subsections.

D. A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine or breath, other than preliminary chemical breath analysis:

A. The amount of alcohol or presence of a controlled substance or both in a driver's blood at the time alleged as shown by chemical analysis of the person's blood, urine or breath is admissible into evidence in any civil or criminal proceeding.

B. A person arrested for a crime described in paragraph (a)(1) or (3) hereof shall be advised of all of the following:

1. That if he or she takes a chemical test of his or her blood, urine or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests; that the results of the test are admissible in a judicial proceeding as provided under Act 300 of the Public Acts of 1949, as amended, and shall be considered with other competent evidence in determining the innocence or guilt of the defendant; and that he or she is responsible for obtaining a chemical analysis of a test sample obtained pursuant to his or her own request.

2. That if he or she refuses the request of a peace officer to take a test described in paragraph (b)(3)B.1. hereof, a test shall not be given without a court order, but the peace officer may seek to obtain such a court order.

3. That his or her refusal of the request of a peace officer to take a test described in paragraph (b)(3)B.1. hereof shall result in the suspension of his or her operator's or chauffeur's license or operating privilege and in the addition of 6 points to his or her driving record.

C. A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and qualified to withdraw blood acting in a medical environment, at the request of a peace officer, may withdraw blood for the purpose of determining the amount of

alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures shall not attach to a qualified person who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with Act 300 of the Public Acts of 1949, as amended, unless the withdrawal or analysis is performed in a negligent manner.

D. A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in paragraph (a)(1) or (3) hereof. A person who takes a chemical test administered at the request of a peace officer, as provided in this section, shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention, and the results of the test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged shall be responsible for obtaining a chemical analysis of the test sample.

E. If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for the purpose of medical treatment, the results of a chemical analysis of that sample shall be admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided for in this subsection. A medical facility or person disclosing information in compliance with this subsection shall not be civilly or criminally liable for making the disclosure.

F. If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner for the purpose of determining the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident, and that agency shall forward the results to the Department of State Police.

(4) The provisions of paragraph (b)(3) relating to chemical testing do not limit the introduction of any other competent evidence bearing upon the question of whether or not a person was impaired by, or under the influence of, intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, or whether the person had a blood alcohol content of 0.10 percent or more by weight of alcohol.

(5) If a chemical test described in paragraph (b)(3) hereof is administered, the results of the test shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 3 days before the day of the trial. The results of the test shall be offered as

evidence by the prosecution in that trial. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

(6) Except in a prosecution relating solely to a violation of paragraph (a)(1)B. hereof, the amount of alcohol in the driver's blood at the time alleged, as shown by chemical analysis of the person's blood, urine or breath, shall give rise to the following presumptions:

A. If there was at the time 0.07 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was not impaired due to the consumption of intoxicating liquor, and that the defendant was not under the influence of intoxicating liquor.

B. If there was at the time in excess of 0.07 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a vehicle was impaired within the provisions of paragraph (a)(3) hereof due to the consumption of intoxicating liquor.

C. If there was at the time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(7) A person's refusal to submit to a chemical test as provided in paragraph (b)(3) hereof, shall be admissible in a criminal prosecution for a crime described in paragraph (a)(1) or (3) hereof only for the purpose of showing that a test was offered to the defendant, but not as evidence in determining the innocence or guilt of the defendant. The jury shall be instructed accordingly.

(c) Court Scheduling; Advice of Rights; Substance Abuse Screening; Licensing Sanctions.

(1) A person arrested for a misdemeanor violation of paragraph (a)(1) or (3) hereof shall be arraigned on the citation, complaint or warrant not more than 14 days after the date of arrest, or, if an arrest warrant is reissued, not more than 14 days after the reissued arrest warrant is served.

(2) The court shall schedule a pretrial conference between the prosecuting attorney, the defendant and the defendant's attorney in each case in which the defendant is charged with a misdemeanor violation of paragraph (a)(1) or (3). The pretrial conference shall be held not more than 35 days after the date of the person's arrest for the violation, or, if an arrest warrant is reissued, not more than 35 days after the date the reissued arrest warrant is served, unless the court has only 1 judge who sits in more than 1 location in that district, in which case the pretrial conference shall be held not more than 42 days after the date of the person's arrest for the violation or, if an arrest warrant is reissued, not more than 42 days after the date the reissued arrest warrant is served. The court shall order the defendant to attend the pretrial conference and may accept a plea by the defendant at the conclusion of the pretrial conference. The court may adjourn the pretrial conference upon the motion of a party for good cause shown. Not more than 1 adjournment shall be granted to a party, and the length of an adjournment shall not exceed 14 days. The court shall, except for delay attributable to the unavailability of the defendant, a witness or material evidence, or due to an interlocutory appeal or exceptional circumstances, but not a delay caused by docket congestion, finally adjudicate, by a plea of guilty or nolo

contendere, or the entry of a verdict, or by other final disposition, a case in which the defendant is charged with a misdemeanor violation of paragraph (a)(1) or (3) hereof, within 77 days after the person is arrested for the violation or, if an arrest warrant is reissued, not more than 77 days after the date the reissued arrest warrant is served.

(3) Before accepting a plea of guilty or nolo contendere under subsection (a) hereof, the court shall advise the accused of the maximum possible term of imprisonment and the maximum possible fine that may be imposed for the violation, and shall advise the defendant that the maximum possible license sanctions that may be imposed will be based upon the master driving record maintained by the Secretary of State pursuant to Section 204a of Act 300 of the Public Acts of 1949, as amended, being M.C.L.A. 257.204a.

(4) Before imposing sentence, other than court-ordered license sanctions, for a violation of paragraph (a)(1) or (3) hereof, the court shall order the person to undergo screening and assessment by a person or agency designated by the Office of Substance Abuse Services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence, the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment and rehabilitative services.

(5) Immediately upon acceptance by the court of a plea of guilty or nolo contendere or upon entry of a verdict of guilty for a violation of paragraph (a)(1) or (3) hereof, whether or not the person is eligible to be sentenced as a multiple offender, the court shall consider all prior convictions currently entered upon the Michigan driving record of the person, except those convictions which, upon motion by the defendant, are determined by the court to be constitutionally invalid, and shall impose the following licensing sanctions:

A. For a conviction under paragraph (a)(1) hereof:

1. If the court finds that the person has no prior convictions within 7 years for a violation of paragraph (a)(1) or (3) hereof, or former Section 466.19, or former Section 466.21, or a conviction of M.C.L.A. 257.625(1), (3), (4) or (5), or former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a law of another state substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months nor more than 2 years. The court may order the Secretary of State to issue to the person a restricted license during all or a specified portion of the period of suspension, except that a restricted license shall not be issued during the first 30 days of the period of suspension.

2. If the court finds that the person has 1 prior conviction within 7 years for a violation of paragraph (a)(3) hereof, or a State law substantially corresponding thereto, or a law of another state substantially corresponding to M.C.L.A. 257.625(3), or former M.C.L.A. 257.625b, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the

person for a period of not less than 6 months nor more than 2 years. The court may order the Secretary of State to issue to the person a restricted license during all or any portion of the period of suspension, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

3. If the court finds that the person has 1 or more prior convictions within 7 years for a violation of paragraph (a)(1) hereof, or former Section 466.19, or of M.C.L.A. 257.625(1), (4) or (5), or former M.C.L.A. 257.625(1) or (2), or a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (4) or (5), or former M.C.L.A. 257.625(1) or (2), or a law of another state substantially corresponding to M.C.L.A. 257.625(1), (4) or (5), or former M.C.L.A. 257.625(1) or (2), the court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person and shall not order the Secretary of State to issue a restricted license to the person.

B. For a conviction under paragraph (a)(3) hereof:

1. If the court finds that the person has no prior convictions within 7 years for a violation of paragraph (a)(1) or (3) hereof, or former Section 466.19, or former Section 466.21, or of M.C.L.A. 257.625(1), (3), (4) or (5), or former M.C.L.A. 257.625(1), (3), (4) or (5), or former M.C.L.A. 257.625(1) or (2), or former M.C.L.A. 257.625b, or a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a law of another state substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 90 days nor more than 1 year. The court may order the Secretary of State to issue to the person a restricted license during all or a specified portion of the period of suspension.

2. If the court finds that the person has 1 prior conviction within 7 years for a violation of paragraph (a)(1) or (3) hereof, or former Section 466.19, or former Section 466.21, or of M.C.L.A. 257.625(1), (3), (4) or (5), or former M.C.L.A. 257.625(1) or (2), or former M.C.L.A. 257.625b, or a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a law of another state substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, the court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than 6 months nor more than 2 years. The court may order the Secretary of State to issue to the person a restricted license during all or any portion of the suspension period, except that a restricted license shall not be issued during the first 60 days of the period of suspension.

3. If the court finds that the person has 2 or more prior convictions within 10 years for a violation of paragraph (a)(1) or (3) hereof, or former Section 466.19, or former Section 466.21, or of M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a local ordinance substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, or a law of another state substantially corresponding to M.C.L.A. 257.625(1), (3), (4) or (5), former M.C.L.A. 257.625(1) or (2) or former M.C.L.A. 257.625b, the court shall order the Secretary of State to revoke the

operator's or chauffeur's license of the person and shall not order the Secretary of State to issue a restricted license to the person.

(6) A restricted license issued pursuant to an order under paragraph (c)(5) hereof shall permit the person to whom it is issued to do 1 or more of the following:

A. Drive to and from the person's residence and work location.

B. Drive in the course of the person's employment or occupation.

C. Drive to and from the person's residence and an alcohol or drug education or treatment program as ordered by the court.

D. Drive to and from the person's residence and the court probation department, or court-ordered community service program, or both.

E. Drive to and from the person's residence and an educational institution at which the person is enrolled as a student.

(7) The court may order that the restricted license issued pursuant to paragraph (c)(5) hereof include the requirement that the person shall not operate a motor vehicle unless the vehicle is equipped with a functioning ignition interlock device. The device shall be set to render the motor vehicle inoperable if the device detects a blood alcohol content of 0.02 percent or more by weight of alcohol in the person who offers a breath sample. The court may order installation of an ignition interlock device on any motor vehicle that the person owns or operates, the cost of which shall be borne by the person whose license is restricted.

(8) The court shall not order the Secretary of State under paragraph (c)(5) hereof to issue a restricted license that would permit a person to operate a truck or truck tractor, including a trailer, that hauls hazardous materials.

(9) The court shall not order the Secretary of State to issue a restricted license unless the person states under oath, and the court finds pursuant to testimony taken in open court or pursuant to statements contained in a sworn affidavit on a form prescribed by the State Court Administrator, that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education treatment, court-ordered community service program, or educational institution, and does not have any family members or other individuals able to provide transportation.

(10) The court order issued under paragraph (c)(5) hereof and the restricted license shall indicate the permitted destination of the person, the approved route or routes if specified by the court, and permitted times of travel.

(11) As used in this section, "work location" means, as applicable, either the specific place or places of employment, or the territory or territories regularly visited by the person in pursuant of the person's occupation, or both.

(12) Immediately upon acceptance by the court of a plea of guilty or nolo contendere, or upon entry of a verdict of guilty for a violation of paragraph (a)(1) or (3) hereof, the person shall surrender to the court his or her operator's or chauffeur's license or permit. The court shall immediately destroy the license or permit and forward an abstract of conviction with court-ordered license sanctions to the Secretary of State. Upon receipt of, and pursuant to, the abstract of conviction with court-ordered license sanctions, the Secretary of State shall suspend or revoke the person's license and, if ordered by the court and the person is otherwise eligible for a license, issue to the person a restricted license stating the limited driving privileges indicated on the abstract. If the judgment and sentence are appealed to the Circuit Court, the Court may, ex parte, order the Secretary of State to stay the suspension, revocation or restricted license issued pursuant to this section pending the outcome of the appeal.

(d) Implied Consent.

(1) A person who operates a vehicle upon a public highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this City, is considered to have given consent to chemical tests of his or her blood, breath or urine, for the purpose of determining the amount of alcohol or presence of a controlled substance or both in his or her blood if the person is arrested for a violation of paragraph (a)(1) or (3) hereof.

(2) A person who is afflicted with hemophilia, diabetes or a condition requiring the use of any anticoagulant under the direction of a physician shall not be considered to have given consent to the withdrawal of blood.

(3) The tests shall be administered as provided in paragraph (b)(3) hereof.

(e) Refusal of Chemical Tests; Implied Consent; Report of Refusal.

(1) If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to paragraph (b)(3) hereof, a test shall not be given without a court order, but the officer may seek to obtain the court order.

(2) A written report shall immediately be forwarded to the Secretary of State by the peace officer. The report shall state that the officer had reasonable grounds to believe that the person had committed a crime described in paragraph (a)(1) or (3) hereof and that the person had refused to submit to the test upon the request of the peace officer and had been advised of the consequences of the refusal. The form of the report shall be prescribed and furnished by the Secretary of State.

(f) Notice of Hearing.

(1) If a person refuses to submit to a chemical test pursuant to subsection (e) hereof, the peace officer shall immediately notify the person in writing that within 14 days of the date of the notice

the person may request a hearing as provided in M.C.L.A. 257.625f. The form of the notice shall be prescribed and furnished by the Secretary of State.

(2) The notice shall specifically state that failure to request a hearing within 14 days will result in the suspension of the person's license or permit to drive. The notice shall also state that there is not a requirement that the person retain counsel for the hearing, though counsel would be permitted to represent the person at the hearing.

(g) Confiscation of License.

(1) If a person refuses a chemical test pursuant to paragraph (b)(3) hereof, the peace officer shall do all of the following:

A. On behalf of the Secretary of State, immediately confiscate the person's license or permit to operate a motor vehicle, and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person that is valid until the criminal charges against the person are dismissed, or until the person pleads guilty or nolo contendere to, or is found guilty of, those charges. The temporary license or permit shall be on a form provided by the Secretary of State.

B. Except as provided in paragraph (g)(2), immediately do all of the following:

1. Forward a copy of the written report of the person's refusal to submit to a chemical test to the Secretary of State.

2. Notify the Secretary of State by means of the law enforcement information network that a temporary license or permit was issued to the person.

3. Except as provided in paragraph (g)(2) hereof, destroy the person's drivers license or permit.

(2) If a person submits to a chemical test offered pursuant to paragraph (b)(3) hereof that requires the withdrawal of blood, and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with paragraph (g)(1)A. hereof pending receipt of the test report. If, upon receipt, the report reveals a blood alcohol content of 0.10 percent or more by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately comply with paragraph (g)(1)B. hereof. If, upon receipt, the report reveals a blood alcohol content of less than 0.10 percent by weight of alcohol, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results, and immediately return the person's license or permit by first-class mail to the address given at the time of arrest. (Ord. 174. Passed 4-22-92.)

466.20 CRIMINAL PROSECUTIONS FOR OPERATING UNDER INFLUENCE OF INTOXICATING LIQUOR OR WHILE BLOOD CONTAINS 0.10 PERCENT OR MORE BY WEIGHT OF ALCOHOL; TESTS; PRELIMINARY CHEMICAL BREATH ANALYSIS. (REPEALED)

(EDITOR'S NOTE: Section 466.20 was repealed by Ordinance 1174, passed April 22, 1992. See Section 466.19.)

466.21 IMPAIRED DRIVING. (REPEALED)

(EDITOR'S NOTE: Section 466.21 was repealed by Ordinance 1174, passed April 22, 1992. See Section 466.19.)

466.22 IMPLIED CONSENT; EXCEPTIONS. (REPEALED)

(EDITOR'S NOTE: Section 466.22 was repealed by Ordinance 1174, passed April 22, 1992. See Section 466.19.)

466.23 REFUSAL TO SUBMIT TO CHEMICAL TESTS; REPORT TO SECRETARY OF STATE. (REPEALED)

(EDITOR'S NOTE: Section 466.23 was repealed by Ordinance 1174, passed April 22, 1992. See Section 466.19.)

466.24 NOTICE OF RECEIPT OF REPORT. (REPEALED)

(EDITOR'S NOTE: Section 466.24 was repealed by Ordinance 1174, passed April 22, 1992. See Section 466.19.)

466.25 HEARINGS; SUSPENSION OR DENIAL OF LICENSE; PERMIT OR OPERATING PRIVILEGE. (REPEALED)

(EDITOR'S NOTE: Section 466.25 was repealed by Ordinance 1174, passed April 22, 1992. See Section 466.19.)

466.26 UNIFORM STANDARDS FOR ADMINISTRATION OF BLOOD TESTS.

The State Department of Public Health may adopt uniform standards for the administration of blood tests for the purposes of the Act.

(Ord. 1108. Passed 11-1-82.)

466.27 TRANSPORTING OR POSSESSING LIQUOR IN PASSENGER COMPARTMENT OF VEHICLE.

(a) No person shall transport or possess in the passenger compartment of a vehicle, that is on the streets or highways of the City, alcoholic liquor in a container which is open or uncapped or which has a broken seal. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped or which has a broken seal shall be encased or enclosed. This section does not apply to a chartered passenger vehicle which is licensed by the Michigan Public Service Commission.

(b) Violation of this section shall, upon conviction, be punished as a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.28 CONSUMPTION OF LIQUOR ON HIGHWAYS AND OTHER PUBLIC PROPERTY.

(a) No person shall consume alcoholic liquor on a highway, street, alley or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.29 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(a) On all roadways of sufficient width, a vehicle shall be driven on the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle which is proceeding in the same direction under the rules governing such movement;

(2) When the right half of a roadway is closed to traffic while under construction or repair;

(3) On a roadway that is divided into three marked lanes for traffic under the rules applicable thereon; or

(4) On a roadway designated and signposted for one-way traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.30 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

(a) Drivers of vehicles proceeding in opposite directions shall pass each other to the right. On roadways which are not wider than one lane of traffic in each direction, drivers passing each other in opposite directions shall give to the other, as near as possible, at least one-half of the main traveled portion of the roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.31 PASSING VEHICLES PROCEEDING IN SAME DIRECTION.

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules set forth in this Traffic and Parking Code:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and, when safely clear of such overtaken vehicle, shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practical.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.32 PASSING ON RIGHT OF MOVING VEHICLES.

(a) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or is about to make a left turn;

(2) On a street or highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lanes of moving vehicles in each direction, if vehicles on such street or highway are moving in substantially continuous lanes of traffic; or

(3) On a one-way street or on a roadway on which traffic is restricted to one direction of movement, which is free from obstructions and which is of sufficient width for two or more lanes of moving vehicles, if vehicles on such street or roadway are moving in substantially continuous lanes of traffic.

The driver of a vehicle may overtake and pass another vehicle on the right only under conditions that permit such movement in safety. Such movement shall not be made by driving off the payment or main traveled portion of the roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.33 PASSING ON LEFT.

(a) No vehicle shall be driven to the left side of the center of a two-lane street or in the center lane of a three-lane street when overtaking and passing another vehicle proceeding in the same

direction, unless such left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.34 DRIVING ON LEFT SIDE PROHIBITED UNDER CERTAIN CONDITIONS.

(a) No vehicle shall be driven to the left side of the roadway at any time in the following situations:

(1) When approaching the crest of a grade or on a curve in the highway where the driver's view is obstructed so as to create a hazard if another vehicle is approaching from the opposite direction; or

(2) When the driver's view is obstructed when approaching within 100 feet of a bridge, viaduct or tunnel.

(b) The limitations set forth in subsection (a) hereof do not apply when a vehicle is driven on a one-way roadway.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.35 NO PASSING ZONES.

(a) No driver of a vehicle shall overtake and pass a vehicle in a no passing zone where official signs or markings on the roadway indicate the beginning and end of such zone and when such signs or markings are in place and clearly visible to an ordinarily observant person.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

446.36 ONE-WAY ROADWAYS.

(a) On a roadway or alley that is designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.37 ROTARY TRAFFIC ISLANDS.

(a) A vehicle that is passing around a rotary traffic island shall be driven only to the right of such island.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.38 DRIVING ON LANED ROADWAYS.

(a) When a roadway is divided into two or more clearly marked lanes for traffic, the following rules, in addition to all other rules consistent with this section, apply:

(1) A vehicle shall be driven, as nearly as is practical, entirely in a single lane and shall not be moved from the lane until the driver has first made sure that the movement can be made with safety. On a roadway with four or more lanes which provides for two-way movement of traffic, a vehicle shall be driven within the extreme right-hand lane, except when overtaking and passing, and shall not cross the centerline of the roadway unless making a left turn.

(2) On a roadway which is divided into three lanes and which provides for two-way movement of traffic, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle traveling in the same direction; when, in preparation for a left turn, the center lane is clear of traffic within a safe distance; or when the center lane is allocated exclusively to traffic moving in the same direction in which the vehicle is proceeding and the allocation is designated by official traffic control devices.

(3) Official traffic control devices may be erected to direct specified traffic to use a designated lane or to designate those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway. Drivers of vehicles shall obey the directions of the devices.

(4) Official traffic control devices may be installed which prohibit the changing of lanes on sections of roadway, and drivers of vehicles shall obey the direction of the devices.

(5) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having three or more lanes for travel in the same direction.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.39 DRIVING ON DIVIDED HIGHWAYS.

(a) When a highway has been divided into two roadways by leaving an intersection space or by a physical barrier or clearly indicated dividing section which is constructed to impede vehicular traffic, a vehicle shall be driven only on the right-hand roadway and shall not be parked or be driven over, across or within any such physical barrier or dividing section or space or at a crossover or intersection which is established by public authority. Crossovers on limited access highways shall not be used, except by such vehicles as provided in Sections 426.06 and 426.07, except by road service vehicles while going to or returning from servicing a disabled vehicle or except as otherwise permitted by authorized signs. As used in this section, "road service vehicle" means a vehicle used to assist disabled vehicles.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.40 LIMITED ACCESS ROADWAYS.

(a) No person shall drive a vehicle onto or from any limited access roadway, except at such entrances and exits as are established by public authority.

(b) No person shall operate a moped or motorcycle with less than a 125 cubic centimeter engine, a farm tractor or another self-propelled farm implement, nor shall any pedestrian, bicycle or other nonmotorized traffic be permitted, on any limited access highway in the City.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.41 FOLLOWING TOO CLOSELY.

(a) No driver of a vehicle shall follow another vehicle more closely than is reasonable and prudent considering the speed of such vehicle and the traffic on, and the condition of, the street.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.42 FOLLOWING FIRE APPARATUS.

(a) No driver of a vehicle, other than an authorized emergency vehicle on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet and shall not drive or park such vehicle within 500 feet of where fire apparatus has stopped in answer to a fire alarm.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.43 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle who intends to turn at an intersection shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as is practical to the right-hand curb or edge of the roadway.

(2) Left turns on two-way roadways. At an intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof, by passing to the right of such centerline thereof and by passing to the right of such centerline where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. When practical, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Left turns on other than two-way roadways. At an intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle who intends to turn left at such intersection shall approach the intersection in the extreme left-hand lane which is lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as is practical, in the left-hand lane which is lawfully available to traffic moving in such direction on the roadway being entered.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.44 OBEDIENCE TO TURNING MARKERS AND NO TURN SIGNS.

(a) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(b) When authorized signs are erected indicating that right, left or U turns are not permitted, no driver of a vehicle shall disobey the directions of any such sign.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.45 LIMITATIONS ON TURNING AROUND.

(a) No driver of a vehicle shall turn such vehicle so as to proceed in the opposite direction on a street in a business district and shall not, on any other street, so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.46 SIGNALS FOR STOPPING OR TURNING.

(a) The driver of a vehicle or bicycle on a highway, before 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 required in this section shall be given either by means of the hand and arm, in the manner specified in this subsection, or by a mechanical or electrical signal device which conveys a clear signal or warning to other highway traffic, except as provided in subsection (c) hereof. When a signal is given by means of hand and arm, the driver shall indicate his or her intention to stop or turn by extending his or her hand and arm from and beyond the left side of the vehicle and signal as follows:

(1) Left turn - hand and arm extended horizontally

(2) Right turn - hand and arm extended upward

(3) Stop or decrease speed - hand and arm extended downward

(c) A commercial motor vehicle, other than one in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and the required signal shall be given by, a signal light or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the commercial motor vehicle is more than twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof is more than fourteen feet. The latter measurement shall apply to a single vehicle or combination of vehicles.

(d) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.47 STOP SIGNS.

(a) Except when directed to proceed by a police officer, the driver of a vehicle that is approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line or, if none, shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right of way to a vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.48 RIGHT OF WAY AT MERGING HIGHWAYS.

(a) When a vehicle approaches the intersection of a highway from an intersecting highway or street which is intended to be, and is constructed as, a merging highway or street and which is plainly marked at such intersection with appropriate merge signs, the vehicle shall yield the right of way to a vehicle so close as to constitute an immediate hazard on the highway about to be entered and the vehicle's speed shall be adjusted to enable the vehicle to merge safely with the through traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.49 STOPPING UPON EMERGING FROM ALLEYS, DRIVEWAYS OR BUILDINGS.

(a) The driver of a vehicle that is emerging from an alley, driveway or building shall stop such vehicle immediately before driving onto a sidewalk or onto the sidewalk area extending across any alleyway; shall yield 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 the roadway.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.50 ENTERING INTERSECTIONS OR CROSSWALKS; OBSTRUCTING TRAFFIC.

(a) No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.51 STOPPING AT RAILROAD CROSSINGS.

(a) Obedience to Signals. When a person who is driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty, but not less than fifteen, feet from the nearest rail of such railroad and shall not

proceed until he or she can do so safely. The requirements of this subsection apply in all of the following situations:

- (1) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) When a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (3) When a railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; and
- (4) When an approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) Railroad Crossing Stop Signs. If a railroad crossing is designated and signposted as a "stop" crossing and signs are erected which notify drivers on such a highway to come to a complete stop before crossing the railroad tracks, no driver of a vehicle shall fail to stop within fifty, but not less than ten, feet from such railroad tracks before traversing such crossing. The erection of, or the failure to replace or maintain, such signs shall not be a basis for any action of negligence against local authorities.

(c) Railroad Crossing Gates or Barriers. No person shall drive a vehicle through, around or under a crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or being opened or closed.

(d) Violations. Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.52 OBSTRUCTION OF VEHICULAR TRAFFIC BY TRAINS.

(a) No railroad company shall permit any of its trains to obstruct any vehicular traffic on public streets or highways for a period of more than five minutes at any one time.

(b) No railroad company shall permit successive train movements to obstruct any vehicular traffic on public streets or highways until all vehicular traffic previously delayed by such train movements has been cleared or until a period of five minutes has elapsed between train movements.

(Ord. 1108. Passed 11-1-82.)

(c) The rate of speed of engines, cars or trains of cars on railroads, while moving upon or across public streets or alleys at grade in the City, shall not exceed fifteen miles per hour, provided that:

(1) If a person engaged in the operation of such engines, cars or trains of cars installs, maintains and operates crossing gates which will close at least twenty seconds before any such engine, car or train of cars arrives at a grade crossing, he or she may operate such engines, cars or trains of cars over grade crossings so equipped with gates at a rate of speed not to exceed thirty miles per hour; and

(2) The type, manner of operation and installation of crossing gates shall be approved by the Traffic Committee of the City.

(Ord. 601; 1959 Code Sec. 7-501)

(d) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.53 SCHOOL BUSES AND CERTAIN COMMERCIAL VEHICLES AT RAILROAD CROSSINGS.

(a) The driver of a motor vehicle carrying passengers for hire, of a school bus or of a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty, but not less than ten, feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as otherwise provided in this section, and shall not proceed until he or she can do so safely. After stopping as required in this subsection, and upon proceeding when it is safe to do so, the driver of the vehicle shall only cross with the vehicle in a gear that will not require changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(b) A stop need not be made at crossing where a police officer or a traffic control signal directs traffic to proceed.

(c) A stop shall not be made at a crossing on a freeway or limited access highway where such crossing is protected by a clearly visible signal, crossing gate or barrier which, at the time, is not activated.

(d) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.54 RIGHT OF WAY AT INTERSECTIONS.

(a) The driver of a vehicle that is approaching an intersection shall yield the right of way to a vehicle that has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(c) The driver of a vehicle that is traveling at an unlawful speed shall forfeit the right of way to the vehicle on the right.

(d) The right of way rules set forth in subsections (a) and (b) hereof are modified at through highways and as otherwise stated in this Traffic and Parking Code.

(e) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.55 YIELD RIGHT-OF-WAY SIGNS.

(a) The driver of a vehicle that is approaching a yield sign, in obedience to such sign, shall slow down to a speed which is reasonable for the existing conditions and shall yield the right of way to a vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(b) The driver of a vehicle that is traveling at an unlawful speed shall forfeit any right of way which he or she might otherwise have under this Traffic and Parking Code.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.56 RIGHT OF WAY; VEHICLE TURNING LEFT AT INTERSECTION.

(a) The driver of a vehicle in an intersection who intends to turn to the left shall yield the right of way to a vehicle approaching from the opposite direction which is in the intersection or which is so close thereto as to constitute an immediate hazard, but the driver having so yielded and having given a signal, when and as required by this Traffic and Parking Code, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn. However, at an intersection at which a traffic signal is located, a driver who intends to make a left turn shall permit vehicles bound straight through in the opposite direction which are awaiting a go signal to pass through the intersection.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.57 RIGHT OF WAY OF FUNERAL PROCESSION.

(a) A motor vehicle that is part of a funeral procession going to a place of burial has the right of way over all other vehicles, except for fire apparatus, ambulances and police patrol vehicles, at a street or highway intersection in the City if the vehicle in the funeral procession displays a flag which is fluorescent orange in color. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. Such a flag shall not contain a name embossed or printed on it, but may contain the word "funeral."

(b) No person shall pass through a funeral procession of motor vehicles, designated pursuant to subsection (a) hereof, with a vehicle of any kind.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.58 DRIVING THROUGH A FUNERAL OR OTHER PROCESSION.

(a) No driver of a vehicle shall drive through the vehicles, persons or animals comprising a funeral or other authorized procession while such funeral or other procession is in motion, except when otherwise directed by a police officer.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.59 DRIVERS IN PROCESSIONS.

(a) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as is practical and shall follow the vehicle ahead as closely as is practical and safe.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.60 PARTICIPATION IN PARADES AND PROCESSIONS; PERMIT REQUIRED.

(a) A procession or parade, other than a procession or parade of the forces of the United States armed services, the military forces of the State and the forces of the Police and Fire Departments, shall not occupy, march or proceed along a roadway unless pursuant to a permit issued by Council and unless the procession or parade is in accordance with other regulations set forth in this Traffic and Parking Code.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.61 DRIVING ON SIDEWALKS AND BICYCLE PATHS.

(a) No person shall operate or ride a motorcycle, moped or other motor vehicle, except a motorized wheelchair, upon a bicycle path or a sidewalk regularly laid out and constructed for the use of pedestrians, not including a crosswalk or driveway.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1159. Passed 3-23-87.)

466.62 LIMITATIONS ON BACKING.

(a) No driver of a vehicle shall back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.

(b) No driver of a vehicle shall back such vehicle a distance of more than sixty feet.

(c) No driver of a vehicle shall back such vehicle into an intersection, except when it is not otherwise possible to turn about and when such movement can be made safely without interfering with other traffic.

(d) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.63 DRIVING OVER FIRE HOSE.

(a) No person shall drive a vehicle over any unprotected fire hose of the Fire Department without the consent of the Fire Department official in command.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.64 DRIVING IN OCCUPIED SAFETY ZONES.

(a) No driver of a vehicle shall at any time drive through or over a safety zone when such safety zone contains a person therein.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.65 SPLASHING PEDESTRIANS.

(a) No driver of a motor vehicle shall recklessly, willfully, wantonly or carelessly operate his or her vehicle in such manner as to splash snow, rain, water, mud, dirt or debris on a person who is on or in a sidewalk, crosswalk or safety zone.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.66 INTERFERENCE WITH DRIVER'S VIEW OR CONTROL.

(a) No person shall drive a vehicle if it is loaded in a manner, or if the front seat is occupied by a number of persons, so 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.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.67 POSITION OF PASSENGERS.

(a) No passenger in a vehicle shall ride in a position which interferes with the driver's view ahead or to the sides or which interferes with his or her control over the driving mechanism of the vehicle.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.68 IMPEDING TRAFFIC BY OPENING VEHICLE DOORS.

(a) No person shall open a door of a vehicle in a manner that interferes with or impedes the flow of traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.69 OPERATION OF VEHICLE WITH UNNECESSARY NOISE.

(a) No person shall operate a motor vehicle with unnecessary noise or start, move or turn a motor vehicle, apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.70 DISPLAY OF OFFICIAL DESIGNATION.

(a) No owner shall display on any part of his or her vehicle, or knowingly permit the display thereon of, any official designation, sign or insignia of any public or quasipublic corporation, municipal, state or national department or governmental subdivision without authority of such agency.

(b) Whoever violates this section is guilty of a misdemeanor.

(Ord. 1108. Passed 11-1-82.)

466.71 STOPPING FOR SCHOOL BUS; EQUIPMENT.

(a) A school bus that transports pupils inside the City shall be painted and contain signs on the back and front of the school bus, as approved by the State Department of Transportation and the State Superintendent of Public Instruction.

(b) The driver of a vehicle that overtakes or meets a school bus which has stopped, and which is displaying two alternately flashing red lights located at the same level, shall bring his or her vehicle to a full stop not less than ten feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer activated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, permit stopped traffic to proceed, and, when resuming motion, proceed in a manner that will allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety.

(c) Passengers who cross a road upon being discharged from a school bus shall cross in front of the stopped school bus.

(d) At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper, but not more than ten miles an hour, and shall proceed with due caution for the safety of passengers being received or discharged from the school bus.

(e) The provisions of this section relating to stopping for school buses shall be enforceable if signs giving notice of such provisions are posted on or at the entrance to the area, or part of the area, affected as may be most appropriate or sufficiently legible as to be seen by an ordinarily observant person.

(f) The driver of a vehicle who fails to stop for a school bus as required by subsections (b) through (e) hereof, who passes a school bus in violation of subsections (b) through (e) hereof or who fails to stop such a school bus, is guilty of a misdemeanor.

(g) Subsections (b) through (f) hereof do not apply to buses inside incorporated cities or villages.

(h) No school bus driver shall stop the bus for the purpose of receiving or discharging passengers unless the bus is clearly visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of not less than 500 feet.

(i) The driver of a vehicle on a highway that has been divided into two roadways by leaving an intervening space, by a physical barrier or by clearly indicated dividing sections constructed so as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier or section.

(j) In addition to any other equipment and distinctive marking required by law, a school bus that transports pupils inside the City shall be equipped with signal lamps mounted as high and as widely spaced laterally as is practical. The lamps shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. The lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight and shall be activated by the driver of the school bus when, but only when, the vehicle is stopped and for a distance of not less than 200 feet in advance of a stop for the purpose of receiving or discharging school children.

(k) A school bus shall be equipped with a mirror, convex in shape, which is not less than seven and one-half inches in diameter and which is firmly mounted at hood or fender top height in front of the bus. The mirror shall be located on either the left or right side of the bus in a manner so that the seated driver may observe the road from the front bumper forward to the point where direct observation is possible.

(l) In a proceeding for a violation of subsection (b) hereof, proof that the particular vehicle described in the citation, complaint or warrant was in violation of subsection (b) hereof, together with proof that the defendant named in the citation, complaint or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

(m) Except as otherwise provided in subsection (f) hereof, whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

466.72 TOWING VEHICLES.

(a) No passenger vehicle shall be driven on a highway drawing or having attached thereto more than one vehicle or trailer.

(b) The draw bar or other connection between two vehicles, one of which is towing or drawing the other on a highway, shall be not more than fifteen feet in length from one vehicle to the

other. When such connection consists of a chain, rope or cable, a red flag or other signal or cloth not less than twelve inches both in length and width shall be displayed on such connection.

(c) Every vehicle or trailer drawn by a motor-propelled vehicle shall be so attached to such vehicle with such forms of coupling devices as will prevent such vehicle or trailer from being deflected more than six inches from the path of the towing vehicle's wheels. Such vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, one on each side of the coupling and at the extreme outer edge of the vehicle, and each such chain or device and connection so used shall be of sufficient strength to haul the trailer when loaded.

(d) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 468

Commercial and Heavy Vehicles

468.001 Adoption of certain provisions of the Michigan Vehicle Code.

468.01 Truck routes; weight and length limits.

468.02 Size and weight restrictions.

468.03 Signposted weight limits.

468.04 Ice cream trucks.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Mud flaps - see TRAF. 462.18

Commercial and heavy vehicles at railroad crossings - see TRAF. 466.53

Parking meter exceptions - see TRAF. 482.06

468.001 ADOPTION OF CERTAIN PROVISIONS OF THE MICHIGAN VEHICLE CODE.

The City hereby adopts, by reference, the provisions of the Michigan Vehicle Code (referred to herein as "the Code") which limit the weight of trucks and other commercial vehicles operating on highways and which provide for the enforcement of the Code and penalties for violations of the Code. (Res. Unno. Passed 7-1-96.)

468.01 TRUCK ROUTES; WEIGHT AND LENGTH LIMITS.

(a) As used in this section, "truck" means truck, truck tractor, trailer or semitrailer, as defined in the Act, or any combination thereof.

(b) The operation of a truck exceeding thirty feet in length or twelve tons gross weight, including operator and cargo, is prohibited on every street in the City except primary truck routes designated as such by traffic control orders.

(c) The operation of trucks exceeding twenty-two feet in length or five tons gross weight, including operator and cargo, is prohibited on every street in the City except those streets designated as primary truck routes or secondary truck routes by traffic control orders.

(d) Upon the erection of signs sufficient to apprise the ordinarily observant person, no person shall operate, or permit or cause to be operated, on a street, avenue, road, alley or other public way, a truck, trailer or semitrailer.

(e) No provision of this section shall prohibit:

(1) The operation of emergency vehicles on a street in the City;

(2) The operation of trucks owned or operated by the City public utilities, a contractor or a material person while engaged in the repair, maintenance or construction of streets, street improvements or street utilities in the City;

(3) The operation of a truck upon an officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established;

(4) A truck, which is taking departure from or proceeding to a destination on a prohibited street, from operating on such prohibited street as may be reasonably necessary in traveling to or from, as the case may be, the nearest street intersection on a street wherein such truck is permitted to operate; or

(5) A truck, while engaged in one or more local pick-ups or deliveries, from using such prohibited streets as may be reasonably necessary in so doing, provided that such truck shall, upon completion of the last pick-up or delivery, return by the shortest route to the nearest street upon which it is permitted to operate.

(f) Whoever is driving or in charge or control of a truck, which may at that time be upon a street in the City upon which truck travel is limited or restricted, shall, upon the demand of a police officer, proceed to any public or private scale available for the purpose of weighing the truck and determining whether the weight thereof is in excess of the weight limit permitted on such street.

(Ord. 1108. Passed 11-1-82.)

(g) Whoever violates this section is guilty of a misdemeanor.

468.02 SIZE AND WEIGHT RESTRICTIONS.

(a) No person shall drive, move or cause or knowingly permit to be driven or moved on a street a vehicle of a width, height, length or weight of more than the limitations governing size and weight restrictions specified in the Act.

(b) Whoever violates this section is guilty of a misdemeanor unless the specified violation is declared to be a civil infraction.

(Ord. 1108. Passed 11-1-82.)

468.03 SIGNPOSTED WEIGHT LIMITS.

(a) When signs are erected that give notice of weight limits, no person shall operate, stop, stand or park a truck or commercial vehicle with a gross weight of more than the amounts specified on the signs at any time on any of the streets or parts of streets on which such signs have been posted.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

468.04 ICE CREAM TRUCKS.

(a) Definitions. As used in this section:

(1) "Ice cream truck" means a motor vehicle in which ice cream, ice milk, frozen dairy products or ice flavored with syrup is carried for purposes of retail sale on the streets of the City.

(2) "Vend" or "vending" means offering ice cream, ice milk, frozen dairy products or ice flavored with syrup for sale from a motor vehicle on the streets of the City.

(b) Drivers to Stop for Stopped Trucks.

(1) The driver of a vehicle meeting or overtaking, from either direction, an ice cream truck stopped on the street shall stop before reaching the truck when the flashing lights and stop signal arm described in paragraph (c)(2) hereof are in use. After stopping, a driver may proceed past

such truck at a reasonable and prudent speed, not exceeding fifteen miles per hour, and shall yield the right of way to a pedestrian who crosses the roadway to or from the ice cream truck.

(2) The driver of a vehicle on a street with separate roadways need not stop upon meeting or passing an ice cream truck on a different roadway.

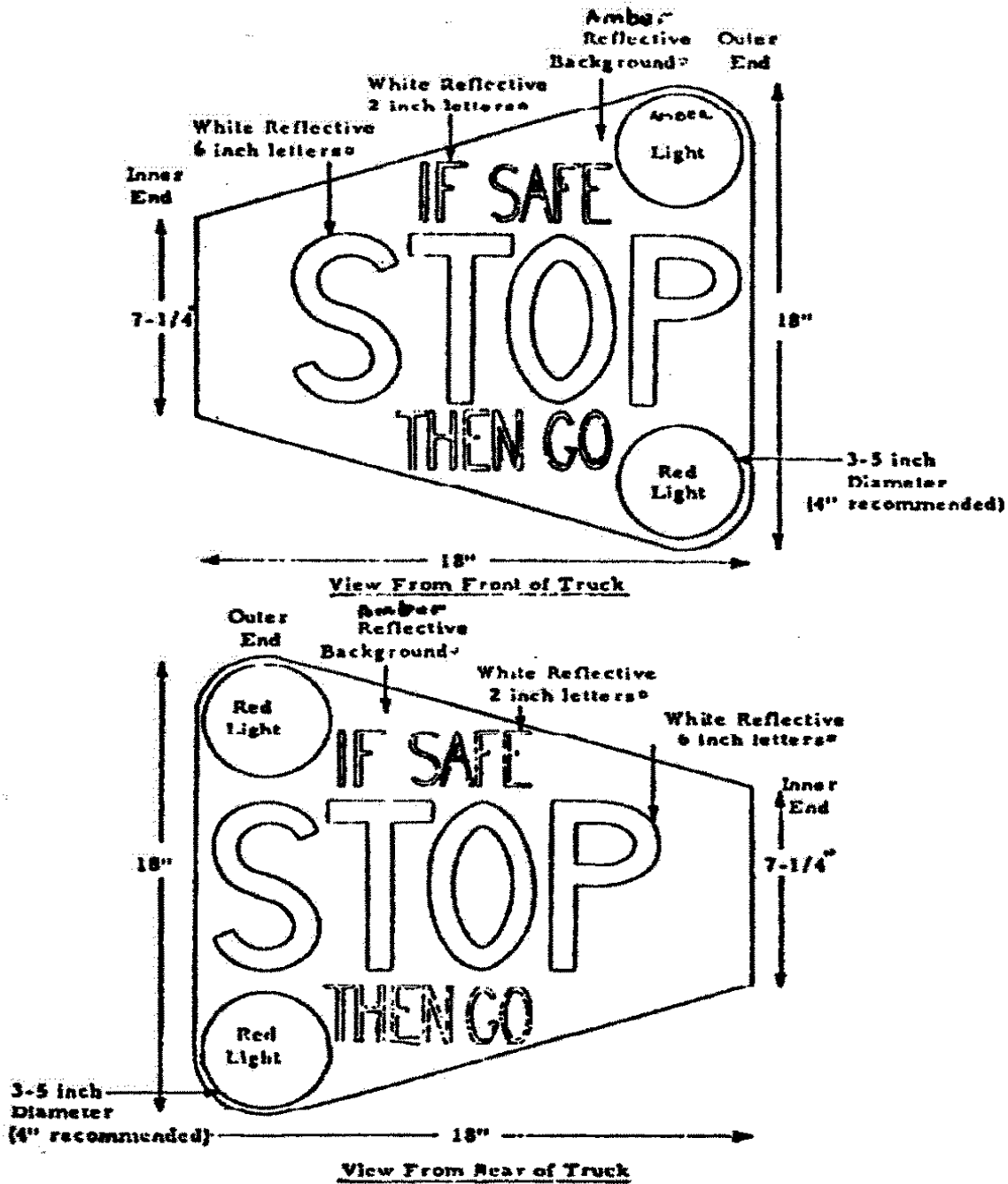
(c) Required Equipment. In addition to other equipment required by law, every ice cream truck shall be equipped with:

(1) Signal lamps mounted at the same level and as high and as widely spaced laterally as is practical. These lamps shall be five to seven inches in diameter and shall display two alternately flashing amber lights on the front of the vehicle and two alternately flashing red lights on the rear of the vehicle, both lights visible at 500 feet in normal sunlight upon a straight level street.

(2) A stop signal arm that can be extended horizontally from the left side of the truck duplicating the design, size and specifications shown in paragraph (c)(4) hereof. Such an arm shall be red and white in color and contain two alternately flashing lights three to five inches in diameter visible at 300 feet to the front and rear in normal sunlight upon a straight level highway. The two lights facing the front shall be amber, and the two lights facing the rear shall be red. The bottom of the signal arm shall be forty-two inches above the highway.

(3) A convex mirror shall be mounted on the front of the vehicle so the driver in his or her normal seating position, can see the area in front of the truck obscured by the hood.

(4) The stop signals required by paragraph (c)(2) hereof shall be as follows:



*Colors to meet specifications in the 1970 Federal Highway Administration Standard Color Charts.

(5) Ice cream vendors shall have until May 1, 1982, to comply with the equipment requirements of this section.

(d) Use of Special Lights and Stop Arm.

(1) The driver of an ice cream truck stopped on a street for the purpose of vending shall actuate the special flashing lights and extend the stop signal arm required by subsection (c) hereof.

(2) The lights and the stop signal arm shall not be used when the truck is in motion or at any time the truck is stopped for a purpose other than vending.

(e) Inspections. Every ice cream truck shall be inspected by the Board of Health once each year prior to its use in the City for the purpose of retail sales of frozen dairy products. The Board shall inspect each ice cream truck to determine whether or not it complies with subsection (d) hereof and other State and local laws.

(f) Vending Restrictions.

(1) No person shall vend on main thoroughfares or in the central business district, on streets where the speed limit exceeds twenty-five miles per hour or in other areas of the City where sale is already prohibited by local ordinance.

(2) No person shall vend within 500 feet of any property used as a school from one hour before the regular school day to one hour after the regular school day. However, this paragraph does not apply on days when school is not attended by children or on school property when vending has been approved in writing by the principal.

(3) A person shall vend only when the ice cream truck is lawfully parked or stopped.

(4) A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or edge of the street.

(5) No person shall vend to a person standing in the roadway.

(6) No person shall stop on the left side of a one-way street to vend.

(g) Backing Restriction. No driver of an ice cream truck shall back such truck in order to make or attempt a sale.

(h) Unauthorized Riders.

(1) No driver of an ice cream truck shall permit an unauthorized person to ride in or on the vehicle.

(2) No person shall ride in or on an ice cream truck unless employed by its owner or unless authorized in writing to do so by the owner or the Police Department.

(i) Exceptions. The Mayor may except or exempt from the requirements of this section an ice cream truck which is not used to vend to persons under twelve years of age.

(Ord. 1108. Passed 11-1-82.)

(j) Violations. Whoever violates this section is responsible for a civil infraction.

TITLE EIGHT - Parking

Chap. 480. Parking Generally.

Chap. 482. Parking Meters.

Chap. 484. Automobile Parking System and Bonds.

Chap. 486. Parking System Fund. (Repealed)

CHAPTER 480

Parking Generally

480.01 Standing or parking close to a curb.

480.02 Standing or parking on one-way roadways.

480.03 Stopping, standing or parking on streets signed for angle parking.

480.04 Parking in a manner that obstructs traffic.

480.05 Vehicles starting from parked position.

480.06 Vehicles parked at angle to curb; backing into moving traffic.

480.07 Prohibited locations for stopping, standing or parking.

480.08 Parking for certain purposes prohibited.

480.09 Loading zone restrictions.

480.10 Buses and taxicabs.

480.11 Handicapper parking regulations.

480.12 Headlights and parked vehicles.

480.13 Parking signs required; exception.

480.14 Unauthorized moving of parked vehicles.

480.15 Unattended vehicles.

480.16 Citations for violations.

480.17 Evidentiary presumptions.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Parking generally - see M.C.L.A. Secs. 257.672 et seq.

Municipal violations bureaus in counties of 100,000 or more - see M.C.L.A. Sec. 725.301

Citations for unlawful parking - see TRAF. 424.05, 424.20

Parking Authority - see TRAF. Ch. 430

480.01 STANDING OR PARKING CLOSE TO A CURB.

(a) 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 twelve inches of the curb or edge of the roadway, except as otherwise provided in this chapter.

(b) Vehicles may be parked with the left-hand wheels adjacent to, and within twelve inches of, the left-hand curb of properly signed one-way streets.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.02 STANDING OR PARKING ON ONE-WAY ROADWAYS.

(a) If a street includes two or more separate roadways and traffic is restricted to one direction on such street, a person shall not stand or park a vehicle on the left-hand side of such one-way street, unless signs are erected to permit such standing or parking.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.03 STOPPING, STANDING OR PARKING ON STREETS SIGNED FOR ANGLE PARKING.

(a) On those streets that have been signed or marked for angle parking, a person shall not 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.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.04 PARKING IN A MANNER THAT OBSTRUCTS TRAFFIC.

(a) No person shall park any vehicle on a street in a manner that leaves an insufficient width of the roadway available for free movement of vehicular traffic.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.05 VEHICLES STARTING FROM PARKED POSITION.

(a) A vehicle starting from a parked position shall yield the right of way to moving vehicles and the operator of such vehicle shall give a timely and visible warning before so starting.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.06 VEHICLES PARKED AT ANGLE TO CURB; BACKING INTO MOVING TRAFFIC.

(a) A vehicle which is parked at an angle to the curb and which is about to start shall yield the right of way to moving vehicles and the operator of the vehicle shall not back such vehicle from the curb into the lane of moving traffic unless such maneuver can be made safely and without conflict with moving vehicles.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.07 PROHIBITED LOCATIONS FOR STOPPING, STANDING OR PARKING.

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

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within fifteen feet of a fire hydrant;

(5) On a crosswalk;

(6) Within twenty feet of a crosswalk, or if none, then within fifteen feet of the intersection of property lines at an intersection of streets;

(7) Within thirty feet of any flashing beacon, stop sign, yield sign or traffic control signal located at the side of a street;

(8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(9) Within fifty feet of the nearest rail of a railroad crossing;

(10) Within twenty feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five feet of the entrance when properly signposted;

(11) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(12) On the street side of any vehicle stopped or parked at the edge or curb of a street;

(13) On any bridge or other elevated structure on a street or within a street tunnel;

(14) Within 200 feet of an accident at which police officers are in attendance;

(15) In front of any theater;

(16) In any place or in any manner so as to block immediate egress from any emergency exit which is conspicuously marked as a building emergency exit;

(17) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape which is conspicuously marked as a fire escape and which provides an emergency means of egress from any building;

(18) At any place where official signs prohibit stopping, standing or parking;

(19) In a parking space which is clearly identified by an official sign as being reserved for use by handicappers and which is on public property or private property that is available for public use, unless the person is a handicapper as described in the Act or unless the person is parking the vehicle for the benefit of a handicapper. A certificate of identification issued under Section 675(5) of the Act to a handicapper shall be displayed on the lower left corner of the front windshield. A special registration plate issued under Section 803d of the Act to a handicapper shall be displayed on the vehicle.

(20) Within 500 feet of a fire at which fire apparatus is in attendance. However, volunteer firefighters responding to the fire may park within 500 feet in a manner that does not interfere with fire apparatus at the scene. Vehicles legally parked before the fire shall be exempt from this paragraph.

(21) In an alley, except when authorized by official signs. A person shall not stop or stand a vehicle in an alley, except while actually in the process of loading or unloading such vehicle. (Ord. 1108. Passed 11-1-82.)

(22) At any place on private property where the owner of such property or his or her designate has conspicuously placed a sign which states "No Parking" or a sign which indicates that a parking space or area is restricted to use by a certain individual or individuals who may park in the area or space so designated. However, the right of the owner of such property to restrict any parking area or space for the use of a certain individual or individuals shall not be exercised on the basis of race, color, creed, religion, sex, national origin or the exercise of any civil right.

(Ord. 1146. Passed 3-17-86.)

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.08 PARKING FOR CERTAIN PURPOSES PROHIBITED.

(a) No person shall park a vehicle on any street for the principal purpose of doing any of the following:

(1) Displaying such vehicle for sale;

(2) Washing, polishing, greasing or repairing such vehicle, except for repairs necessitated by an emergency;

(3) Displaying advertising;

(4) Selling merchandise from such vehicle, except in a duly established market place or when so authorized or licensed under the ordinances of the City; or

(5) Storage for more than forty-eight continuous hours.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.09 LOADING ZONE RESTRICTIONS.

(a) Stopping, Standing or Parking in Freight Curb Loading Zone. No person shall stop, stand or park a vehicle for any purpose or period of time, except for the expeditious unloading and delivery or pick-up and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such are in effect.

(b) Temporary Stop at Freight Curb Loading Zone. The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, if 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.

(c) Stopping, Standing or Parking 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 provisions applicable to such passenger curb loading zone are effective, and then only for a period of not more than five minutes.

(d) Violations. Whoever violates any of the provisions of this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.10 BUSES AND TAXICABS.

(a) Motor Buses; Stopping to Discharge Passengers. Motor buses, for the purpose of taking on or discharging passengers, may stop at the places designated in Section 480.07(a)(2), (4) and (6) or on the street side of a vehicle that is illegally parked in a legally designated bus loading zone.

(b) Stopping, Standing or Parking of Buses and Taxicabs. The operator of a bus or taxicab shall not stop, stand or park on any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision does 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 unloading or loading of passengers.

(c) Restricted Use of Bus and Taxicab Stands. No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand if such stop or stand has been designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(d) Violations. Whoever violates any of the provisions of this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.11 HANDICAPPER PARKING REGULATIONS.

(a) Definitions; Handicapper Parking. As used in this section:

(1) "Parking area" means an area used by the public as a means of access to and egress from a shopping center, business, factory, hospital, institution or similar building or location and for the free parking of motor vehicles by patrons of the same.

(2) "Shopping center" means a minimum area of three acres of land on which there is located one or more stores or business establishments and where there is provided a parking area.

(3) "Handicapper parking space" means a parking space twelve feet wide marked off in paint. A sign located approximately six feet above grade inscribed with the international wheelchair symbol or a reasonable facsimile thereof shall identify the handicapper space.

(b) Handicapper Parking Space; Restricted Use. No driver shall use a handicapper parking space unless he or she is driving a vehicle within the purview of MCLA 257.675(5) or unless his or her vehicle displays special registration plates pursuant to MCLA 257.803d.

(c) Handicapper Parking Space Required. Every shopping center within the geographical boundaries or under the jurisdiction of the City shall provide handicapper parking spaces in numbers to conform with the requirements of Section 2 of Act 1 of the Public Acts of 1966, as amended, being Section 125.1352 of the Michigan Compiled Laws.

(d) Handicapper Parking in Private Parking Areas. The City, upon the request of either the owner or the person in charge of the general operation and control of any parking area, shall:

(1) Provide for the designation of handicapper parking spaces in the parking area;

(2) Provide for the towing away and/or impoundment, by a law enforcement agency, of a vehicle that is not properly identified as a handicapper as provided in subsection (b) hereof; and

(3) Designate traffic lanes and regulate traffic by means of traffic control signals or signs to facilitate use of the lot for handicappers.

(e) Municipal Parking Lots. It shall be the policy of the City to provide handicapper parking spaces in all Municipal parking lots in numbers to conform with the requirements of Section 2 of Act 1 of the Public Acts of 1966, as amended, being Section 125.1352 of the Michigan Compiled Laws.

(f) On-Street Parking. It shall be the policy of the City to provide handicapper parking spaces on a street where legal parking is permitted, subject to the following conditions:

(1) At the request of a handicapper, such spaces shall be provided in front of or adjacent to his or her residence, on a showing of a handicapper certificate issued by the Secretary of State.

(2) Such spaces shall be provided adjacent to buildings and areas under the jurisdiction of the City where there are otherwise insufficient off-street handicapper spaces provided.

(3) There will be a charge of seventy-five dollars (\$75.00) per space, assessed to the handicapper requesting such parking, such sum being the cost of the sign and placement of the sign by City employees.

(4) The seventy-five dollar (\$75.00) charge may be waived in whole or in part, by the Traffic Committee upon a showing of indigency or other similar disability.

(g) Violations; Penalties. A vehicle parked in a handicapper parking space, which vehicle is not identified as required under subsection (b) hereof, may be towed away and impounded at the owner's expense and liability. Violations of this section shall be processed in the same manner as a civil infraction under Act 300 of the Public Acts of 1949, as amended, being Sections 257.1 et seq. of the Michigan Compiled Laws.

(Ord. 1108. Passed 11-1-82.)

480.12 HEADLIGHTS AND PARKED VEHICLES.

(a) Lights on Parked Vehicles. If a vehicle is lawfully parked on a street and if there is sufficient natural or artificial light to reveal any person within a distance of 500 feet on such street, lights need not be displayed on such parked vehicle.

(b) Headlights on Parked Vehicles. Any lighted headlights on a parked vehicle shall be depressed or dimmed.

(c) Violations. Whoever violates any of the provisions of this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.13 PARKING SIGNS REQUIRED; EXCEPTION.

If, by these Codified Ordinances or any other ordinance of the City, any parking time limit is imposed or parking is prohibited on designated streets, such regulations shall not be effective unless appropriate signs giving notice of the time limit or prohibited parking are erected and in place at the time of any alleged offense, except that such signs need not be erected to make ordinances regulating the stopping, standing or parking of vehicles effective when these ordinances do not differ from the provisions of the Act.

(Ord. 1108. Passed 11-1-82.)

480.14 UNAUTHORIZED MOVING OF PARKED VEHICLES.

(a) No person shall move a vehicle that is not lawfully under his or her control into any prohibited parking area or away from a curb such distance as is unlawful.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.15 UNATTENDED VEHICLES.

(a) No person who has control or charge of a motor vehicle shall allow such vehicle to stand unattended on a street or any other place without first stopping the engine, locking the ignition, removing and taking possession of the ignition key, effectively setting the brakes thereon, and, when standing on any grade, turning the front wheels of such vehicle to the curb or side of the street. The provisions of this section that pertain to the locking of the ignition and removing and taking possession of the ignition key do not apply to motor vehicles that are manufactured with an ignition system which does not have a key and which is incapable of being locked.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

480.16 CITATIONS FOR VIOLATIONS.

The City hereby authorizes civilian personnel under the supervision of the Chief of Police, including, without limitation, "parking enforcement assistants," to issue and serve citations for violation of provisions of this chapter relating to parking and standing of motor vehicles.

(Ord. 1108. Passed 11-1-82.)

480.17 EVIDENTIARY PRESUMPTIONS.

(a) Evidentiary Presumption Relating to Parking Violators. In any proceeding for a violation of any of the provisions of this chapter 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 provision, 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 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.

(b) Unlawful Standing or Parking of Vehicle; Warrant for Arrest; Proof Establishing Probable Cause; Evidentiary Presumption. Except as provided in subsection (c) hereof, in any proceeding relating to arrest and prosecution for the violation of a local ordinance or State statute relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance or State statute, together with proof, by verifying ownership of the vehicle with the Secretary of State, that the defendant named in the complaint was, at the time of the parking, the registered owner of the vehicle, shall be accepted by the court as establishing probable cause for the issuance of a warrant for the arrest of the registered owner and creates in evidence a presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(c) Unlawful Standing or Parking of Leased Vehicle; Evidentiary Presumption. In a proceeding for a violation of subsection (b) hereof involving a leased motor vehicle, proof that the particular vehicle described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the lessee of the vehicle at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle, not the registered owner, was the person who parked or placed the vehicle at the point, and for the time during which, the violation occurred.

(Ord. 1108. Passed 11-1-82.)

CHAPTER 482

Parking Meters

482.01 Establishment of spaces and zones.

482.02 Installation and operation of meters.

482.03 Designation of spaces; parking within spaces.

482.04 Parking procedure; multiple violations.

482.05 Parking beyond time limit; use of slugs; damaging meters.

482.06 Exception for commercial vehicles.

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

Traffic rules and regulations in home rule cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Parking generally - see M.C.L.A. Secs. 257.672 et seq.

Municipal violations bureaus in counties of 100,000 or more - see M.C.L.A. Sec. 725.301

Citations for unlawful parking - see TRAF. 424.05, 424.20

Parking Authority - see TRAF. Ch. 430

482.01 ESTABLISHMENT OF SPACES AND ZONES.

Spaces and zones to be known as parking meter spaces and zones may be established by traffic control orders, issued as provided in Section 422.06(d)(3)F., on any street or on any City-operated off-street parking lot.

(Ord. 1108. Passed 11-1-82.)

482.02 INSTALLATION AND OPERATION OF METERS.

Parking meters installed in the parking meter zones shall be placed adjacent to each parking place. Each parking meter shall display by a signal that the parking space adjacent thereto is or is not legally in use. Each parking meter shall display, on deposit of a United States coin of the denomination mentioned on the meter, a signal indicating legal parking for that period of time which may be established for that area or zone of the street or lot upon which such parking meter is installed, and which is permitted for the deposit of the specific coin inserted. Upon the expiration of the time limit, the parking meter shall indicate by a signal that the lawful parking period has expired, and in such cases, the right of the motor vehicle to occupy such space shall cease and the driver, possessor or person having control thereof shall be subject to the penalties provided in Section 422.99.

(Ord. 1108. Passed 11-1-82.)

482.03 DESIGNATION OF SPACES; PARKING WITHIN SPACES.

(a) The Chief of Police is hereby authorized to install parking meters in parking meter zones and spaces and have lines or markings painted upon the curb, street or lot surface controlled by each parking meter to designate the parking space for which such meter is to be used.

(b) Every vehicle shall be parked wholly within the metered parking space for which the meter shows that a parking privilege has been granted, except that a vehicle which is too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces if coins are deposited in the parking meter for each space occupied, as required in this chapter for the parking of other vehicles in such space.

(c) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

482.04 PARKING PROCEDURE; MULTIPLE VIOLATIONS.

(a) The following regulations apply to parking spaces adjacent to parking meters during the hours specified on the meters each day except Sundays and holidays:

(1) Whenever a vehicle is parked in the space adjacent to a parking meter, the operator of the vehicle shall immediately deposit or cause to be deposited a coin of the United States in such parking meter of a denomination specified on the parking meter, except when the time on the meter has not yet expired. He or she shall also place such meter in operation by turning or pressing any lever, handle, crank or other device provided upon such meter. Thereupon, such parking space may be lawfully occupied by such vehicle until the meter indicates that the time limit has expired.

(2) No person shall leave any vehicle in a metered space for longer than the maximum time permitted by the meter. Each successive period of parking longer than such maximum time period constitutes a separate offense. The limit contained in this subsection is applicable regardless of whether or not the parking meter indicates that the time limit has expired.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

482.05 PARKING BEYOND TIME LIMIT; USE OF SLUGS; DAMAGING METERS.

(a) No person shall:

(1) Deposit or cause to be deposited in a parking meter a coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time which has been established for the parking space adjacent to the parking meter;

(2) Deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a United States coin; or

(3) Remove, deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

(b) Whoever violates this section is responsible for a civil infraction.

(Ord. 1108. Passed 11-1-82.)

482.06 EXCEPTION FOR COMMERCIAL VEHICLES.

A vehicle bearing commercial license plates may occupy the parking meter space adjacent to a parking meter, for the purpose of loading or unloading merchandise or passengers, without the deposit of the proper coin in the parking meter, provided that such loading or unloading is done as expeditiously as possible and in no case for longer than twenty minutes without a written permit from the Chief of Police.

(Ord. 558; 1959 Code Sec. 3-309)

CHAPTER 484

Automobile Parking System and Bonds

484.01 Automobile Parking System No. 1 District. (Repealed)

484.02 Revenue bonds authorized. (Repealed)

484.03 Payment of principal and interest on bonds. (Repealed)

484.04 Parking fees.

484.05 Administration of system; insurance.

484.06 Revenues; transfers into funds.

484.07 Transfers between funds. (Repealed)

484.08 Deposit and investment of revenues. (Repealed)

484.09 Responsibilities of City. (Repealed)

CROSS REFERENCES

Traffic legislation - see CHTR. Sec. 6-2(e)

City's system - see CHTR. Sec. 15-6

Traffic rules and regulations in home rules cities - see M.C.L.A. Sec. 117.4h

Traffic rules and regulations generally - see M.C.L.A. Secs. 257.601 et seq., 257.634 et seq.

Uniform Traffic Code - see M.C.L.A. Secs. 257.951 et seq.

Parking generally - see M.C.L.A. Secs. 257.672 et seq.

Municipal violations bureaus in counties of 100,000 or more - see M.C.L.A. Sec. 725.301

Citations for unlawful parking - see TRAF. 424.05, 424.20

Parking Authority - see TRAF. Ch. 430

484.01 AUTOMOBILE PARKING SYSTEM NO. 1 DISTRICT. (REPEALED)

(EDITOR'S NOTE: Section 484.01 was repealed by Ordinance 1165, passed May 18, 1987.)

484.02 REVENUE BONDS AUTHORIZED. (REPEALED)

(EDITOR'S NOTE: Section 484.02 was repealed by Ordinance 1165, passed May 18, 1987.)

484.03 PAYMENT OF PRINCIPAL AND INTEREST ON BONDS. (REPEALED)

(EDITOR'S NOTE: Section 484.03 was repealed by Ordinance 1165, passed May 18, 1987.)

484.04 PARKING FEES.

(a) Schedule of Fees. Fees shall be charged for the parking of each vehicle in the parking areas of the System in accordance with the schedule of fees authorized by Section 422.06(d)(3)F.

(b) Fees to Finance System. The parking rates authorized by Section 422.06(d)(3)F. are estimated to be sufficient to provide for the payment of expenses of administration and operation of the System and such expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for the System as are required by this chapter. Rates shall be fixed and revised from time to time by Council so as to produce the foregoing amounts, and the City covenants and agrees to maintain at all times such rates for parking facilities furnished by the System as are sufficient to provide for the foregoing.

(Ord. 1108. Passed 11-1-82.)

484.05 ADMINISTRATION OF SYSTEM; INSURANCE.

(a) Fiscal Year. The System shall be operated on the basis of a fiscal year beginning on July 1 of each year and ending on June 30 of the following year.

(b) Management Authority. The operation, maintenance and management of the System shall be under the control of Council and the system shall be administered by the Police Department or such person or body as is designated or created by Council.

(c) Insurance. The City will maintain liability insurance in an amount that usually would be carried by private companies engaged in a similar type of business to protect the revenues of the System against any claim in connection with the operation of the System. The cost of this insurance shall be charged against the Operation and Maintenance Fund.

(Ord. 1108. Passed 11-1-82.)

484.06 REVENUES; TRANSFERS INTO FUNDS.

The revenues of the System on and after July 1, 1964, are hereby pledged for the purpose of the following funds, and as collected shall be set aside into a fund to be known as the Receiving Fund of the System, and shall be transferred therefrom periodically into separate and special funds, as follows:

(a) Operation and Maintenance Fund. Out of the revenues in the Receiving Fund, there shall be first set aside each month into a fund, designated the Operation and Maintenance Fund, a sum sufficient to provide for the payment for the next month of all current expenses of administration and operation of the System and such expenses for the maintenance thereof as may be necessary to preserve the System in good repair and working order. Council, at the beginning of each fiscal year, shall adopt a budget covering the foregoing expenses for such year, and such expenses shall not exceed the amount specified in such budget, except by a vote of two-thirds of the members of Council, and then only in the event of an absolute necessity for such additional expenditures. In adopting such budget and in setting aside moneys from time to time in such Operation and Maintenance Fund, the amount included for the payment of the cost of police enforcement of parking regulations shall not exceed fifteen percent of the gross revenues.

(Ord. 1108. Passed 11-1-82.)

(b) Bond and Interest Redemption Fund. (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 1165, passed May 18, 1987.)

(c) Replacement Fund. (EDITOR'S NOTE: Subsection (c) was repealed by Ordinance 1165, passed May 18, 1987.)

(d) Surplus Fund. (EDITOR'S NOTE: Subsection (d) was repealed by Ordinance 1165, passed May 18, 1987.)

484.07 TRANSFERS BETWEEN FUNDS. (REPEALED)

(EDITOR'S NOTE: Section 484.07 was repealed by Ordinance 1165, passed May 18, 1987.)

484.08 DEPOSIT AND INVESTMENT OF REVENUES. (REPEALED)

(EDITOR'S NOTE: Section 484.08 was repealed by Ordinance 1165, passed May 18, 1987.)

484.09 RESPONSIBILITIES OF CITY. (REPEALED)

(EDITOR'S NOTE: Section 484.09 was repealed by Ordinance 1165, passed May 18, 1987.)

CHAPTER 486

Parking System Fund

EDITOR'S NOTE: Chapter 486 was repealed by Ordinance 1165, passed May 18, 1987.

CODIFIED ORDINANCES OF HIGHLAND PARK