

CHAPTER 14

VEHICLES AND TRAFFIC

14.01 UNIFORM TRAFFIC CODE ADOPTED.

(A) CODE ADOPTED

The Uniform Traffic Code for cities, townships and villages promulgated by the Director of State Police and published in the 1979 edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 of the 1979 edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

(B) REFERENCES IN CODE

References in the Uniform Traffic Code for Michigan cities, townships and villages to "governmental unit" shall mean the City of Lapeer.

(C) NOTICE TO BE PUBLISHED.

The City Clerk shall publish this ordinance in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Clerk for inspection by the public at all times.

(D) CONFLICTING ORDINANCES REPEALED.

Ordinance No. 14.01 (F) Section 1.011 to Section 5.105 adopted April 19, 1978, relating to traffic is hereby specifically repealed. All other ordinances inconsistent with the provisions of the Uniform Traffic Code are, to the extent of such inconsistency, hereby repealed.

(E) CHANGES IN CODE.

The Uniform Traffic Code for cities, townships, and villages is hereby modified as indicated below:

Section 5.4 Involvement in Accident Resulting in Injury or Death: Stopping: Violation as Misdemeanor.

Section is amended to read:

- (1) The driver of any vehicle who knows or who has reason to believe that he or she has been involved in an accident on either public or private property, when such property is open to travel by the public, that results in injury or the death of any person shall immediately stop such vehicle at the scene of such accident and shall remain at the scene until he or she has fulfilled the requirements of Section 5.4-a of this code. Every such stop shall be made without unnecessarily obstructing traffic.
- (2) A person who violates this section is guilty of a misdemeanor.

Section 5.15 Operating a Vehicle Under The Influence of Intoxicating Liquor or a Controlled Substance.

- (1) A person, whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within this City. A peace officer may, without a warrant, arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in this City while in violation of this sub-section or of sub-section (2).
- (2) A person, whether licensed or not, whose blood contains 0.10% or more by weight of alcohol, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within this City.
- (3) 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, 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.

- (4) Except as otherwise provided, a person who is convicted of a violation of sub-section (1), (2), or (3) is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not less than \$100 nor more than \$500, or both, together with costs of the prosecution. As part of the sentence for a violation of sub-section (1) or (2), 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 six months nor more than two years. The Court may order the Secretary of State to issue to the person a restricted license permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location in the course of the person's employment or occupation; to and from an alcohol or drug education program or a treatment program as ordered by the Court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The Court shall not order the Secretary of State to issue a restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The Court shall not order the Secretary of State to issue a restricted license unless the person states under oath and the Court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The Court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this sub-section, "work location" includes, as applicable, either or both of the following:
- (a) The specific place or places of employment.
 - (b) The territory or territories regularly visited by the person in pursuance of the person's occupation.
- (5) As part of the sentence for a violation of sub-section (1) or (2), the Court may order the person to perform service to the community, as designated by the Court, without compensation, for a period not to exceed 12 days. The person shall reimburse the appropriate local unit of government or the state for the cost of any insurance incurred by the local unit of government or the state as a result of the person's activities under this sub-section.
- (6) Before imposing sentence for a violation of sub-section (1) or (2), 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.

- (7) Before accepting a plea of guilty under this section, the Court shall advise the accused of the statutory or ordinance consequences possible as the result of a plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.
- (8) The operator's or chauffeur's license of a person found guilty of violating subsection (1) or (2), shall be surrendered to the Court in which the person was convicted and the Court shall immediately forward the surrendered license and an abstract of conviction to the Secretary of State. The abstract of conviction shall indicate the sentence imposed. Upon receipt of, and pursuant to the abstract of conviction, 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 license is not forwarded to the Secretary of State, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to Circuit Court, that Court may, ex parte, order the Secretary of State to rescind the suspension, revocation, or restricted license issued pursuant to this section.

Section 5.15a Criminal Prosecutions For Operating Under The Influence of Intoxicating Liquor, For Operating While Visibly Impaired, or Under The Influence of a Controlled Substance; Tests; Admissibility; Presumptions; Liability For Withdrawing Blood; Refusal to Take Tests; Other Evidence; Blood Withdrawn For Purpose of Medical Treatment.

- (1) The amount of alcohol or presence of a controlled substance or both in the vehicle operator's blood at the time alleged as shown by chemical analysis of the person's blood, urine or breath shall be admissible into evidence in a criminal prosecution for a violation of Section 5.15 (1), (2), or (3), or 5.15h. If a test is given, 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 report at least 2 days before the day of the trial and the results shall be offered as evidence by the prosecution in a criminal

proceeding. Failure to fully comply with the request shall bar the admission of the results into evidence by the prosecution.

- (2) Except in a prosecution relating solely to a violation of Section 5.15(2), the amount of alcohol in the operator'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% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
 - (b) If there was at the time in excess of 0.07% but less than 0.10% 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 Section 5.15b due to the consumption of intoxicating liquor.
 - (c) If there was at the time 0.10% 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.
- (3) 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 ordinance. Liability for a crime or civil damages predicted on the act of withdrawing blood and related procedures shall not attach to a qualified person who withdraws blood or assists in the withdrawal in accordance with this ordinance unless the withdrawal is performed in a negligent manner.
- (4) The tests shall be administered at the request of the peace officer having reasonable grounds to believe the person has committed a crime described in sub-section (1). 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 one of the chemical tests described in this section 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. The person charged shall be informed that he or she has the right to demand that a person of his or her own choosing administer one of the tests provided for in sub-section (1), that 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, and that the person charged shall be responsible for obtaining a chemical analysis of the test sample.

- (5) The person charged shall be advised that if the person refuses the request of a peace officer to take a test described in this section, a test shall not be given without a Court order. The person charged shall also be advised that the person's refusal of the request of a peace officer to take a test described in this section shall result in the suspension of his or her operator's or chauffeur's license or operating privilege and in the addition of six points to his or her driving record.
- (6) This section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the 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% or more by weight of alcohol.
- (7) If a jury instruction regarding a defendant's refusal to submit to a chemical test under this section is requested by the prosecution or the defendant, the jury instruction shall be given as follows:
- "Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant."
- (8) If after an accident the operator of a vehicle involved in the accident is transported to a medical facility and a sample of the operator'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 a criminal prosecution for a crime described in sub-section (1) 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 the prosecuting attorney or city attorney who requests the results for use in a criminal prosecution as provided 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.

- (9) If after a highway accident the operator 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 blood alcohol content or presence of a controlled substance or both.

Section 5.15b Operating While Ability Visibly Impaired by Consumption of Liquor or Controlled Substance; Finding of Guilty.

- (1) A person shall not operate a vehicle upon a highway or other place open to the general public, 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 has visibly impaired his or her ability to operate the vehicle. If a person is charged with violating Section 5.15(1) or (2), a finding of guilty is permissible under this section.
- (2) Except as otherwise provided in this section, a person convicted of a violation of this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$300, or both, together with costs of the prosecution. As part of the sentence, 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 permitting the person during all or a specified portion of the period of suspension to drive only to and from the person's residence and work location; in the course of the person's employment or occupation; to and from an alcohol or drug education program or a treatment program as ordered by the Court; to and from the person's residence and an educational institution at which the person is enrolled as a student; or pursuant to a combination of these restrictions. The Court shall not order the Secretary of State to issue a

restricted chauffeur's license which would permit a person to operate a truck or truck tractor, including a trailer, which hauls hazardous material. The Court shall not order the Secretary of State to issue a restricted license unless the person states under oath and the Court finds that the person is unable to take public transportation to and from his or her work location, place of alcohol or drug education or treatment, or educational institution, and does not have any family members or others able to provide transportation. The court order and license shall indicate the person's work location and the approved route or routes and permitted times of travel. For purposes of this sub-section, "work location" includes, as applicable, either or both of the following:

- (a) The specific place or places of employment.
 - (b) The territory or territories regularly visited by the person in pursuance of the person's occupation.
- (3) As part of the sentence for a violation of this section, the Court may order the person to perform service to the community, as designated by the Court, without compensation, for a period not to exceed 12 days. The person shall reimburse the appropriate local unit of government or the state for the cost of any insurance incurred by the local unit of government or the state as a result of the person's activities under this sub-section.
- (4) Before imposing sentence for a violation of this section, 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) Before accepting a plea of guilty under this section, the Court shall advise the accused of the statutory or ordinance consequences possible as the result of a plea of guilty, in respect to a suspension or revocation of an operator's or chauffeur's license, the penalty imposed for violation of this section, and the limitation on the right of appeal.
- (6) The operator's or chauffeur's license of a person found guilty of violating this section, shall be surrendered to the Court in which the person was convicted and the Court shall immediately forward the surrendered license and an

abstract of conviction to the Secretary of State. The abstract of conviction shall indicate the sentence imposed. Upon receipt of, and pursuant to the abstract of conviction, 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 license is not forwarded to the Secretary of State, an explanation of the reason why the license is absent shall be attached. If the conviction is appealed to Circuit Court, that Court may, ex parte, order the Secretary of State to rescind the suspension, revocation, or restricted license issued pursuant to this section.

Section 5.15c Implied Consent.

- (1) A person who operates a vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in 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 the presence of a controlled substance or both in his or her blood if the person is arrested for a violation of Section 5.15 (1), (2), or Section 5.15b.
- (2) A person who is afflicted with hemophilia, diabetes, or a condition requiring the use of an anti-coagulant 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 Section 5.15a.

Section 5.15d Right to Refuse Chemical Tests.

If a person refuses the request of a peace officer to submit to a chemical test offered pursuant to Section 5.15a, a test shall not be given without a Court order. A written report shall 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 Section 5.15c, 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.

Section 5.15e Notice of Receipt of Report.

- (1) Upon receipt of the report made pursuant to Section 5.15d, the Secretary of State shall immediately notify the person in writing, mailed to his or her last known address that the report had been received and that within 14 days of

the date of the notice the person may request a hearing as provided in Section 5.15f.

- (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.

Section 5.15f Hearing: Failure to Request; Suspension, Revocation, or Denial of License, Permit, or Operating Privilege.

- (1) If the person who refuses to submit to a chemical test pursuant to Section 5.15d does not request a hearing within 14 days of the date of notice pursuant to Section 5.15e, the Secretary of State shall suspend the person's operator's or chauffeur's license or permit to drive, or non-resident operating privilege, for a period of 6 months, or for a second or subsequent refusal within a period of 7 years, for one year. If the person is a resident without a license or permit to operate a vehicle in this state, the Secretary of State shall deny to the person the issuance of a license or permit for a period of 6 months or, for a second or subsequent refusal within a period of 7 years, for one year.
- (2) If a hearing is requested, the Secretary of State shall hold the hearing in the same manner and under the same conditions as provided in Section 322 of the Michigan Vehicle Code, being Act Number 9 of the Public Acts of 1976. At least 10 days notice of the hearing shall be mailed to the person requesting the hearing, to the peace officer who filed the report under Section 5.15d, and, if the prosecuting attorney requests receipt of the notice, to the prosecuting attorney of the county where the arrest was made. The hearing officer shall be authorized to administer oaths, issue subpoenas for the attendance of necessary witnesses, and may grant a reasonable request for adjournment. The hearing shall cover only the following issues:
 - (a) Whether the peace officer had reasonable grounds to believe that the person had committed a crime described in Section 5.15c(1).
 - (b) Whether the person was placed under arrest for a crime described in Section 5.15c(1).
 - (c) Whether the person reasonably refused to submit to the test upon the request of the officer.

- (d) Whether the person was advised of the right under Section 5.15a and 5.15c.

- (3) The hearing officer shall make a record of proceedings held pursuant to subsection (2). The record shall be prepared and transcribed in accordance with Section 86 of the Administrative Procedures Act of 1969, Act 306 of the Public Acts of 1969, being Section 24.286 of the Michigan Compiled Laws. Upon notification of the filing of a petition for judicial review pursuant to Section 323 of the Michigan Vehicle Code, the hearing officer shall transmit to the Court in which the petition was filed, not less than 10 days before the matter is set for review, the original or a certified copy of the official record of the proceedings. Proceedings at which evidence was presented need not be transcribed and transmitted if the sole reason for review is to determine whether or not the Court will order the issuance of a restricted license. The parties to the proceedings for judicial review may stipulate that the record be shortened. A party reasonably refusing to stipulate to a shortened record may be taxed by the Court in which the petition is filed for the additional costs. The Court may permit subsequent corrections to the record.
- (4) After the hearing, the Secretary of State may suspend or deny issuance of a license or driving permit or a non-resident operating privilege of the person involved for a period of 6 months, or, for a second or subsequent refusal within 7 years, for one year. If the person involved is a resident without a license or permit to operate a vehicle in this state, the Secretary of State may deny to the person the issuance of a license or permit for a period of 6 months, or for a second or subsequent refusal within 7 years, for 1 year. The person involved may file a petition in the Circuit Court in the county in which the arrest was made to review the suspension or denial as provided in Section 323 of the Michigan Vehicle Code.
- (5) When it has been finally determined that a non-resident's privilege to operate a vehicle in this state has been suspended or denied, the Department shall give notice in writing of the action taken to the Motor Vehicle Administrator of the state of the person's residence and of each state of which he or she has a license to operate a motor vehicle.

Section 5.15g Uniform Standards For The Administration of Blood Tests.

The Department of Public Health may adopt uniform standards for the administration of blood tests for the purposes of the Michigan Vehicle Code and this ordinance.

Section 5.15h Preliminary Chemical Breath Analysis.

- (1) 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, 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.

- (2) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.
- (3) The results of a preliminary chemical breath analysis shall be admissible in a criminal prosecution for a crime enumerated in Section 5.15a(1) or in an administrative hearing under Section 5.15f, solely to assist the Court or hearing officer in determining a challenge to the validity of an arrest. This sub-section does not limit the introduction of other competent evidence offered to establish the validity of an arrest.
- (4) A person who submits to a preliminary chemical breath analysis shall remain subject to the requirements of Sections 5.15a, 5.15c, 5.15d, 5.15e, and 5.15f for the purposes of chemical tests described in those sections.
- (5) 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.
- (6) Section 5.15g shall apply to a preliminary chemical breath analysis.
Effective date of amendment: April 1, 1983

Section 5.15i Minors; Operating With Bodily Alcohol Content; Penalties

- (1) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a street, 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 the person has any bodily alcohol content. As used in this sub-section, "any bodily alcohol content" means either of the following:
 - (a) A blood alcohol content of not less than 0.02% or more than 0.07% by weight of alcohol.
 - (b) Any presence of alcohol within a person's body resulting from the consumption of intoxicating liquor, other than consumption of intoxicating liquor as a part of a generally recognized religious service or ceremony.

- (2) If a person is convicted of violating sub-section (1), the person is guilty of a misdemeanor punishable by one or both of the following:
 - (a) Service to the community for a period of not more than 45 days.
 - (b) A fine of not more than \$250.
- (3) A person convicted under sub-section (1) shall have the driver's license sanction imposed by the court pursuant to Section 625 b of the Michigan Vehicle Code.
- (4) A person sentenced to perform service to the community under sub-section (2)(a) 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.
- (5) In a prosecution for a violation of sub-section (1), the defendant shall bear the burden of proving that the consumption of intoxication liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

Section 5.100 Driving or Congregating in City Parking Lot.

Section added to read:

- (1) No persons shall operate any motorized vehicle, or knowingly permit the same to be operated in any parking lot or parking area owned, operated or controlled by the City of Lapceer, unless the operator is undertaking to park and leave said vehicle or unless the operator is immediately undertaking to leave said parking lot or area after having been lawfully parked.
- (2) No operator of a motorized vehicle shall use a city parking lot or parking area as a short cut or as an area in which to learn to drive.
- (3) No person shall use any City parking lot or parking area as an area in which to meet or in which to congregate between the hours of 8:00 p.m. and 6:00 a.m.
- (4) A person who violates this section is responsible for a civil infraction.
EFFECTIVE DATE OF AMENDMENT: April 12, 1989

Section 5.101 Evidence of Vehicle Insurance: Production upon Request of Police Officer.

- (1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the streets, highways, and public alleys of this governmental unit or the operator of the motor vehicle shall produce, pursuant to sub-section (2), upon the request of a police officer, evidence that the motor vehicle is insured under Chapter 31 of Act No. 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 sub-section when requested to produce that evidence is responsible for a civil infraction.
- (2) A certificate of insurance, if issued by an insurance company, which certificate states that security which meets the requirements of Section 3101 and 3102 of Act No. 218 of the Public Acts of 1956, as amended, being Section 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.
- (3) If an owner of a motor vehicle is determined to be responsible for a violation of sub-section (1), 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 No. 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 of State. Upon receipt of the certificate of civil infraction and the surrendered license, the Secretary of State 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 (30) days or until proof of insurance which meets the requirement of Section 3102 of Act No. 218 of the Public Acts of 1956, as amended, is submitted to the Secretary of State, whichever occurs later. If the license is not forwarded, an explanation of the reasons why it is not forwarded shall be attached. A person who submits proof of insurance to the Secretary of State under this sub-section shall pay a service fee of ten (\$10.00) dollars to the Secretary of State.

- (4) An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than five hundred (\$500.00) dollars, or both.
- (5) Points shall not be entered on a driver's record for a violation of this section.
- (6) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province.

Section 5.97 School Buses; Overtaking, Meeting or Passing; Discharge of Passengers; Evidence of Violation; Penalties.

Section is amended to read:

- (1) The driver of a vehicle that overtakes or meets a school bus which has stopped and which is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 10 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer # actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, shall permit stopped traffic to proceed, and shall, 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.
- (2) Passengers who cross a road upon being discharged from a school bus shall cross in front of the stopped school bus.
- (3) At an intersection where traffic is controlled by an officer or a 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 10 miles an hour, and shall proceed with due caution for the safety of passengers being received or discharged from the school bus.
- (4) The driver of a vehicle who fails to stop for a school bus as required by subsection (1) of this section, or who passes a school bus in violation of subsections (1) or (3) of this section is guilty of a misdemeanor.
- (5) The driver of a vehicle on a highway that has been divided into 2 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.

- (6) In a proceeding for a violation of sub-section (1) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of sub-section (1) of this section, 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.
- (7) Except as otherwise provided in sub-section (4) of this section, a person who violates this section is responsible for a civil infraction.

EFFECTIVE DATE OF AMENDMENT: November 30, 1988

Section 6.28 Bicycles.

(A) LICENSE TAG REQUIRED.

No person shall ride or propel a bicycle on any street or public way in the City of Lapeer or upon any part thereof, without first having secured and attached to such bicycle a proper license tag as provided hereinafter. All bicycle licenses shall be affixed to the frame of the bicycle for which issued. License number and serial number shall correspond with the registration of said bicycle.

(B) LICENSE APPLICATION.

Application for a license to own and operate a bicycle shall be made to the Traffic Division of the Police Department upon a form to be provided by the Department. The application shall be accompanied by a fee of fifty (50¢) cents to be paid in advance at the time of issuance of the license. The Chief of Police shall have authority to issue bicycle licenses subject to the provisions of this ordinance. Such license may be transferred when the ownership of said bicycle is transferred, and a fee of twenty-five (25¢) cents shall be paid for the registration of such transfer. The license shall be transferred within five (5) days of the transfer of ownership and the person to whom the license and certificate of registration was issued must be the one to report to headquarters.

(C) TERM OF LICENSE.

The license shall be valid for the life of the bicycle.

(D) MECHANICAL CONDITION.

The Chief of Police shall have authority to inspect all bicycles for mechanical fitness, and shall have the authority to refuse to grant or to revoke the license of any bicycle found to be in unsafe mechanical condition.

(E) RIDING BICYCLES, SKATEBOARDS, ROLLER BLADES OR MOTORIZED VEHICLES.

(1) No person shall ride a bicycle, skateboard or roller blades upon any sidewalk located within the street right-of-way on Nepessing Street between Monroe Street and Saginaw Street.

(2) No person shall ride a bicycle, skateboard, or roller blades upon any pedestrian mall area in the Central Business District.

(3) No motorized vehicles shall be ridden on the sidewalk in any area of the City at any time. No motorized vehicles shall be ridden on any pedestrian mall areas of the City at any time.

(4) No person shall ride a skateboard or roller blades upon any street or upon any parking lot located in the Central Business District.

(5) except as provided in this sub-section, no person shall ride a bicycle, skateboard, or roller blades upon the following streets, street right-of-ways, sidewalks, or public parking lots, from 8:00 a.m. Thursday to 8:00 p.m. Sunday during the annual Lapeer Days celebration:
The area bounded by, and including
Park Street on the North, Clay Street
on the south, Mason Street on the
west, and Saginaw Street on the east.

A person may ride a bicycle, skateboard, or roller blades in the area described above when going directly to, coming directly from, or participating in a parade or other Lapeer Days event intended to include bicycles, skateboard, or roller blades.

Effective date of amendment: October 29, 1997

(F) SERIAL NUMBER.

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It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame. It shall be unlawful for any person to remove, destroy, mutilate or alter any bicycle license; provided, however, that nothing in this sub-section shall prohibit the Police Department from stamping numbers on the frame of bicycles, on which no serial number can be found or on which said number is illegible or insufficient for identification purposes.

(G) PENALTY.

(1) A person violating any of the provisions of this section shall be responsible for a civil infraction.

(2) In addition to the penalty described in (1) above, a person violating any of the provisions of sub-section (E) above shall also be subject to having the skateboard, roller blades, or motorized vehicle immediately confiscated and impounded by the City Police for up to ten days."

Effective date of amendment: October 29, 1997

Section 8.26 Parking Dismantled or Partly Dismantled Motor Vehicles in Streets or Alleys Prohibited.

(A) It shall be unlawful for any person or persons, firm or corporation to park upon the streets or alleys of the City of Lapeer any motor vehicle that has been dismantled or partly dismantled or that is in the process of being dismantled or torn down.

(B) It is the intent of this section that the terms "dismantled" or "dismantling" shall be construed to mean the taking apart, or tearing down of any motor vehicle by the removal of any part or parts therefrom.

(C) Any such motor vehicle so described in paragraph (A) of this section being parked on the streets or alleys of Lapeer is hereby declared to be a nuisance and it shall be the duty of any police officer of said City to abate such nuisance by removing the same from said street or alley, and said motor vehicle so removed shall be returned to the owner thereof only upon payment to the City Clerk by such owner of the expenses incurred by said City in removing same from street or alley.

Section 8.27 No Parking on Necessing Street Between the Hours of Two A.m. and Six A.m.

Chapter 14 - (Vehicles and Traffic)

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- (A) It shall be unlawful for any person or persons to park a motor vehicle upon Nepessing Street in the City of Lapeer between the hours of two a.m. and six a.m., unless said motor vehicle is occupied by a person in charge of the power and control of said motor vehicle and capable of moving the same upon notice from any Police Officer of the City of Lapeer.
- (B) Any Police Officer of the City of Lapeer may impound any vehicle parked on Nepessing Street in violation of the terms of this Ordinance. Any person desiring to redeem such impounded vehicle may do so by payment to the Violations Bureau of a predetermined fine of five dollars (\$5.00), or such fine and costs as may be assessed by a court of competent jurisdiction and the payment of towing and storage costs.

EFFECTIVE DATE OF AMENDMENT: August 17, 1978

Section 9.3 Penalties:

Any provision of this ordinance which describes an act or omission which remains a misdemeanor under the terms of the Michigan vehicle Code, being 1949 Public Act 300, as amended, shall be a misdemeanor under this ordinance, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment. A violation of any other provision of this ordinance not constituting a misdemeanor, as herein provided, shall be processed as a civil infraction, and any person determined to be responsible for a civil infraction may be ordered by judge, referee, or district court magistrate of competent jurisdiction to pay a civil fine of not more than one hundred dollars (\$100.00) and costs in accordance with Section 907 of said Michigan Vehicle Code (M.C.L.A. 257.907; M.S.A. 9.2607).

14.02 VIOLATIONS BUREAU.

- (A) Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the City, is hereby established. The parking violations bureau shall be under the supervision and control of the City Clerk.
- (B) The City Clerk shall, subject to the approval of the City Council, establish a convenient location for the parking violations bureau, appoint qualified City employees to administer the bureau and adopt rules and regulations for the operation thereof.

- (C) No violation not scheduled in Section (F) of this Ordinance shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case, any person having knowledge of the fact may make a sworn complaint before any court having jurisdiction of the offense as provided by law.
- (D) No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.
- (E) The issuance of a traffic ticket or notice of violation by a police officer of the City shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a default judgement against the person to whom the ticket was issued will be sought if such person fails to respond within the time limit.
- (F) **MINOR CHARGES AND PREDETERMINED FINES:**
- (a) For "special events", when there is expected to be large influx of vehicular traffic into the City of Lapeer, which will create unusual traffic levels, congestion, and the need for rapid access, fire, and emergency vehicles, the penalties as outlined in the graph below shall apply. In addition to "special events" which may be added pursuant to subsection (b) below, the "special events" are hereby designated as the Gus Macker Basketball Tournament, Sidewalk Sale Days, and Lapeer Days.
- (b) Upon Resolution of the City Commission, to be made at least 30 days in advance of the special event, the City Commission may designate certain periods of time as additional "special events". During the time period designated by the City Commission for such special events, the designated

special events minor charges and pre-determined fines set forth below shall apply.

Minor Charges and Predetermined Fines			
OFFENSE	UTC SECTION	PENALTY	SPECIAL EVENTS PENALTY
Parking too far from curb	8.1-8.2	\$5.00*	\$20.00**
Angle Parking Violation	8.3	\$5.00*	\$20.00**
Obstructing Traffic	8.5	\$10.00*	\$25.00**
<i>PROHIBITED PARKING</i>	8.10		
a) On Sidewalk		\$5.00	\$20.00**
b) in Front of Drive		\$5.00	\$20.00**
Minor Charges and Predetermined Fines			
OFFENSE	UTC SECTION	PENALTY	SPECIAL EVENTS PENALTY
c) Within Intersection		\$10.00	\$25.00**
d) Within 15 Feet of Hydrant		\$10.00	\$25.00**
e) On Crosswalk		\$5.00	\$20.00**
f) Within 20 feet of crosswalk or 75 feet of corner lot lines		\$5.00	\$20.00**
g) Within 30 feet of Street Side Traffic sign or signal		\$5.00	\$20.00**
h) Within 50 feet of Railroad Crossing		\$5.00	\$20.00**

i) Within 20 feet of Fire Station Entrance		\$10.00*	\$25.00**
j) Within 75 feet of Fire Station Entrance on Opposite Side of Street		\$10.00*	\$25.00**
k) Beside Street excavation when Traffic is Obstructed		\$5.00	\$20.00**
l) Double Parking		\$5.00	\$20.00**
m) On Bridge or Viaduct or within Tunnel		\$10.00	\$25.00**
n) Within 200 feet of accident where Police are in Attendance		\$5.00*	\$20.00**
o) in Front of Theater		\$5.00*	\$20.00**
p) Blocking Emergency Exit		\$10.00*	\$25.00**
q) Blocking Fire Escape		\$10.00*	\$25.00**
<i>In Prohibited Zone (signs required)</i>	8.10r	\$5.00*	\$20.00**
<i>In Alley</i>	8.13	\$5.00*	\$20.00**
Parking for prohibited purpose	8.14		
a) Displaying Vehicle for Sale		\$5.00*	\$20.00**
b) Working or Repairing Vehicle		\$5.00*	\$20.00**
Minor Charges and Predetermined Fines			
OFFENSE	UTC SECTION	PENALTY	SPECIAL EVENT PENALTY
c) Displaying Advertising		\$5.00*	\$20.00**
d) Selling Merchandise		\$5.00*	\$20.00**
e) Storage over 48 Hours		\$5.00*	\$20.00**
Wrong Side of Boulevard or Roadway	8.15	\$5.00*	\$20.00**
Loading Zone Violation	8.16-8.17	\$5.00*	\$20.00**

Bus, Parking other than Bus Stop	8.19	\$5.00	\$20.00**
Taxicab, Parking other than Cab Stand	8.19	\$5.00	
Bus & Taxicab Stand Violations	8.20	\$5.00*	\$20.00**
Meters, Not Parked Within Space	8.22	\$5.00*	\$20.00**
Failure to Set Brakes	5.58	\$5.00*	\$20.00**
Parked on Grade with Wheels not turned to Curb	5.58	\$5.00*	\$20.00**
Bicycle Parking Violation	6.17	\$2.00*	\$5.00**

* Effective dates of amendments: March 14, 1984

** Effective date of amendment: June 12, 1996

- (G) Violations of provisions under this Section (14.02) shall be punishable as provided in Section 9.3 of Chapter 14.
- (H) This Ordinance shall become effective on January 1, 1969, at 12:01 a.m.
- (I) In parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property, or on private property available for public use, unless the person is a handicapper as described in the Michigan Vehicle Code or unless the person is parking the vehicle for the benefit of a handicapper.

In order for the vehicle to be parked in the parking space, the vehicle shall display one of the following:

- (i) A certificate of identification issued by the Secretary of State to a handicapper on the lower left corner of the front windshield.
- (ii) A special registration plate issued by the Secretary of State to a handicapper.
- (iii) A similar certificate of identification used by another state to a handicapper.
- (iv) A similar special registration plate issued by another state to a handicapper.
Effective date of amendment: October 26, 1988

14.03 PUBLIC PARKING LOTS.

- (A) **Designation of Downtown City Parking Lots.**

The following areas are hereby designated as Downtown City Parking Lots:

Downtown City Parking Lots	
Designation	Location
No.1	Northeast corner of Clay Street and Court Street intersection.
No.2	End of Park Street on the East Side of Saginaw Street.
No.3	Between Nepessing and Park Streets and adjacent to Pine Street on the West.
No.4	Between Nepessing and Park Streets and adjacent to Pine Street on the East.
No.5	Between Nepessing Street on the North and Farmers Creek on the South, and between Saginaw and Court Streets.
No.6	Southwest Corner of Clay and Cedar Streets with Clay Street on the North and the Alley South of Clay Street on the South.
No.7	Between Fox Street and Cedar Street on the South side of Clay Street - City/County Parking Lot.
No.8	Between Nepessing Street and Clay Streets and between Mason and Cedar Streets.
No.9	Between Nepessing and Park Streets and Between Mason and Court Streets.
No.10	Located immediately West of 407 Clay Street.

(B) PARKING HOURS IN DOWNTOWN CITY PARKING LOTS.

- (1) Except in those areas designated as "Downtown Resident Parking Areas" by an appropriate Traffic Control Order pursuant to Section 2.53 (A) of the Uniform Traffic Code for cities, townships, and villages, of August 4, 1976, heretofore adopted in Section 14.01 (A) of this Chapter 14, there shall be parking for the general public in Downtown City Parking Lots 1, 2, 3, 4, 5,

6, 7, 8, 9 and 10 between the hours of 6:00 a.m. and 2:00 a.m. of the following day, and there shall be no parking between 2:00 a.m. and 6:00 a.m.

(C) INSTALLATION AND LOCATION OF PARKING METERS IN DOWNTOWN CITY PARKING LOTS.

- (1) There shall be installed in Downtown City Parking Lots 1, 3, 4, 5, 8, 9 and 10 such number of parking meters as the Lapeer City Commission shall from time to time determine by resolution in those locations which are designated in an appropriate Traffic Control Order pursuant to Section 2.53 (A) of the Uniform Traffic Code for cities, townships and villages of August 4, 1976, heretofore adopted in Section 14.01 of this Chapter 14.

(D) PARKING AREAS FOR DOWNTOWN RESIDENTS.

- (1) Downtown City Parking Lots shall contain the number of spaces for downtown residents as the Lapeer City Commission shall from time to time determine by resolution in those locations which are designated in an appropriate Traffic Control order pursuant to Section 2.53 (A) of the Uniform Traffic Code for cities, townships and villages of August 4, 1976, heretofore adopted in Section 14.01 (A) of this Chapter 14.

(E) PROHIBITION OF PARKING OF SEMI-TRAILERS.

- (1) In order to preserve the surface of downtown parking lots from heavy loads and to assure an adequate supply of parking spaces, there shall be no parking of semi-trailers in any Downtown Parking Lots.
Effective date of amendment: May 1, 1975

14.04 COMMUTER PARKING LOTS.

(A) Designation of commuter parking lots.

The following areas are designated as Commuter Parking Lots:

Commuter Parking Lots	
Designation	Location
No.	Lot located on Saginaw Street north of Genesee Street.
No.2	Lot located on S. Main Street between the G.T.W.R.R. and Farmers Creek.

- (B) Prohibition of parking of vehicles, trailers or semi-trailers in excess of twenty (20) feet in areas designated as commuter lots. In order to establish sufficient room for parking and vehicular mobility in areas designated as commuter lots there shall be no parking of any vehicle, trailer, or semi-trailer having a length in excess of twenty (20) feet in any lot so designated.
EFFECTIVE DATE OF AMENDMENT: August 29, 1984

14.06 SAFETY BELTS AND CHILD RESTRAINT SYSTEMS.

(A) SAFETY BELTS.

- (1) Each driver and front seat passenger of a motor vehicle operated on a public street shall wear a properly adjusted and fastened safety belt, except that a child less than 4 years of age shall be protected as required in sub-section B.
- (2) Each driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt.
- (3) Enforcement of this sub-section 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 chapter or of the Michigan Vehicle Code. This sub-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 pickup or delivery of goods or services.
 - (h) A motor vehicle operated by a rural carrier of the United States postal service while serving his or her rural postal route.
 - (i) A motor vehicle which is equipped with passive passenger restraints approved by the United States government.
- (4) This sub-section shall not apply to a passenger of a school bus.
- (5) A person who violates this sub-section is responsible for a civil infraction.

B. CHILD RESTRAINT SYSTEM.

- (1) Each driver transporting a child under 4 years of age in the front or back seat of a motor vehicle shall properly secure each child in a child restraint system which meets standards prescribed by federal law.
- (2) This sub-section shall not apply to a non-resident 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:
 - (a) Bus.
 - (b) School bus.
 - (c) Taxi.
 - (d) Moped.
 - (e) Motorcycle.
 - (f) Other motor vehicle not required by state or federal law to be equipped with a child restraint system.
- (4) This sub-section shall not apply to a person for whom the Michigan Secretary of State has determined that the use of a child restraint system required under this sub-section is impractical because of physical unfitness, a medical problem or body size.
- (5) A person who violates this sub-section is responsible for a civil infraction.
Effective date of amendment: April 26, 1989

14.07 PARKING OF TRUCKS OR BUSES.

It shall be unlawful to park any truck or bus, except those actively providing a service, on any public street for more than three (3) hours per day. For purposes of this section, "public street" means the portion of any street certified by the City in accordance with Public Act 51 of 1951, as amended. "Truck" or "bus" shall mean any vehicle with a licensed empty weight of more than 5,500 pounds or any vehicle which exceeds 22 feet in length.

EFFECTIVE DATE OF AMENDMENT: 03/14/90

14.08 TRUCK ROUTES.

- (A) The operation of any truck as defined in Public Act 300 of 1949, as amended, is prohibited upon every street in the City except "Truck Routes" designated as such by Traffic Control Order. Provided however, that no provision of this section shall prohibit:
1. The operation of emergency vehicles upon any street in the City.
 2. The operation of trucks owned or operated by the City, other governmental agencies or contractors licensed to provide services to the City residents or to trucks engaged in the repair, maintenance or construction of streets, street improvements, or utilities within the City.
 3. The operation of a truck upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
 4. Any truck while engaged in one or more local pickups 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 pickup or delivery, return by the shortest route to the nearest street upon which it is permitted to operate.
- (B) No truck operated in the City shall exceed the normal maximum axle load established by Public Act 300 of 1949, as amended.
- (C) During the months of March, April and May in each year, the maximum axle load allowable for trucks operating in the City shall be reduced by 35 percent from the normal maximum axle load. The City Manager may suspend the restrictions imposed by this section when conditions of the street, or the public health, safety, and welfare so warrant. The City Manager may impose the restricted loading requirements of this section on streets at any other time it is reasonably necessary to protect the street from damage.
- (D) It shall be the duty of any person driving or in charge of any truck operating upon any street in the City for which truck travel is limited or restricted, to proceed, upon the request of any police officer, to any public or private scale for the purpose of weighing the truck to determine whether the weight thereof is in excess of the weight limit permitted upon such street.
- Effective date of amendment: March 14, 1990

14.09 MICHIGAN VEHICLE CODE ADOPTED

(A.) The Michigan Vehicle Code, 1949 PA 300; MCL 25.1 to 257.923; MSA §9.1801 to MSA §9.2623, as amended, is hereby adopted by reference.

(B.) REFERENCES IN VEHICLE CODE

References in the Michigan Vehicle Code to "local authorities" shall mean the City of Lapeer.

14.10 PENALTIES

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

EFFECTIVE DATE OF AMENDMENT: February 28, 2001