

ORDINANCE NO. _116____

**ORDINANCE AMENDING THE VILLAGE OF PINCKNEY CODE OF
ORDINANCES BY AMENDING TITLE VII, TRAFFIC CODE, CHAPTER 70:
UNIFORM TRAFFIC CODE, CHAPTER 71: TRAFFIC RULES, AND CHAPTER 72:
BICYCLES AND OTHER RECREATIONAL VEHICLES**

The Village of Pinckney ordains:

Section 1. Title VII, *Traffic Code*, Chapter 70, *Uniform Traffic Code*, of the Village of Pinckney Code of Ordinances is hereby amended and retitled to read as follows:

CHAPTER 70: MOTOR VEHICLE AND UNIFORM TRAFFIC CODES

§ 70.01 MICHIGAN VEHICLE CODE; ADOPTED BY REFERENCE

The Michigan Vehicle Code, being Public Act No. 300 of 1949 (MCL 257.1, *et seq.*), as amended now and in the future is hereby adopted and incorporated by reference as an ordinance of the Village of Pinckney.

§ 70.02 REFERENCES IN THE VEHICLE CODE.

Where necessary to the enforcement of the Michigan Vehicle Code or the collection of fines, costs and penalties for violations as a village ordinance, references in the Michigan Vehicle Code to "local authorities," "local authority" or "authority having jurisdiction" shall mean the village council of the Village of Pinckney; references to "municipality" shall mean the Village of Pinckney; references to "municipal charter" shall mean the Charter of the Village of Pinckney; references to "local ordinances" shall mean the Code of Ordinances of the Village of Pinckney, and references to the "village" shall mean the Village of Pinckney.

§ 70.04 CITATIONS.

A person violating the provisions of this chapter, or the Michigan Vehicle Code adopted by reference in this section, may be issued a citation by a police officer in the form and through the procedure specified within the Michigan Vehicle Code. The citations shall be in the name of the "People of the Village" and references to Michigan Vehicle Code sections adopted by reference under this article shall be cited by stating the letter "P" followed by the applicable Michigan Vehicle Code section (e.g., "P-257.XXX").

§ 70.05 COPIES.

Printed copies of the Michigan Vehicle Code, as amended from time to time, shall be kept on file in the office of the village clerk and made available to the public at all times the office is open.

§ 70.06 LIMITATIONS.

Violations of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than ninety-three (93) days shall not be enforced by the Village of Pinckney as an ordinance violation.

§ 70.07 PENALTIES.

The penalties provided in the Michigan Vehicle Code are adopted by reference subject to the limitations stated in section 70.06.

§ 70.15 UNIFORM TRAFFIC CODE; ADOPTED BY REFERENCE

The Village of Pinckney hereby adopts and incorporates by reference as an Ordinance of the Village the Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, Public Act No. 306 of 1969 (MCL 24.201 to 24.328) and made effective October 30, 2002, and all future amendments and revisions of the Uniform Traffic Code when they are promulgated and effective in this state.

§ 70.16 REFERENCES IN THE UNIFORM TRAFFIC CODE.

References to "governmental unit" and "municipality" in the Uniform Traffic Code for Cities, Townships, and Villages shall mean the Village of Pinckney.

§ 70.17 COPIES.

Printed complete copies of the Uniform Traffic Code for Cities, Townships, and Villages, and all future amendments and revisions thereto, shall be kept on file in the office of the Village clerk and made available to the public at all times the office is open.

§ 70.15 PENALTIES.

The penalties provided in the Uniform Traffic Code for Cities, Townships, and Villages are adopted by reference.

§ 70.25 NOTICE TO BE PUBLISHED.

The village clerk shall publish the ordinance from which this section derives in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages and the Motor Vehicle Code, and the fact that a complete copy of the codes are available to the public at the office of the clerk for inspection.

Section 2. Title VII, *Traffic Code*, Chapter 71, *Traffic Rules*, of the Village of Pinckney Code of Ordinances is hereby amended and retitled to read as follows:

CHAPTER 71: ADDITIONAL TRAFFIC REGULATIONS

§ 71.01 PROHIBITED PARKING

- A. No person shall park a vehicle in any of the following places:
- (1) On a sidewalk;
 - (2) In front of any driveway;
 - (3) Within an intersection;
 - (4) Within fifteen (15) feet of a fire hydrant or instructional building;
 - (5) On a designated crosswalk;
 - (6) At any place where official signs prohibit parking;
 - (7) At any place where parking is permitted for specific purposes unless the occupants of the vehicle are complying with the requirements of permitted uses;
 - (8) On more than one (1) designated parking space;
 - (9) On any grass or otherwise landscaped area;
 - (10) On a playground or playing field.
- B. A person who violates this section shall be responsible for a municipal civil infraction.

§ 71.02 PARKING VEHICLES FOR SALE; VIOLATION AS MUNICIPAL CIVIL INFRACTION.

No person shall park any vehicle, motorcycle, trailer or recreational vehicle for the principal purpose of offering same "for sale" in any public or privately owned parking lots. This would include but would not be limited to automobile service stations and commercial parking lots, or any area normally open to the public but not licensed as an automobile sales area. In any prosecution or proceedings under

this section, the registration plate displayed on a motor vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person responsible for parking such vehicle at the place where such violation occurred.

§ 71.03 PARKING SIGNS REQUIRED; EXCEPTION.

If by this article 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.

§ 71.04 PARKING ON PRIVATE PROPERTY; VIOLATION AS CIVIL INFRACTION.

A. No person shall park any motor vehicle on any private property in the Village without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.

B. A person who violates this section shall be responsible for a municipal civil infraction.

§ 71.05 NO PARKING DURING CERTAIN HOURS ON CERTAIN STREETS.

The traffic engineer may determine and designate zones where parking is prohibited between the hours specified in a traffic order.

§ 71.06 OPERATING, STOPPING, STANDING, OR PARKING TRUCK OR COMMERCIAL VEHICLE WITH GROSS WEIGHT OF MORE THAN SIGNED LIMITS PROHIBITED.

When signs are erected that give notice of weight limits, a person shall not operate, stop, stand or park any 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.

§ 71.07 TEMPORARY IMPOUNDMENT OF BICYCLES OF MINORS VIOLATING CODE.

In lieu of instituting a civil infraction proceeding against a minor violating any section of Part 6 of the Uniform Traffic Code for Cities, Townships, and Villages,

as adopted under § 70.15 of this Code, involving operation of a bicycle, any law enforcement agency may temporarily impound the minor's bicycle as provided in § 72.95 of the Pinckney Code of Ordinances.

Section 3. Title VII, *Traffic Code*, CHAPTER 72: *Bicycles and Other Recreational Vehicles*, of the Village of Pinckney Code of Ordinances is hereby amended to add a new §§ 72.95 – 72.98, and amend § 72.99 to read as follows:

§ 72.95 IMPOUNDMENT AUTHORIZED.

A. The village police department is authorized to remove bicycles from public places to a place of safety, when:

- (1) Any bicycle is reasonably believed to be stolen.
- (2) Any bicycle has been left unattended upon any public street, alley, or sidewalk continuously for a period of 48 hours.
- (3) Any bicycle is left in such a manner as to obstruct unreasonably the flow of vehicular or pedestrian traffic on any public street, alley, or sidewalk.
- (4) The operator of a bicycle is detained because of a traffic violation and refuses to give his name and address.

B. When the operator of a bicycle who is a minor commits a traffic violation contrary to Part 6 of the Uniform Traffic Code, as adopted by the village, officers from the police department may temporarily impound the minor's bicycle in lieu of instituting a civil infraction action against such minor.

C. If an individual violates divisions (A)(1) or (2) of §72.01, the police department may impound the toy vehicle for not more than 30 days in lieu of instituting a municipal civil infraction process. In the case of a temporary impounding of a toy vehicle of a minor pursuant to this section, written notice shall be given to the minor's parent or legal guardian by mailing the notice by first class mail within 5 days of the impoundment.

§ 72.96 NOTICE OF IMPOUNDMENT.

When a bicycle is impounded under this article and the village police department knows or is able to ascertain the owner thereof, officers from the police department shall, within a reasonable period of time, give and cause to be given a notice in writing to such owner of the fact of impoundment and reasons therefor. For a temporary impoundment of the bicycle or toy vehicle of a minor pursuant to § 72.95, such notice shall be given to the minor's parent or legal guardian.

§ 72.97 IMPOUNDMENT FEE.

A. No impounded bicycle shall be discharged or removed from the place of impounded storage except by the owner or his authorized representative and only upon the payment of an impoundment fee of \$15.00. However, no such fee shall be required for a stolen bicycle if it is reclaimed by the owner after being notified of the impoundment and if the owner signs an affidavit that the bicycle was stolen. The fee shall be paid at the village clerk's office.

B. For a bicycle or toy vehicle of a minor temporarily impounded pursuant to § 72.95, the bicycle or toy vehicle shall be returned to the minor's parent or legal guardian without the imposition of the impoundment fee of \$15.00. Upon returning such bicycle or toy vehicle to the parent or legal guardian, the impounding officer shall inform the parent or guardian of the nature of the violation for which the bicycle or toy vehicle was impounded and of the fact that further violations by the minor will result in institution of civil infraction proceedings pursuant to the village traffic code.

§ 72.98 SALE AFTER IMPOUNDMENT.

Any bicycle impounded under this article may, after one month from the date of impoundment, be sold by the the village at public sale. Notification of the sale shall be published and/or posted at least five days prior to the sale.

§ 72.99 PENALTY.

A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § [10.99](#).

B. A person who violates any provision of § [72.01](#) is responsible for a municipal civil infraction, subject to payment of a civil fine as specified in § [131.57](#) plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by [Chapter 131](#) herein.

C. Any person violating any of the provisions of § [72.02](#) shall, upon conviction thereof, be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, imprisonment for 90 days or both in the discretion of the court.

D. Any person or persons violating any of the provisions of § [72.03](#) shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$500 or by imprisonment for not more than 90 days in the county jail, or by both the fine and imprisonment in the discretion of the court.

Section 4. Repealer Clause. Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Savings Clause. This ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any ordinance, resolution, order or parts thereof, hereby repealed, and this ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the Village, County or other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, order or policy, or any part thereof, hereby repealed. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof, hereby repealed.

Section 6. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

Section 7. Effective Date. This Ordinance shall be effective twenty (20) days after its passage, or from and after its publication, whichever is later.

Linda E. Lavey, Village President

Amy Salowitz, Village Clerk

Village Council Member _____ offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Village Council Member _____, and upon being put to a vote, the vote was as follows:

Linda E. Lavey, President	_____
Jessica Aseltine, Trustee	_____
William Burwell, Trustee	_____
Robert MacDonald, Trustee	_____
Heather R. Menosky, Trustee	_____
Kurt W. Mohrmann, Trustee	_____
Thomas F. Pais, Trustee	_____

The President thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Pinckney this ___ day of _____, 2013.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. _____ adopted by the Village Council of the Village of Pinckney, County of Livingston, Michigan, at a regular meeting held on _____, 2013.

Amy Salowitz, Village Clerk