

The City of Ypsilanti

Ordinance No. 2005

AN ORDINANCE TO AMEND CHAPTER 102 OF THE YPSILANTI CITY CODE, ENTITLED "TRAFFIC AND VEHICLES*," ARTICLE II "UNIFORM TRAFFIC CODE," BY ADOPTING BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES, AS AMENDED, TO DELETE OR AMEND PREVIOUS AMENDMENTS TO THIS ARTICLE, AND TO ADD NEW AMENDMENTS TO THIS ARTICLE, FOR THE PURPOSE OF REGULATING THE STREETS AND HIGHWAYS OF THE CITY OF YPSILANTI AND TO SET FORTH THE PENALTIES.

SUMMARY

Sec. 102-31. Code adopted. This section was amended to adopt 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, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state are incorporated by reference, along with the penalties provided, are hereby adopted by reference as in this article modified.

Sec. 102-32. References in code. This section provides that references in the Uniform Traffic Code for Michigan Cities, Townships and Villages to "governmental unit" shall mean the city; references to "this Ordinance" shall mean this article. References in the Uniform Traffic Code for Cities, Townships and Villages to "Traffic Engineer" shall, in all cases, mean the city manager.

Sec. 102-33. Copies to be available. This section provides that the city clerk, having published the ordinances adopting the uniform traffic code in the manner required by law and having published supplementary notices setting forth the purpose of the uniform traffic code and of the fact that complete copies of the code are available at the office of the city clerk for inspection by and distribution to the public at all times, shall maintain copies in accordance with such supplementary notices.

Sec. 102-34. Changes in code. This section provides that the following sections and subsections of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth, and additional sections and subsections are added as indicated. Subsequent section numbers used in this section shall refer to the like-numbered sections of the Uniform Traffic Code.

Sec. 1.007(1). "Commercial motor" vehicle is deleted.

Sec. 1.007b. "Conviction" is deleted.

Sec. 1.010d. "Foreign vehicle" is deleted.

Sec. 1.025b. "Prosecuting attorney" is deleted.

Sec. 1.028a. "Revocation, operator's or chauffeur's licenses" is deleted.

Sec. 1.104a. "Law of another state" is deleted.

Sec. 2.5. "Reports of stolen and recovered vehicles" is deleted.

Sec. 2.5a. "Abandoned vehicle procedures" is deleted.

Sec. 2.5b. "Abandoned scrap vehicle procedures" is deleted.

Sec. 2.5c. "Vehicle removed from private property" is deleted.

Sec. 2.5d. "Vehicle removed by police" is deleted.

Sec. 2.5e. "Abandoned vehicle--Jurisdiction of court" is deleted.

Sec. 2.5f. "Same--Duties of court" is deleted.

Sec. 2.5g. "Same--Public sale" is deleted.

Sec. 2.17c. "Procedure upon arrest for certain offenses" is deleted.

Section 2.59 is amended and re-adopted as R 28.1201a Rule 201a to read as follows:

R 28.1201a Rule 201a. Current regulations. All intersection stops and yield right-of-way requirements, regulations on stopping, standing or parking; prima face speed limits; 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; no passing zones; traffic control devices and traffic control orders heretofore established and effective on the effective date of this code shall be deemed established hereunder and shall remain effective until rescinded or modified as herein provided.

Sec. 5.12a. "Speed and load limitations on bridges, causeways and viaducts" is deleted.

Sec. 5.12b. "Obedience to "slow" signs" is deleted.

Sec. 5.12c. "Violations" is deleted.

SECTION 5.15. "Driving while under influence of intoxicating liquor or controlled substance or with certain blood alcohol percentage" is deleted.

SECTION 5.15a. "Arrest; preliminary chemical breath analysis; chemical test" is deleted.

SECTION 5.15b. "Arraignment; pretrial conference advising accused; licensing sanction" is deleted..

SECTION 5.15c. "Consent to chemical tests; persons not considered to have given consent to withdrawal of blood; administration of tests" is deleted.

Sec. 5.15d. "Refusal to submit to chemical test" is deleted.

Sec. 5.15e. "Notice of receipt of report; request for hearing" is deleted.

Sec. 5.15f. "Failure to request hearing; effect" is deleted.

Sec. 5.15g. "Duty of officer upon refusal" is deleted.

SECTION 5.15m. "Prohibition of operation of commercial motor vehicle with certain percentage of alcohol in blood" is deleted.

Sec. 5.15n. "Penalty for violation of certain sections" is deleted.

Sec. 5.62a. "Operator's or chauffeur's license or registration; suspension, revocation or denial; penalty for operation of vehicle; subsequent offenses; confiscation of plates; status and record of persons" is deleted.

Sec. 5.62c "Detention of driver; vehicle immobilization; temporary vehicle registration plate" is deleted.

Sec. 5.62d. "Vehicle immobilization; violations of 5.15; suspension, revocation, or denial of license; prior suspensions" is deleted.

Sec. 5.62d(1) is deleted.

Sec. 5.62e "Vehicle immobilization, available technology to prevent operation of

vehicle; sale or lease of immobilized vehicle; removal or tampering with immobilization devices; penalties; preemption” is deleted.

Sec. 5.95. “Information on sides of trucks, commercial vehicles” is deleted.

Sec. 5.97. “School buses” is deleted.

Sec. 5.100a. “Evidence of vehicle insurance; production upon request of police officer” is deleted.

Sec. 5.100b. “Certificate of insurance prima facie evidence of insurance contents” is deleted.

Sec. 5.100c. “Violation; penalty” is deleted.

Sec. 5.100d. “False evidence; penalty” is deleted.

Sec. 5.100e. “Points not to be entered on record” is deleted.

Sec. 5.100f. “Foreign vehicles; inapplicability” is deleted.

Sec. 5.101. “Child restraint systems” is deleted.

Sec. 5.102. “Safety belt regulations” is deleted.

Section 6.14 regarding riding bicycles is amended and re-adopted as Section R 28.1603a Rule 603a to read as follows:

Section R 28.1603a Rule 603a

(1) A person shall not operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(2) No person shall ride a bicycle on any sidewalk at a rate of speed exceeding eight miles per hour.

(3) No person shall ride a bicycle upon the sidewalks in any business district of the city. In all other parts of the city, bicycles may be ridden upon the sidewalks, subject to the regulations hereinafter provided.

(4) A person who violates this section is responsible for a civil infraction.

Section is 6.22a is amended and re-adopted as R 29.1603b Rule 603b to read as follows:

Sec. R 29.1603b 603b Impounding. The chief of police may impound any bicycle which is being parked as an obstruction upon any public street, alley or sidewalk in the city or is being operated thereon in an unsafe manner or in violation of any state law, this chapter or any ordinance. For the first offense such bicycle may be impounded not to exceed 20 days, for the second offense not to exceed 40 days and for each subsequent offense not to exceed 60 days. Should the violator desire an appeal from impoundment, the chief of police may order the release of any bicycle held for violation of this chapter upon the payment by the owner thereof of a violation

fee as set by resolution of the city council, payable at police headquarters.

Sec. 6.29. "Restriction on location" is deleted.

Section 6.30 is amended and re-adopted as R 29.1603c Rule 603c to read as follows:

Sec. R 29.1603c Rule 603c. Licensing and registration of bicycles.

(1) Required; serial numbers. It shall be unlawful for any person to own, ride or operate any bicycle in the city unless such bicycle has been duly licensed and registered by the police department. No bicycle shall be licensed unless it shall have cut, impressed or embossed on some portion thereof the manufacturer's serial number. Any person who has in his possession a bicycle from which the serial number has been removed or altered shall present such bicycle to the chief of police who, after investigation, shall assign a serial number before a license plate shall be issued.

(2) Information to be registered with police. Any person owning a bicycle which shall be operated, ridden or propelled upon any public street, alley or sidewalk in the city shall list and register with the police department his name and address, the name of the manufacturer of his bicycle, its number, style and general description and any other information necessary to identify or establish title to such bicycle.

(3) Registration book; license plates. The chief of police shall keep at his office in the police station a suitable book and record for the purpose of registering bicycles and shall provide suitable metallic license plates, upon each of which shall be stamped a distinguishing number and for each bicycle registered shall furnish to the owner thereof one of such metallic license plates. The owner shall affix and keep affixed to the bicycle for which the same is issued such metallic license plate.

(4) Removing, altering, etc., serial number or license plate; stamping new serial number on frame. It shall be unlawful for any person to wilfully or maliciously remove, destroy, mutilate or alter the number on any bicycle frame or the license plate issued therefor; provided, however, that nothing in this chapter shall prohibit the chief of police from stamping or causing to be stamped numbers on the frame of a bicycle if such numbers cannot be found or are illegible or for any other reason unidentifiable after rightful ownership is established.

(5) Fee; term; certificate. The fee for such registration and license plate shall be as set by resolution of the city council, which shall be paid to the chief of police at the time of the issuance thereof. Only one license and registration shall be required so long as a bicycle continues to belong to the same owner. The issuance of the license herein provided for and the recording thereof shall be the only evidence of the license and registration of the bicycle, and no written license certificate shall be issued.

(6) Transfer. Upon change of ownership, the license plate shall be transferred to and issued in the name of the new owner upon payment by him of a fee as set by resolution of the city council. License plates shall not be transferred from one bicycle to another, and no person shall attach to any bicycle a license plate not issued for use

thereon.

(7) Loss of license plate. Upon loss of any license plate and upon application and satisfactory evidence of such loss, a duplicate license plate shall be issued by the chief of police upon the payment of a fee as set by resolution of the city council.

Section 810 (u) is deleted.

Sec. 810 (v) is amended and re-adopted as R 28.1801a Rule 801a.

Sec. R 28.1801a Rule 801a. Parking, generally.

(1) A person shall not stand or park a vehicle in front of any property, including the area between the curb and curb line and the location of a residence or other building, including the area commonly known as the lawn extension or margin, whether or not any sidewalk or curb is actually in place on the street, except in driveways or as specifically permitted by the city Code or other applicable law, or for loading or unloading. This shall also apply to any side or rear yard facing a street.

(2) A person who violates this rule is responsible for a civil infraction.

Sections 8.25, 826, and 8.28 are amended and re-adopted as R 28.1801b Rule 801b, R 28.1801c Rule 801c, and R 28.1801d Rule 801d, to read as follows:

Sec. R 28.1801b Rule 801b. Commercial vehicles or trailers; buses.

(1) No truck of 1 ½-ton capacity or any trailer shall be parked on any street or highway, except when actually engaged in loading or unloading for a longer period than one hour.

(2) Overnight parking of any motorbus in the street or highway is prohibited.

Sec. R 28.1801c Rule 801c. Vehicles to be moved upon request of police. The operator of any vehicle which is standing at a curb where parking is allowed shall move therefrom at the request of any police officer.

Sec. R 28.1801d Rule 801d. Parking prohibited on certain streets between 2:00 a.m. and 6:00 a.m. In order to facilitate the cleaning of streets and the removal of snow and ice therefrom, no person shall park a vehicle on certain public streets in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day. Such streets shall be marked with appropriate warning signs.

Sec. 9.6. "Effect of conviction on plea of nolo contendere" is deleted.

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application

thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of Chapter 102 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Traffic and Vehicles," except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 5. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY OF _____, 2005.

Cheryl Farmer, Mayor

Cherry Lawson, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in the Ypsilanti Courier on the ____ day of _____, 2005.

Cherry Lawson, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ____ day of _____, 2005.

Cherry Lawson, City Clerk

Notice Published _____

First Reading _____

Second Reading _____

Published _____

Effective Date _____