



CITY of NOVI CITY COUNCIL

**Agenda Item 4
July 20, 2009**

SUBJECT: Consideration of adoption of an ordinance to amend Chapter 33, "Traffic and Motor Vehicles," Article II "Uniform Traffic Code," of the City of Novi Code of Ordinances to adopt by reference the Uniform Traffic Code for Cities, Townships, and Villages (UTC), and other state traffic-related regulations, for the purpose of regulating traffic and motor vehicles in the City of Novi; to make certain additional regulations in connection with traffic and motor vehicle operation; and to repeal the version of the City Uniform Traffic Code as previously set forth in Article II. **FIRST READING.**

SUBMITTING DEPARTMENT: Police Department *DEM*

CITY MANAGER APPROVAL *[Signature]*

BACKGROUND INFORMATION:

The attached ordinance updates the "Traffic and Motor Vehicles" Chapter of the City Code (Chapter 33). It adopts the most recent version (2002) of the Uniform Traffic Code. It will result in a slightly different "look" to the Chapter, which as it now stands essentially duplicates all or most of the provisions of the UTC. This amendment would adopt the UTC by reference in Division I of Article II, entitled "Uniform Traffic Code." Division II of the ordinance includes some additional or supplemental regulations that the City currently has on its books relating to items not specifically addressed in the UTC or not addressed in the manner that the City has previously regulated them. Division III regulates snowmobile operation.

Note that Chapter 33 of the ordinance also separately adopts the Motor Vehicle Code. With the adoption of this ordinance, the City's traffic and motor vehicle regulations should be current and up-to-date.

RECOMMENDED ACTION: Approve **FIRST READING** of ordinance to amend Chapter 33, "Traffic and Motor Vehicles," Article II "Uniform Traffic Code," of the City of Novi Code of Ordinances to adopt by reference the Uniform Traffic Code for Cities, Townships, and Villages (UTC), and other state traffic-related regulations, for the purpose of regulating traffic and motor vehicles in the City of Novi; to make certain additional regulations in connection with traffic and motor vehicle operation; and to repeal the version of the City Uniform Traffic Code as previously set forth in Article II.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI

AN ORDINANCE TO AMEND CHAPTER 33, "TRAFFIC AND MOTOR VEHICLES," ARTICLE II, "UNIFORM TRAFFIC CODE," OF THE CITY CODE OF THE CITY OF NOVI TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES (UTC), AND OTHER STATE TRAFFIC-RELATED REGULATIONS, FOR THE PURPOSE OF REGULATING TRAFFIC AND MOTOR VEHICLES IN THE CITY OF NOVI; TO MAKE CERTAIN ADDITIONAL REGULATIONS IN CONNECTION WITH TRAFFIC AND MOTOR VEHICLE OPERATION; AND TO REPEAL THE VERSION OF THE CITY UNIFORM TRAFFIC CODE AS PREVIOUSLY SET FORTH IN ARTICLE II.

THE CITY OF NOVI ORDAINS:

Section 1.

The Novi City Code, Chapter 33, "Traffic and Motor Vehicles," Article II, "Uniform Traffic Code," is hereby amended in its entirety to read as follows:

ARTICLE II. UNIFORM TRAFFIC CODE

DIVISION 1. UNIFORM TRAFFIC CODE (UTC)

Sec. 33-51. Adoption.

The City of Novi hereby adopts and incorporates by reference as an ordinance of the City 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 of the Uniform Traffic Code when they are promulgated and effective in this state.

Sec. 33-52. 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 City of Novi.

Sec. 30-53. Copies.

Printed complete copies of the October 2002 edition 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 City Clerk and made available to the public at all times the office is open.

Sec. 33-54. Penalties.

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

DIVISION 2. ADDITIONAL REGULATIONS

The following additional regulations shall apply to motor vehicles with in the City of Novi.

1. *Additional or Amended Definitions*

Sec. 33-101. Business district.

"Business district" means the territory contiguous to a highway when fifty (50) percent or more of the frontage thereon, for a distance of three hundred (300) feet or more, is occupied by buildings in use for business.

Sec. 33-102. Driver, driving.

"Driver" means a person who drives or is in actual physical control of a vehicle.
"Driving" means steering or controlling a vehicle while in motion.

Sec. 33-103. Person.

"Person" means every person, firm, co-partnership, 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 duties.

Sec. 33-104. Residence district.

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

Sec. 33-105. Traffic-control devices.

"Traffic-control devices" means signs, signals, markings and devices which are not inconsistent with this article 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. When a traffic control device prohibits the use of streets (see 33-746(e)), except for local delivery, the term "local delivery" shall mean any delivery made within one (1) mile of the point of entry onto the restricted roadway, provided that restricted roadway is the only route accessible to the intended destination. If an intended destination is such that the only route accessible to that destination is to enter upon a restricted roadway more than one (1) mile away, then travel upon the restricted roadway shall be considered a local delivery only if the point of entry into the restricted roadway is that which requires the least amount of travel on said roadway.

Sec. 33-106. Traffic-control order.

"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 filed with the clerk. A certified copy of the order shall be *prima facie* evidence in all courts of the issuance of such order.

Sec. 33-107. Traffic division.

"Traffic division" means the traffic division of the police department or, if a traffic division is not established, then the term shall be deemed to refer to the police department.

2. *Traffic administration and authority*

Sec. 33-201. Authority of police to inspect 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 article. In case of an accident, a police officer may make an inspection of the vehicle involved in the accident.

3. *Rights and duties of drivers and others*

Sec. 33-301. Making a false report.

- (a) It shall be unlawful for any person to willfully and knowingly make to any police officer a fictitious report giving false information relating to a traffic accident or violation or a city traffic or ordinance violation, knowing the same to be false.
- (b) A person who violates this section shall be responsible for a misdemeanor.

Sec. 33-302. Driving at slow speed; violation as civil infraction.

(a) A person shall not drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law.

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

Sec. 33-303. Transporting or possessing alcoholic liquor within passenger compartment of vehicle; exception; violation as misdemeanor.

(a) Except as provided in subsection (b), a person shall not transport or possess alcoholic liquor in a container that is open uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.

(b) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken with the passenger compartment of 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 in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(c) A person who violates this section is guilty of a misdemeanor. A court shall not accept a plea of guilty or *nolo contendere* for a violation of this section from a person charged solely with a violation of Section 3-5 of this Code of ordinances.

(d) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan department of transportation.

Sec. 33-304. Boarding or alighting from vehicles; hitching to vehicles; violation as civil infraction.

(a) No person shall board or alight from any vehicle when such vehicle is in motion. No person shall climb onto or hitch on any moving vehicle with or without operator's consent and no operator shall knowingly permit such action.

(b) Any person who violates this section is responsible for a civil infraction.

Sec. 33-305. Obedience to no-turn signs; violation as civil infraction.

(a) When authorized signs are erected indicating that right, left, or U-turns are not permitted, a driver of a vehicle shall not disobey the directions of any such sign.

(b) A person who violates this section shall be responsible for a civil infraction.

Sec. 33-306. Limitations on turning around; violation as civil infraction.

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction on any 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) A person who violates this section shall be responsible for a civil infraction.

Sec. 33-307. Definitions; removal or deposit of snow, ice, or slush which obstructs safety vision prohibited; deposit of snow, ice, or slush prohibited; violation as misdemeanor.

(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) A person shall not remove, or cause to be removed, 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 other than an off-road vehicle.

(c) A person shall not 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) A person shall not deposit, or cause to be deposited, snow, ice, or slush on any roadway or highway.

(e) A person who violates this section is guilty of a misdemeanor.

Sec. 33-308. Windshield; obstructions; cleaning devices; wipers; additional equipment; violation as civil infraction.

(a) A person shall not drive a motor vehicle with any of the following:

(1) A sign, poster, nontransparent material, 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 (4) inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield.

(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 (35) percent or more in the visible light range, including a silver or gold reflective film.

(3) A dangling ornament or any other attached or suspended object from or on the windshield or rear view mirror, or any place else in or on the vehicle, except as specifically allowed under MCL 257.709(3).

(b) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with two (2) rearview mirrors, one (1) on each side, adjusted so that the operator has a clear view of the highway behind the vehicle.

(c) This section shall not apply to:

(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 (2) outside rearview mirrors, one (1) 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.

(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.

(d) Except as provided in subsection (5), the windshield on each motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. A vehicle licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device. Each windshield wiper upon a motor vehicle shall be maintained in good working order.

(e) A truck with a gross weight over ten thousand (10,000) pounds, truck tractor, bus or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. 171 Parts 100 to 199 having a windshield shall be equipped with not less than two (2) automatically operating windshield wiper blades, one (1) on each side of the centerline of the windshield, for cleaning rain, snow, or other moisture from the windshield. The blades shall be in such condition as to provide clear vision for the driver, unless one (1) blade is so arranged as to clean an area of the windshield extending to within one (1) inch of the limit of vision through the windshield at each side. However, in driveaway-towaway operations, this subsection shall apply only to the driven vehicle. In addition, one (1) windshield wiper blade suffices under this subsection when the driven vehicle in a driveaway-towaway operation constitutes part or all of the property being transported and has no provision for two (2) blades. A truck and truck tractor, manufactured after June 30, 1953, that depends upon vacuum to operate the windshield wipers, shall be so constructed that the operation of the wipers is not materially impaired by change in the intake manifold pressure.

(f) A truck with a gross weight over ten thousand (10,000) pounds, truck tractor, bus, or a truck regardless of weight carrying hazardous materials on which a placard is required to be posted pursuant to 49 C.F.R. 171 Parts 100 to 199 shall

not be operated on the highways at any time from December 15 to March 15, unless it is equipped with a hot air windshield defroster or an electrically heated windshield or other scientific method that is devised so long as the windshield is heated and maintained in operable condition at all times.

(g) A licensed motor vehicle which is manufactured after January 1, 1956, shall not be operated on the highways unless it is equipped with a windshield washer maintained in operable condition at all times and capable of cleaning the windshield so as to leave the driver with a clear view of the highway or an intersecting highway.

(h) A person shall not drive any motor vehicle without first removing snow, ice or frost from the front windshield, side windows and rear windows of such vehicle.

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

4. *Operation of bicycles, mopeds, motorcycles, and toy vehicles*

Sec. 33-401. Bicycle dealers.

Every person who is engaged in the business of buying or selling new or secondhand bicycles shall make a report to the police chief 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 purchased or to whom sold;
- (2) A description of such bicycle by name or make;
- (3) The frame number;
- (4) The number of license plate, if any, found thereon.

Sec. 33-402. Dealers; renting, leasing, or furnishing motorcycles or mopeds to unlicensed operators prohibited; violation as misdemeanor.

(a) A dealer shall not 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 this state, if a resident, or by the state of which he is a resident, if a nonresident.

(b) A person who violates this section is guilty of a misdemeanor.

Sec. 33-403. Subleasing motorcycles or mopeds to unlicensed operators prohibited; violation as misdemeanor.

(a) It is unlawful for a person to whom a motorcycle or moped is rented, leased, or furnished to 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 this state.

(b) A person who violates this section is guilty of a misdemeanor.

Sec. 33-404. Dealers; maintenance of motorcycles or mopeds in safe

operating condition; explaining operation to person to whom rented, leased, or furnished; refusing to rent, lease, or furnish; violation as misdemeanor.

(a) The dealer shall maintain in safe operating condition all motorcycles and mopeds rented, leased, or furnished by him. The dealer or his agents or employees shall explain the operation of the motorcycle or moped being rented, leased, or furnished. If such dealer or his agent or employee believes that the 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 shall refuse to rent, lease, or furnish the same.

(b) A person who violates this section is guilty of a misdemeanor.

Sec. 33-405. Motorcycle dealers; motor vehicle liability policies required; violation as misdemeanor.

(a) Any dealer who rents, leases, or furnishes any motorcycle shall carry a motor vehicle liability policy of the same type and coverage as that outlined in section 520 of the act (MCL 257.520, MSA 9.2220) 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 (MCL 257.520, MSA 9.2220).

(b) A person who violates this section is guilty of a misdemeanor.

5. *Stopping, standing, parking*

Sec. 33-501. Parking in a manner that obstructs traffic; violation as civil infraction.

(a) A person shall not park any vehicle on a street in a manner that leaves an insufficient width of the roadway available for free movement of a vehicular traffic.

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

Sec. 33-502. Parking prohibited in specified places.

(a) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty (20) feet of a crosswalk, or if there is not a crosswalk, then within fifteen (15) feet of the intersection of property lines at an intersection of highways;

- (7) Within thirty (30) feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway;
- (8) Between a safety zone and the adjacent curb or within thirty (30) feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking;
- (9) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (10) Within twenty (20) feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within seventy-five (75) feet of the entrance if properly marked by an official sign;
- (11) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic;
- (12) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (13) Upon a bridge or other elevated highway structure or within a highway tunnel;
- (14) At a place where an official sign prohibits stopping or parking;
- (15) Within five hundred (500) feet of an accident at which a police officer is in attendance;
- (16) In front of a theater;
- (17) In a place or in a manner which blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building;
- (18) In a place or in a manner which blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- (19) In a parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property or private property available for public use, unless the person is a handicapper as described in section 33-42 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 (1) of the following:
 - a. A certificate of identification issued under section 675(5) of the act (MCL 257.675(5), MSA 9.2375(5)) to a handicapper on the lower left corner of the front windshield.
 - b. A special registration plate issued under section 803(d) of the act (MCL 257.803d, MSA 9.2503(4)).
 - c. A similar certificate of identification issued by another state to a handicapper.
 - d. A similar special registration plate issued by another state to a handicapper.
- (20) In violation of an official sign restricting the period of time for or manner of parking;
- (21) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired;
- (22) On a street in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.

(23) Places for stopping, standing and parking shall be clearly marked in all parking areas or private roads and no person shall stop, stand or park a motor vehicle other than within such marked places.

(b) A person who violates this section is responsible for a civil infraction and/or impoundment of their vehicle.

Sec. 33-504. In passenger curb loading zone prohibited during certain hours; exception; violation as civil infraction.

(a) A person shall not 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 (5) minutes.

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

Sec. 33-505. In freight curb loading zone prohibited during certain hours; exception; violation as civil infraction.

(a) A person shall not stop, stand or park a vehicle for any purpose or period of time, except for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

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

DIVISION 3. SNOWMOBILES

Sec. 33-601. Adoption by Reference.

Part 821 of Act 451 of the Public Acts of 1994, MCL 324.82101, et seq., as amended now and in the future is hereby adopted and incorporated by reference as an ordinance of the City of Novi.

Sec. 33-602. References in the Vehicle Code.

Where necessary to the enforcement of Part 821 or the collection of fines, costs and penalties for violations as a City Ordinance, references in the Michigan Vehicle Code to "local authorities," "local authority" or "authority having jurisdiction" shall mean the City Council of the City of Novi; references to "municipality" shall mean the City of Novi; references to "municipal charter" shall mean the Charter of the City of Novi; references to "local ordinances" shall mean the Code of Ordinances of the City of Novi, and references to the "city" shall mean the City of Novi.

Sec. 33-603. Copies.

Printed copies of Part 821, as amended from time to time, shall be kept on file in the office of the City Clerk and made available to the public at all times the office is open.

Sec. 33-604. Limitations.

Violations of the Part 821 for which the maximum period of imprisonment is greater than 93 days shall not be enforced by the City of Novi as an ordinance violation.

Sec. 33-605. Penalties.

The penalties provided in Part 821 are adopted by reference subject to the limitations stated in Section 33-604.

Section 2

Repealer. Ordinance No 81-81.03, Uniform Traffic Code, Chapter 33, Article II, of the Code of Novi, Sections 33-16 through 33-580, is hereby repealed.

Section 3.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

Section 4.

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 5.

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2009.

DAVID B LANDRY, MAYOR

MARYANNE CORNELIUS, CITY
CLERK

Ayes:
Nays:
Abstentions:
Absent:

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of an Ordinance passed at a _____ meeting of the Novi City Council, held on the _____ day of _____, 2009.

MARYANNE CORNELIUS, CITY
CLERK

Adopted:
Published:
Effective: