

CHAPTER 70: TRAFFIC CODE

Article

- I. UNIFORM TRAFFIC CODE**
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ARTICLE I: GENERAL

Section

- 70.101 Uniform Traffic Code adopted
- 70.102 Changes in the Uniform Traffic Code

§ 70.101 UNIFORM TRAFFIC CODE ADOPTED.

(A) *Uniform Traffic Code adopted.* The 2003 Edition of the *Manual on Uniform Traffic Control Services*, which has been approved by the Federal Highway Administration as the national standard for all highways and which has been adopted by reference by the Michigan Department of Transportation and Michigan State Police as the 2005 *Michigan Manual on Uniform Traffic Devices*, is hereby adopted by reference. (M.C.L.A. §§ 257.951 through 257.954.)

(B) *References in the Manual on Uniform Traffic Services Code.* References in the Code to “governmental unit” shall mean the City of Clio, Michigan. References to “traffic control devices” shall include all signs, signals, markings and other devices used to regulate, warn or guide traffic, placed on, over or adjacent to a street, highway, pedestrian facility or bikeway by authority of a public agency having jurisdiction.

(C) *Notice to be published.* The City Clerk shall, at the same time the Clio City Code is published, publish a supplementary notice 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.

(Amended by Ord. 401, passed 11-19-07)

Statutory reference:

Uniform Traffic Code, see Mich. Admin. Code R. 28.1001 et seq.

§ 70.102 CHANGES IN THE UNIFORM TRAFFIC CODE.

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 article shall refer to the like numbered sections of the Uniform Traffic Code:

Sections 2.5 Impounding of Vehicles through Sec. 2.7 Abandoned Scrap Vehicles, repealed.

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Sections 2.5a, 2.5b, 2.5c, 2.5d, 2.5e, 2.5f and 2.5g added to read as set forth in M.C.L.A. §§ 257.252a through 257.252g, as amended.

Section 2.59 added to read:

Sec. 2.59. Current Regulations. All intersection stops and yield right-of-way requirements, regulations on stopping, standing or parking, prima facie 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, and traffic control devices 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. 5.82. Mandatory Child Restraints.

(1) Except as provided in this section, or as otherwise provided by law, a rule promulgated pursuant to The Administrative Procedure Act of 1969, Public Act 306 of 1969, being M.C.L.A. §§ 24.201 et seq., as amended, or a federal regulation, each driver transporting a child in a motor vehicle shall properly secure each child in a child restraint system as follows:

(a) Any child less than one year of age in a child restraint system which meets the standards prescribed in 49 CFR 571.213, except as provided in subsection (6).

(b) Any child one year of age or more but less than four years of age, when transported in the front seat, in a child restraint system which meets the standards prescribed in 49 CFR 571.213, except as provided in subsection (6).

(c) Any child one year of age or more but less than four years of age, when transported in the rear seat, in a child restraint system which meets the standards prescribed in 49 CFR 571.213, unless the child is secured by a safety belt provided in the motor vehicle, except as provided in subsection (6).

(2) This section does not apply to any child being nursed.

(3) This section does not apply if the motor vehicle being driven is a bus, school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.

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

(5) Points shall not be assessed under M.C.L.A. § 257.320a for a violation of this section. An abstract required under M.C.L.A. § 257.732 shall not be submitted to the Secretary of State regarding a violation of this section.

General

(6) The Secretary of State may exempt by rules promulgated pursuant to Public Act 306 of 1969, being M.C.L.A. §§ 24.201 et seq., as amended, a class of children from the requirements of this section, if the Secretary of State determines that the use of the child restraint system required under division (1) is impractical because of physical unfitness, a medical problem, or body size. The Secretary of State may specify alternate means of protection for children exempted under this division. (M.C.L.A. § 257.710d)

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ARTICLE II: BICYCLES, SKATEBOARDS, AND THE LIKE

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- 70.202 Definitions
- 70.203 Number and manner of carrying persons
- 70.204 Riding on roadways and bicycle paths
- 70.205 Riding single file; exceptions
- 70.206 Use of paths when provided
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- 70.221 Light and red reflector
- 70.222 Parental responsibility

- 70.299 Penalty

§ 70.201 TITLE.

This article shall be known and may be cited as “City of Clio Bicycle, Scooter, Skateboard and Roller Skating Ordinance.”
(Ord. 226, passed 9-5-89)

§ 70.202 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly

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indicates or requires a different meaning.

BICYCLE, SCOOTER, SKATEBOARD AND ROLLER SKATES. Every device propelled by human power upon which any person may ride, and which has wheels.

HIGHWAY or ***STREET.*** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

OPERATE. To ride, propel, or be in control of a bicycle, scooter, skateboard and roller skates.

OPERATOR. Any person who rides, propels, or is in actual physical control of a bicycle, scooter, skateboard and roller skates.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

SIDEWALK. That portion of a street between the curblines, or the lateral lines of roadway, and the adjacent property lines intended for use of pedestrians.

(Ord. 226, passed 9-5-89)

§ 70.203 NUMBER AND MANNER OF CARRYING PERSONS.

A person operating a bicycle shall not ride other than astride a permanent and regular seat attached thereto, and such person shall not carry more persons at one time than the number for which the bicycle is designed and equipped.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.204 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) No person operating a bicycle shall pass between lines of traffic but may pass on the left of traffic moving in his direction in the case of a two-way street, or on the left or right of traffic in the case of a one-way street, in an unoccupied lane.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.205 RIDING SINGLE FILE; EXCEPTIONS.

Every person operating a bicycle upon a roadway or alley shall ride single file except on paths or

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parts of roadways set aside for the exclusive use of bicycles.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.206 USE OF PATHS WHEN PROVIDED.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.207 CLINGING TO OTHER VEHICLES.

No person riding upon any bicycle, scooter, skateboard, or roller skates shall attach the same or himself to any vehicle upon a roadway or sidewalk.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.208 SPEED AND CARELESS OPERATION.

No person shall operate a bicycle, scooter, skateboard, or roller skates in a careless manner or at a speed greater than is reasonable and proper under the conditions then existing, or at a speed greater than will permit him to bring his vehicle to a stop within the assured clear distance ahead.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.209 RIDERS TO OBEY TRAFFIC LAWS.

Every person riding a bicycle, scooter, skateboard, or roller skates upon a roadway shall be granted all of the right and shall be subject to all of the duties applicable to the driver of a vehicle by the state laws of Michigan declaring rules of the road applicable to vehicles or by the traffic ordinances of the city applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.210 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

Any person operating a bicycle, scooter, skateboard, or roller skates shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

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§ 70.211 EXCEPTIONS.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle, scooter, skateboard, or roller skates shall disobey the direction of any such sign, except where such person dismounts from the vehicle to make such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Ord. 226, passed 9-5-89)

§ 70.212 RIDING IN STRAIGHT LINE; USE OF BOTH HANDS.

Every person operating a bicycle, scooter, skateboard, or roller skates shall ride the same in a straight line and shall not sway or curve to and fro or cause his vehicle to zigzag. Further, every person operating either a bicycle or a scooter shall keep both hands on the handlebars at all times, except for the purpose of signaling.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.213 CARRYING ARTICLES.

No person operating a bicycle or scooter shall carry any package, bundle or article which prevents the operator from keeping both hands upon the handlebars of said vehicle.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.214 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle, scooter, skateboard, or roller skates emerging from an alley, driveway, or building, shall, upon approaching a sidewalk or the sidewalk area extending across the alleyway or driveway or other sidewalk on which the operator is emerging, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.215 PARKING BICYCLES AND SCOOTERS.

No person shall park a bicycle or scooter upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or scooter or against a building or at the curb, in such manner as to afford the least obstruction to vehicular or pedestrian traffic.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

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§ 70.216 SIGNS PROHIBITING VEHICLE OPERATION.

When signs are posted or painted on any sidewalk, street or alley which prohibits the riding of bicycles, scooters, skateboards, or roller skates thereon by any person, no person shall disobey such signs.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.217 RIDING VEHICLES ON SIDEWALK IN CENTRAL BUSINESS DISTRICT.

No bicycle, scooter, skateboard, or roller skates shall be ridden upon those sidewalks of the Central Business District lying along and on both sides of Vienna Street between Mill Street and Railway Street and along both sides of Mill Street between Griffes Street and Young Street and those sidewalks lying along the east side of Center Street between Griffes Street and Vienna Street. Provided, however, dismounting and walking bicycles, scooters, skateboard, or roller skates on said sidewalks shall be permitted.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.218 RIDING ON SIDEWALKS; RIGHT-OF-WAY.

Whenever a person is riding a bicycle, scooter, skateboard, or roller skates upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signals before overtaking and passing such pedestrian.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.219 VEHICLE BELL OR WARNING DEVICE.

No person shall operate a bicycle or scooter unless it is equipped with a bell or other warning device capable of giving a signal audible for a distance of at least 100 feet, except that such bicycle or scooter shall not be equipped with nor shall any person use any whistle or siren.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.220 BRAKE DEVICES.

Every bicycle and scooter shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

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§ 70.221 LIGHT AND RED REFLECTOR.

Every bicycle or scooter when in use during the period of darkness shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front of such bicycle, and with a red reflector of not less than two and one-half inches in diameter on the rear of such bicycle or scooter, which reflector shall be plainly visible at night in the lawful headlights of motor vehicles from all distances from 50 feet to 300 feet to the rear of such bicycle or scooter. A lamp emitting a red light visible from a distance of 500 feet to the rear of such bicycle or scooter may be used in addition to the red reflector.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.222 PARENTAL RESPONSIBILITY.

No parent or guardian shall authorize or knowingly permit his or her child or ward to violate any of the provisions of this article.

(Ord. 226, passed 9-5-89) Penalty, see § 70.299

§ 70.299 PENALTY.

Any provision of this article which describes an act or omission which constitutes a civil infraction under the terms of the Michigan Vehicle Code, being M.C.L.A. §§ 257.1 *et seq.* as amended, shall be processed as a civil infraction and any person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$100 and costs in accordance with M.C.L.A. § 257.907.

(Ord. 226, passed 9-5-89)

ARTICLE III: PARKING REGULATIONS

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- 70.302 Standing for loading only
- 70.303 [Reserved]
- 70.304 Standing or parking close to curb
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Parking in Outlawn Areas

- 70.325 Definitions

Handicapped Parking

- 70.340 Title
- 70.341 Handicapped parking areas designated
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- 70.343 Spaces near intersection
- 70.344 Off-street parking
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Parking in Central Business District

- 70.355 Definitions
- 70.356 Parking restricted
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Enforcement of Motor Vehicle Code and Parking Regulations on Private Streets and Private Property

- 70.370 Authority to issue motor vehicle code and parking violations notices and citations
- 70.371 Parking on private property
- 70.372 Stopping, standing or parking prohibited in certain places; parking zones on file

- 70.398 Fine schedule
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Cross-reference:

Parking regulations in Uniform Traffic Code amendments, see § 70.102

GENERAL PROVISIONS

§ 70.301 ALL NIGHT PARKING PROHIBITED.

No person shall park a vehicle on any street between the hours of 2:00 a.m. and 5:00 a.m. of any day, except with a temporary permit issued by the Police Department.

(Ord. 13, passed 3-7-38; amended by Codification Ordinance; amended by Ord. 319, passed 7-1-02; amended by Ord. 402, passed 12-17-07) Penalty, see § 70.399

§ 70.302 STANDING FOR LOADING ONLY.

(A) No person shall stop, stand, or park a vehicle for the loading or unloading of passengers in any place except at the street curb line.

(B) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. Where facilities are available for deliveries from the alley, such loading zones shall not be established.

(Ord. 13, passed 3-7-38; amended by Codification Ordinance; amended by Ord. 319, passed 7-1-02) Penalty, see § 70.399

§ 70.303 [RESERVED].

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§ 70.304 STANDING OR PARKING CLOSE TO CURB.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic and with the curbside wheels of the vehicle within six inches of the edge of the curb or roadway, except as provided as follows: Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such

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mark or sign; provided, however, no vehicle shall cross or straddle any such line which marks angular parking.

(Ord. 13, passed 3-7-38; amended by Codification Ordinance; amended by Ord. 319, passed 7-1-02)
Penalty, see § 70.399

§ 70.305 UNLAWFUL PARKING.

(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 or part of a sidewalk in such a manner that hinders the flow of pedestrian or vehicular traffic.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.
- (7) Within 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 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 50 feet of the nearest rail of a railroad crossing.
- (10) Within 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 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.

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(14) At a place where an official sign prohibits stopping or parking.

(15) Within 500 feet of an accident at which a police officer is in attendance at the scene of the accident.

(16) In front of a theater.

(17) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.

(18) In a place or in a manner that 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 disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in M.C.L.A. § 257.19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space, the vehicle shall display one of the following:

(a) A certificate of identification or windshield placard issued under M.C.L.A. § 257.675 to a disabled person.

(b) A special registration plate issued under M.C.L.A. § 257.803d to a disabled person.

(c) A similar certificate of identification or windshield placard issued by another state to a disabled person.

(d) A similar special registration plate issued by another state to a disabled person.

(e) A special registration plate to which a tab for persons with disabilities is attached issued under this act.

(20) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.

(21) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.

(22) Within 500 feet of a fire at which fire apparatus is in attendance. However, volunteer firefighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subparagraph.

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(23) In violation of an official sign restricting the period of time for or manner of parking.

(24) 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, unless the vehicle properly displays one or more of the items listed in M.C.L.A. § 275.675(8).

(25) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.

(26) In a place or in a manner that blocks the use of an alley.

(27) In a place or in a manner that blocks access to a space clearly designated as a fire lane.

(B) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.

(C) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.

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

(E) A person shall not park a vehicle between the house and the sidewalk or the road edge, unless the vehicle is parked in the driveway.

(F) A person shall not park a motor vehicle in the park lawn area, defined as the area between the curb or roadway and the sidewalk, of any street or highway in the city.

(Ord. 13, passed 3-7-38; amended by Codification Ordinance; amended by Ord. 319, passed 7-1-02)
Penalty, see § 70.399

PARKING IN OUTLAWN AREAS

§ 70.325 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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FRONT LAWN. That area lying between the sidewalk and the dwelling determined by the lineal distance of that part of the dwelling facing the sidewalk, and not used for garage purposes, and including all of that area lying therein between the house and sidewalk.

LINEAL DISTANCE. The width across any part of the front of a residential dwelling not including any porch, steps, or doors.

OUTLAWN. That portion of a street or highway, regardless of whether it is planted with grass or other vegetation, lying between the curb or shoulder of a roadway and the sidewalk running parallel with said roadway; or, in the event no such sidewalk exists, then the area between the curb or shoulder of the roadway and adjacent property lines.

ROADWAY. That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

SHOULDER. That portion of a highway improved, designed or ordinarily used for the parking of motor vehicles and lying between the roadway and the outlawn.

STREET or HIGHWAY. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Ord. 155, passed 12-6-76; amended by Ord. 191, passed 8-16-82)

HANDICAPPED PARKING

§ 70.340 TITLE.

This subarticle shall be known and may be cited as the “City of Clio Handicapped Parking Ordinance.”

(Ord. 178, passed 4-20-81)

§ 70.341 HANDICAPPED PARKING AREAS DESIGNATED.

There shall be handicapped parking facilities as specified in this subarticle in all parking areas of:

- (A) Shopping centers;
- (B) Public buildings;

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(C) Private buildings utilized by the public;

(D) Public parking areas/public parking for recreational areas and facilities;

(E) Businesses;

(F) Factories;

(G) Public schools;

(H) Private schools;

(I) Transportation facilities;

(J) Institutions;

(K) Similar buildings or locations.

(Ord. 178, passed 4-20-81) Penalty, see § 70.399

§ 70.342 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HANDICAPPER. A person who, for purposes of this act has a physical characteristic categorized as a handicap, which limits ambulation, or necessitates the use of a wheelchair for mobility, or a person who is blind.

PUBLIC PARKING AREA. Off-street parking and on-street parking maintained by the municipality.

SHOPPING CENTER. One or more stores or business establishments, and where there is provided a parking area.

(Ord. 178, passed 4-20-81)

§ 70.343 SPACES NEAR INTERSECTION.

Parking spaces in residential areas shall be placed as near as possible to the intersection to provide accessibility from a distance of one block.

(Ord. 178, passed 4-20-81)

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§ 70.344 OFF-STREET PARKING.

(A) Off-street parking facilities, required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicappers.

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(B) Signs shall be located approximately six feet above grade.

(C) Each reserved parking space shall be not less than 12 feet wide.

(D) There shall be no curbs, abrupt changes in grade, or barriers placed between handicapper parking spaces and the accessible entrance to malls and stores. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or curb cut with a gradient of not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access.

(E) Handicapper pathways and parking spaces shall not cross drains, grates, or other barriers.

(F) Parking spaces for handicappers shall be located as close as possible to code-complaint walkways and code-complaint entrances. There shall be no traffic lanes, nor service drives nor alleys placed between handicapper parking spaces and code-complaint entrances. Signs shall be provided, when necessary, indicating the direction of travel to a code-complaint entrance.

(G) A code-complaint entrance means that entrance which utilizes a non-revolving door, 36 inches wide minimum, with a five pound opening pressure maximum, and with a threshold not exceeding one-half inch height and beveled on both sides and otherwise conforming to the Michigan Building Code Rule 427, Section 31.

(H) Handicapper parking spaces and handicapper ramps and curb cuts shall be painted “traffic yellow.”

(I) A slope of no more than 2% is recommended for handicapper parking spaces in existing parking spaces. A slope of no more than 2% is required when spaces are constructed or resurfaced.

(J) Required parking spaces.

<i>Total Parking in Lot</i>	<i>Required Number of Accessible Space</i>
Up to 25	1
26 to 45	2
46 to 65	3
66 to 85	4
86 to 100	5
More than 100	One for each additional 20 spaces

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(K) Handicapper parking spaces in parking garages shall be provided with, or where there exists, a code-complaint route of travel to elevators, where furnished, and shall otherwise conform to the off-street parking facilities specifications as defined above.

(Ord. 178, passed 4-20-81) Penalty, see § 70.399

§ 70.345 USE OF HANDICAPPER SPACES.

Every vehicle parking in parking spaces designated for handicappers shall be equipped with special plates or serially numbered registration displayed on the handicapper's vehicle.

(Ord. 178, passed 4-20-81) Penalty, see § 70.399

PARKING IN CENTRAL BUSINESS DISTRICT

§ 70.355 DEFINITIONS.

For the purpose of this subarticle, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CENTRAL BUSINESS DISTRICT. That portion of the downtown area of the city defined as follows:

- (1) North Mill Street between Griffes Street and Young Street.
- (2) Vienna Street between Railway Street and the 100 block of East Vienna Street.
- (3) Griffes Street between Mill Street and Center Street.
- (4) Center Street between Griffes Street and Vienna Street.
- (5) Railway Street between Vienna Street and Young Street.
- (6) West Young Street between Railway Street and Mill Street.
- (7) All public parking within the area defined hereinabove.

STREET. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Ord. 272, passed 3-21-94)

Parking Regulations

§ 70.356 PARKING RESTRICTED.

It shall be unlawful for any owner, renter, employer, employee, agent of the employer, servant or other person engaged in the business of its owner or employer, to park in any area described as the Central Business District of the city as described hereinabove and where the parking place is designated as an area for customer parking only. All areas not designated for customer parking only shall be available for parking by owners, renters, employers, employees, servants, agents, and other engaged in the business of such businesses located within the Central Business District, except as provided in § 70.356A. The westerly three tiers of the south alley parking lots shall be designated as area for parking by owners, renters, employers, employees, servants, agents and others engaged in the businesses of the Central Business District.

(Ord. 272, passed 3-21-94; amended by Ord. 351, passed 5-19-03) Penalty, see § 70.399

§ 70.356A RESIDENTIAL APARTMENT DWELLERS.

It shall be unlawful for any person, who is a Central Business District residential apartment dweller to park a motor vehicle within the Central Business District, as defined in § 70.355, without first obtaining a parking permit as hereinafter provided:

(A) A fee shall be charged as part of the application for the permit.

(B) Upon filing an application for a permit, the Chief of Police, or his designee, shall be authorized to issue said applicant a parking permit, which shall expire on December 31 next subsequent thereto.

(C) No permit may be transferred by the holder to any other person, except upon prior approval of the Chief of Police, or his designee. The Chief of Police, or his designee, reserves the right to revoke permits at any time for violation of § 70.356 and this section.

(D) A visitor permit, upon request, may be issued by the Chief of Police, or his designee, once a year for overnight parking.

(E) Residential apartment dwellers and visitors may only park in areas designated for apartment dwellers. Only one motor vehicle for each apartment residence may be parked in the north alley parking lot. All others must park in the south alley lots and where designated. The westerly three tiers of the south alley parking lots shall be designated as an area for overflow parking for apartment dwellers and their guests.

(Ord. 351, passed 5-19-03) Penalty, see § 70.399

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§ 70.357 IDENTIFICATION OF PARKING AREAS.

Signs identifying customer parking only areas shall be provided by the city through its Downtown Development Authority and be placed in reasonably conspicuous places to identify those areas restricted for customer use only.

(Ord. 272, passed 3-21-94; amended by Codification Ordinance)

§ 70.358 SNOW REMOVAL.

No person shall park, abandon or leave unattended any vehicle on any public street, alley, or city-owned off-street parking area during any snow emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of a snow or ice storm and the 48-hour period after cessation of such storm, except as provided upon streets which have been fully opened. Such a parking ban shall be of uniform application, and the Chief of Police is directed to widely publicize the requirements, using all available news media, in early November of each year. When predictions or occurrences indicate the need, the Mayor shall proclaim the snow emergency, and the Chief of Police shall inform the news media to publicize the proclamation and the parking rules thereunder. Such emergency may be extended or shortened as the emergency warrants or when conditions warrant. This section shall not be construed as suspending parking limitations or restrictions imposed by any other section of this title.

(Ord. 334, passed 12-17-01)

ENFORCEMENT OF MOTOR VEHICLE CODE AND PARKING REGULATIONS ON PRIVATE STREETS AND PRIVATE PROPERTY

§ 70.370 AUTHORITY TO ISSUE MOTOR VEHICLE CODE AND PARKING VIOLATIONS NOTICES AND CITATIONS.

The Police Chief of the City of Clio may authorize police officers of the City of Clio to issue motor vehicle code and parking violation notices and citations as defined in the Motor Vehicle Code and § 742(8)(a) of Public Act No. 66 of 1979, being M.C.L.A. 257.742(8)(a), and MSA 9.2442, for parking violations. Provided, however that the entity of person that owns the private street or parking area has made a formal verbal request for police services and provided further that the proposal is acceptable to the Clio City Commission.

(Ord. 377, passed 1-17-06)

Parking Regulations

§ 70.371 PARKING ON PRIVATE PROPERTY.

(A) It shall be unlawful for any person to park any vehicle in violation of the zoning regulations of the City of Clio.

(B) It shall be unlawful for any person to park any vehicle on any property except upon a driveway or parking lot designed for such purpose or otherwise permitted by law.

(C) No vehicle shall be parked or permitted to remain upon private property without the express or implied consent authorization or ratification of the owner, occupant, lessee, agent or trustee of such property. Complaints for violation of this paragraph shall be made by the owner, occupant, lessee, agent or trustee of such property.

(Ord. 377, passed 1-17-06)

§ 70.372 STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES; PARKING ZONES ON FILE.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or other directions of a police officer, or official traffic control device, no person shall:

(1) Stop, stand or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Traffic Engineer indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping; or

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(j) Within 500 feet where fire apparatus has stopped in answer to a fire alarm. Within 500 feet of any traffic accident or other emergency situation when police officers are in attendance, provided that motor buses, for the purpose of taking on or discharging passengers may be stopped in the places designated as bus zones, or on the highway side of a vehicle illegally parked in a legally designated bus loading zone.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet upon approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;

(e) Within 20 feet of the driveway entrance of any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly sign posted; or

(f) At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking;

(c) In any place or in any manner so as to block immediate egress from any emergency exit or exits conspicuously marked as such of buildings; or

(d) In any place or in any manner so as to block or hamper the immediate use of and immediate egress from any fire escape conspicuously marked as such providing an emergency means of egress from any building.

(4) A vehicle shall not be parked in a parking space clearly identified by an official sign as being reserved for the use of handicappers, which is on public property or private property open to use by the public, unless the vehicle has identification issued by the Michigan Secretary of State or similar identification issued by another state properly displayed, indicating that such vehicle has been certified as being used by a handicapper.

Parking Regulations

(a) Any person who is the owner or managing agent for private property available for public use may apply to the City of Clio for help in establishing posted handicapper parking spaces;

(b) The Police Department may provide for the immediate removal of a vehicle parked in a posted tow away zone in violation of this section to a place of safekeeping at the expense of the registered owner of the vehicle; and

(c) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(Ord. 377, passed 1-17-06)

§ 70.398 FINE SCHEDULE.

The following schedule of civil fines is adopted for violations:

<i>Offense</i>	<i>Civil fine</i>
Handicapped zone	\$110.00
Fire lane	\$50.00
Private property	min. \$100.00, max. fine allowable by State law
All other violations	\$20.00

(Ord. 1969-B, passed 1-20-69; amended by Ord. 1969-C, passed 5-20-69; amended by Ord. 319, passed 7-1-02; amended by Ord. 377, passed 1-17-06)

§ 70.399 PENALTY.

Any person who violates the provisions of this chapter shall be guilty of a municipal civil infraction and upon conviction shall be punished with civil fines as established by Ord. 319, passed July 1, 2002 and as amended from time to time by resolution of the Clio City Commission.

(Ord. 319, passed 7-1-02)

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ARTICLE IV: MOTOR VEHICLE CODE

Section

70.401 Adoption of Michigan Motor Vehicle Code by reference

§ 70.401 ADOPTION OF MICHIGAN MOTOR VEHICLE CODE BY REFERENCE.

(A) The operator of every motor vehicle shall operate the vehicle on that portion of the roadway set aside for vehicular use and shall conform to:

(1) The provisions of this chapter.

(2) The provisions of the Michigan Vehicle Code which are hereby incorporated by reference as if fully set out herein. For purposes of this section, the Michigan Vehicle Code is composed of Public Act 300 of 1949, being M.C.L.A. §§ 257.1 through 257.923, as amended and as it may, from time to time, be amended, specifically including, but not limited to, Public Act 211 of 1994 and Public Acts 55-59 of 1999.

(3) The order or direction of a police officer, notwithstanding the provisions of existing traffic laws, when such officer is directing or regulating traffic in the interest of public safety.

(4) Any violation of the Michigan Vehicle Code, as incorporated herein by reference, shall be a violation of this chapter except as otherwise provided in this code.

(B) The provisions of this chapter relating to the operation of vehicles shall refer to the operation of vehicles upon the streets of the city and to places open to the general public or to a portion of the general public for the operation of vehicles.

(C) Any provision of this code to the contrary notwithstanding, any provision of the Michigan Vehicle Code or of this chapter which describes an act, omission or condition which is declared to be a civil infraction shall be processed as a civil infraction as provided for under this code. Any person found to be responsible for a civil infraction may be ordered to pay a civil fine of not more than \$500 together with costs and the Judge or Magistrate may impose such additional penalties as are provided for by law, § 1-15 of this code entitled "General Penalties" and the procedures set forth in § 1-14 entitled "Municipal Civil Infraction" shall be applicable to the extent not inconsistent with the Michigan Motor Vehicle Code.

(Ord. 442, passed 5-21-12)

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ARTICLE V: TRAFFIC REGULATIONS

Section

- 70.501 Impounding of vehicles; release fee
- 70.502 Alcohol offenses
- 70.503 Driving with suspended license

§ 70.501 IMPOUNDING OF VEHICLES; RELEASE FEE.

(A) *Authority; procedure.* A police officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public or private parking lot or highway or any other place open to travel by the public, and impound the vehicle under the circumstances hereinafter enumerated:

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

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

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

(4) When a disabled vehicle on a street constitutes an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the vehicle's custody or removal.

(5) When a vehicle is left unattended on a street and is parked in a manner which constitutes a definite hazard or obstruction to the normal movement of traffic.

(6) When a vehicle is found being driven on the streets or highways in an unsafe condition which endangers persons or property.

(7) When a vehicle is left continuously unattended on public or private property for 48 hours, after the Police Department has affixed a written notice on the vehicle.

(8) When the driver of the vehicle is taken into custody by the Police Department and the vehicle would thereby be left unattended on the street.

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(9) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason and when any vehicle is left parked upon a street during a snow storm or immediately following a snow storm, when it is deemed advisable that snow removal apparatus must be used on said street. The police officer shall make a reasonable attempt to contact the owner of the vehicle prior to said vehicle being impounded under this subsection. The City Administrator may waive the impound release fee required under § 70.501(A)(1), if, in the discretion of the City Administrator, circumstances merit a waiver of the impound release fee.

(10) When a vehicle is found parked in a tow-away zone which is designated by the Chief of Police and which is properly signposted.

(11) When signs have been duly erected or parking meters have been capped indicating that parking is prohibited.

(12) When the vehicle is involved in a DWLS, OUIL or OWI offense, pursuant to M.C.L.A. §§ 257.625 et seq.

(13) When the Police Department determines that the vehicle is parked in violation of a city ordinance.

(14) When the Police Department deems it necessary that the vehicle be towed for the help, safety and welfare of the community.

(B) The Police Department, when impounding a vehicle under this section, shall do all of the following:

(1) Check to determine if the vehicle has been reported stolen.

(2) Within 24 hours after impounding the vehicle, enter the vehicle as impounded into the law enforcement information network.

(3) Within seven days, and if the vehicle has not been released, excluding Saturday, Sunday, and legal holidays, after impounding the vehicle, send a notice that the vehicle has been impounded to the owner and the secured party, if any, by certified mail. Each notice shall contain all of the following information:

(a) The year, make and vehicle identification number of the vehicle.

(b) The location from which the vehicle was taken into custody.

(c) The date on which the vehicle was taken into custody.

(d) The name and address of the Police Department in whose custody the vehicle is being held.

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- (e) The location where the vehicle is being held.
- (f) The procedure to redeem the vehicle.
- (g) The date by which the vehicle must be redeemed.
- (h) That a procedure exists to contest the impoundment of the vehicle.

(i) A warning that the failure to redeem the vehicle or to contest the impoundment of the vehicle within 20 days after the date of this notice may result in the sale of the vehicle and termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.

(C) No impounded vehicle shall be discharged or removed from its storage area except upon payment by the owner of such vehicle or his or her representative of such sums as are set by ordinance of the City Commission for the release fee. However, no release fee shall be charged for a stolen vehicle if the vehicle is claimed within four days of receipt or seven days after mailing of the notice of impounding, whichever first occurs, and if the claimant has a police report stating that the claimant is the owner of the vehicle and that the vehicle was stolen. If the stolen vehicle is not claimed within four days of receipt of the notice or seven days of the sending of the notice, whichever first occurs, then the vehicle owner shall pay the release fee before the vehicle shall be discharged or removed from its storage area. However, upon a showing of good cause to the Police Department by the vehicle owner as to why the vehicle was not claimed within the earlier of four days of receipt of the notice or seven days after mailing of the notice, the release fee may be waived.

(D) If the owner contests the impoundment of the vehicle, the matter shall be resolved after a hearing conducted in the district court for the city. An owner who contests the impoundment of the vehicle may obtain release of the vehicle by posting a bond as determined by the court.

(E) If a vehicle remains unclaimed for more than 20 days, the Police Department shall, upon request from the towing agency, provide any necessary documentation for form TR-52 (10/96) or any revisions of said form thereof for the private or public sale of the vehicle by the towing agency. In the event the vehicle is sold at a private or public sale by the towing agency, the city shall waive its release fee.

(F) The Police Department is hereby authorized to impound or immobilize a vehicle whose owner has failed to answer six or more parking violation notices or citations regarding illegal parking issued subsequent to January 1, 2000. Any vehicle impounded or immobilized pursuant to this subsection may remain impounded or immobilized until all such parking violation notices or citations issued to the vehicle have been answered.

(G) *Abandoned vehicle defined.* As used in this section, **ABANDONED VEHICLE** means a vehicle which has remained on public property or private property for a period of 48 hours after the Police Department or other governmental agency designated by the Police Department has affixed a written notice to the vehicle.

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(H) *Abandoned vehicle procedures.* If a vehicle has remained on public or private property for a period of time so that it appears to the Police Department to be abandoned, the Police Department shall do all of the following:

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

(2) Affix a written notice to the vehicle. The written notice shall contain the following information:

(a) The date and time the notice was affixed.

(b) The name and address of the Police Department taking the action.

(c) The name and badge number of the police officer affixing the notice.

(d) The date and time the vehicle may be taken into custody and stored, at the owner's expense, or scrapped if the vehicle is not removed.

(e) The year, make and vehicle identification number of the vehicle, if available.

(I) *Release fee.* A release fee of \$50 shall be paid to the city prior to release of any vehicle taken into impound by the Police Department. The fee may be waived by the City Administrator in those instances where the vehicle was taken by the Police Department under circumstances not involving the registered owner of the vehicle. The waiver of fees shall comply with city policy.

(Ord. 302, passed 12-20-99; amended by Ord. 334, passed 12-17-01)

§ 70.502 ALCOHOL OFFENSES.

(A) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city if either of the following applies:

(1) The person is under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(2) The person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(B) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles within the city by a person who is under the influence of intoxicating liquor, a controlled substance or a combination of intoxicating liquor and a controlled substance, who has an alcohol content of 0.10

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grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or whose ability to operate the motor vehicle is visibly impaired due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance.

(C) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city when, due to the consumption of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance, the person's ability to operate the vehicle is visibly impaired. If a person is charged with violating division (A), a finding of guilty under this subsection may be rendered.

(D) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the city if the person has any bodily alcohol content. As used in this subsection "any bodily alcohol content" means either of the following:

(1) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) 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.

(E) A person, whether licensed or not, shall not operate a vehicle in violation of division (D) while another person who is less than 16 years of age is occupying the vehicle. A person who violates this subdivision is guilty of a misdemeanor punishable as follows:

(1) Community service for not more than 60 days.

(2) A fine of not more than \$500.

(3) Imprisonment for not more than 93 days.

In the judgement of sentence under this section, the court may, unless the vehicle is ordered forfeited under M.C.L.A. § 257.625b order vehicle immobilization as provided in section M.C.L. § 257.904d.

(F) If a person is convicted for violating division (A) the person is guilty of a misdemeanor punishable by one or more of the following:

(1) Community service for not more than 45 days.

(2) Imprisonment for not more than 93 days.

(3) A fine of not less than \$100 or more than \$500.

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(G) A person who is convicted of violating division (B) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not less than \$100 or more than \$500, or both.

(H) A person who is convicted of violating division (C), is guilty of a misdemeanor punishable by one or more of the following:

- (1) Community service for not more than 45 days.
- (2) Imprisonment of not more than 93 days.
- (3) A fine of not more than \$300.

(I) If a person is convicted of violating division (D), all of the following apply:

(1) Except as otherwise provided in subdivision (2) below, the person is guilty of a misdemeanor punishable by one or more of the following:

- (a) Community service for not more than 45 days.
- (b) A fine of not more than \$250.

(2) If the violation occurs within seven years of one or more prior convictions, the person may be sentenced to one or more of the following:

- (a) Community service for not more than 60 days.
- (b) A fine of not more than \$500.
- (c) Imprisonment of not more than 93 days.

(J) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under the code of criminal procedure, Public Act 175 of 1927, being M.C.L.A. §§ 760.1 - 776.22.

(K) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

(L) If a person is charged with a violation of division (A), (C), or (E), or section M.C.L.A. § 275.625m, the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating division (D) in exchange for dismissal of the original charge. This subsection does not prohibit the court from dismissing the charge upon the prosecuting attorney's motion.

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(M) Except as otherwise provided in division (O), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of division (A), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(N) Except as otherwise provided in division (O), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance in violation of division (C), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.

(O) A special verdict described in divisions (M) and (N) is not required if a jury is instructed to make a finding solely as to either of the following:

(1) Whether the defendant was under the influence of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(2) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of intoxicating liquor and a controlled substance at the time of the violation.

(P) If a jury or court finds under divisions (M), (N) or (O) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an intoxicating liquor, the court shall do both of the following:

(1) Report the finding to the Secretary of State.

(2) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under sections M.C.L.A. § 257.625n or M.C.L.A. § 257.906d.

(Q) Except as otherwise provided by law, a record described in subsection (P)(2) is a public record and the department of state police shall retain the information contained on that record for not less than seven years.

(R) In a prosecution for a violation of division (D), the defendant bears the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

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(S) If a person refuses a chemical test offered pursuant to section M.C.L.A. § 257.625a(6) or submits to a chemical test or a chemical test is performed pursuant to a court order and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:

(1) On behalf of the Secretary of State, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the Secretary of State.

(2) Except as provided in division (S)(1), immediately do all of the following:

(a) Forward a copy of the written report of the person's refusal to submit to a chemical test required under section M.C.L.A. § 257.625d to the Secretary of State.

(b) Notify the Secretary of State by means of the law enforcement information network that a temporary license or permit was issued to the person.

(c) Destroy the person's driver's license or permit.

(T) If a person submits to a chemical test offered pursuant to section M.C.L.A. § 257.625a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to the test shall comply with subsection (A)(1) pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (A)(2). If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.

(U) A temporary license or permit issued under this section is valid for one of the following time periods:

(1) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to section M.C.L.A. § 257.625f, whichever occurs earlier. The prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the Secretary of State if a case is not referred to the prosecuting attorney for prosecution.

(2) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked.

(V) As used in this section, *UNLAWFUL ALCOHOL CONTENT* means any of the following, as applicable:

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(1) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(2) If the person tested was operating a commercial motor vehicle within this state, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(3) If the person tested is not a person described in subsections (1) or (2) above, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. (Ord. 303, passed 9-20-99)

§ 70.503 DRIVING WITH SUSPENDED LICENSE.

(A) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in section M.C.L.A. § 257.212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor 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 motor vehicles, within the city.

(B) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the state by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license, except as permitted under this act.

(C) Except as otherwise provided in this section, a person who violates divisions (A) or (B) above is guilty of a misdemeanor punishable as follows: For a first violation, by imprisonment for not more than 93 days or a fine of not more than \$500, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the Secretary of State upon notification by a peace officer.

(D) Before a person is arraigned before a District Court Magistrate or Judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the Secretary of State and shall furnish the record to the court. The driving record of the person may be obtained from the Secretary of State's computer information network.

(E) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.

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(F) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in M.C.L.A. § 257.212 of that suspension or revocation, or whose application for a vehicle group designation and who operates a motor vehicle within this state, except as permitted under this act, while any of those conditions existing is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than three days or more than 93 days or a fine of not more than \$100, or both.

(G) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

(H) When a peace officer detains the driver of a motor vehicle for a violation of a state law or local ordinance for which vehicle immobilization is required, the peace officer shall do all of the following:

(1) Immediately confiscate the vehicle's registration plate and destroy it.

(2) Issue a temporary vehicle registration plate for the vehicle in the same form prescribed by the Secretary of State for temporary registration plates issued under M.C.L.A. § 257.226a or .226b.

(3) Place the temporary vehicle registration plate on the vehicle in the manner required by the Secretary of State.

(4) Notify the Secretary of State through the law enforcement information network in a form prescribed by the Secretary of State that the registration plate was confiscated and destroyed, and a temporary plate was issued.

(I) A temporary vehicle registration plate issued under this section is valid until the charges against the person are dismissed, the person pleads guilty or nolo contendere to those charges, or the person is found guilty of or is acquitted of those charges.

(J) A court shall order a vehicle immobilized under M.C.L.A. § 257.904d by the use of any available technology approved by the court that locks the ignition, wheels, or steering of the vehicle or otherwise prevents any person from operating the vehicle or that prevents the defendant from operating the vehicle. If a vehicle is immobilized under this section, the court may order the vehicle stored at a location and in a manner considered appropriate by the court. The court may order the person convicted of violating M.C.L.A. § 257.625 or a suspension, revocation, or denial under M.C.L.A. § 257.904 to pay the cost of immobilizing and storing the vehicle.

(K) A vehicle subject to immobilization under this section may be sold during the period of immobilization, but shall not be sold to a person who is exempt from paying a use tax under Section 3(3)(a) of the use tax act, Public Act 94 of 1933, being M.C.L.A. § 205.93 without a court order.

(L) A defendant who is prohibited from operating a motor vehicle by vehicle immobilization shall not purchase, lease, or otherwise obtain a motor vehicle during this immobilization process.

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(M) A person shall not remove, tamper with, or bypass or attempt to remove, tamper with, or bypass a device that he or she knows or has reason to know has been installed on a vehicle by court order by vehicle immobilization or operate or attempt to operate a vehicle that he or she knows or has reason to know has been ordered immobilized.

(N) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100 or both.

(O) To the extent that a local ordinance regarding the storage or removal of vehicles conflicts with an order of immobilization issued by the court, the local ordinance is preempted.

(P) If a peace officer stops a vehicle that is being operated in violation of an immobilization order, the vehicle shall be impounded pending an order of a court of competent jurisdiction.

(Q) The court shall require the defendant or a person who provides immobilization services to the court under this section to certify that a vehicle ordered immobilized by the court is immobilized as required.

(Ord. 304, passed 9-20-99)

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ARTICLE VI: MOTOR CARRIER SAFETY ACT

Section

- 70.601 Adoption of Motor Carrier Safety Act
- 70.602 References in Motor Carrier Safety Act

§ 70.601 ADOPTION OF MOTOR CARRIER SAFETY ACT.

The Motor Carrier Safety Act, being M.C.L.A §§ 480.11 - 480.22, as amended, is hereby incorporated by reference as if fully set out herein.
(Ord. 350, passed 5-19-03)

§ 70.602 REFERENCES IN MOTOR CARRIER SAFETY ACT.

References in the Motor Carrier Safety Act for Michigan cities, townships and villages to "government unit" shall mean the City of Clio.
(Ord. 350, passed 5-19-03)

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