

TOWNSHIP OF PENTWATER
COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the Township Board of the Township of Pentwater, Oceana County, Michigan, held at the Pentwater Township Hall, 327 Hancock Street, within the Township, on the 10th day of April 2019, at 6:00 p.m.

PRESENT: Members: Spittler, Johnson, Flynn, Siska and Ruggles

ABSENT: Members: None

The following preamble and ordinance were offered by Member Ruggles and supported by Member Siska:

ORDINANCE NO. 19-03

A GENERAL ORDINANCE OF THE TOWNSHIP OF PENTWATER

[Uniform Traffic Code, Traffic Engineer and Traffic Control Order]

An Ordinance enacted pursuant to MCL 257.955 and MCL 41.181 to adopt by reference the Uniform Traffic Code and Michigan Vehicle Code for Michigan 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 Public Acts 306, as amended (MCL 24.201 *et seq.*) and made effective October 30, 2002, and to adopt by reference certain other state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF PENTWATER ORDAINS:

Part I. Uniform Traffic Code

Section 1. **Adoption of Uniform Traffic Code by Reference.** 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 Public Acts 306, as amended (MCL 24.201 *et seq.*) and made effective October 30, 2002, is hereby adopted by reference. All references in said Uniform Traffic Code to a “governmental unit” shall mean the Township of Pentwater.

Section 2. Adoption of Provisions of the Michigan Vehicle Code by Reference.

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 *et seq.*), are hereby adopted by reference:

- A. Chapter I (Words and Phrases Defined): MCL 257.1 – 257.82
- B. Chapter II (Administration, Registration): MCL 257.225, 257.228, 257.243, 257.244, 257.256.
- C. Chapter III (Operator’s and Chauffeur’s License): MCL 257.310e, 257.311, 257.312a, 257.324, 257.325, 257.326, 257.328.
- D. Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (excerpt felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.
- E. Chapter VIII (License Offenses): MCL 257.904 – 257.904a, 257.904e, 257.905.

Section 3. Adoption of Other State Laws by Reference. The following provisions

of State law are hereby adopted by reference: Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).

Section 4. Penalties. Except as otherwise provided under State law, any violation of this ordinance is a municipal civil infraction, for which the fine shall not be less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages and expenses provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provisions of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

Section 5. Severability. If a court of competent jurisdiction declares any provisions of this ordinance or the Uniform Traffic Code, the Michigan Vehicle Code or another statutory

provision adopted by reference herein to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 6. **Changes in Code.** The following sections of the Uniform Traffic Code for Cities, Townships and Villages are hereby added as set forth below. Subsequent section numbers set forth below shall refer to the like-numbered sections of the Uniform Traffic Code:

A. **R 28.1496 Rule 496.** Driving, Due Caution Required. Any person who drives any vehicle upon a highway or a frozen lake, stream or pond or any other place open to the general public, including any area designated for the parking of motor vehicles, within the Township, without due caution and circumspection and at a speed or in a manner so as to endanger any person or property, shall be guilty of careless driving.

B. **R 28.1825 Rule 825.** Stopped School Bus. It shall be unlawful for the driver of any motor vehicle including motorcycles and motor scooters, within the corporate limits of the Township, to pass any school bus while it is conveying school children when a signal is given by the driver of said school bus to stop. Every such driver of a motor vehicle, either when overtaking any school bus or approaching the same from the opposite direction, shall bring his vehicle to a complete stop either before or behind such school bus when the driver of said bus gives a signal to stop and shall not again start his vehicle or pass said school bus until after the same has started to move. Provided, however, that the drivers of motor vehicles traveling on a divided highway are not required to stop when approaching a school bus traveling in the opposite direction which has come to a stop on the other half of such divided highway.

C. **R 28.1826 Rule 826.** Night Parking Restrictions. No person shall park a vehicle on any street between the hours of 2:00 a.m. and 6:00 a.m. of any day except physicians on emergency calls.

Part II. Traffic Engineer

Section 7. **Traffic Engineer.** The office of the Township Traffic Engineer is hereby established. The Traffic Engineer shall be appointed in a manner prescribed by the Township Board and shall exercise the powers and duties provided in this ordinance in a manner consistent with safe practices and the best interests of the Township. In the absence of the appointment of a Traffic Engineer, the authority of such Engineer shall be vested in the Township Supervisor. The

general duty of the Traffic Engineer shall be to plan and determine the installation and maintenance of parking control devices; to cooperate with other officials in the development of ways and means to improve conditions related to the parking, stopping or standing of vehicles; and to carry out additional powers and duties imposed by the ordinances of the Township, including the determination and designation of proper signage so as to regulate the stopping, standing and parking of vehicles and the duty to issue traffic control orders regarding signage, approved by the Township Board where appropriate and filed with the Township Clerk. Copies of all parking control orders shall be certified by the Township Clerk. The Traffic Engineer may, in concert with the Oceana County Road Commission, install, maintain or remove parking control signs or other devices so as to regulate the parking, standing or stopping of vehicles; provided, however, all parking control signs, signals and devices shall conform to the Michigan Manual of Uniform Traffic Control Devices.

Section 8. **Violation.** Violation of the Uniform Traffic Code or a Traffic Control Order or Ordinance issued pursuant to the Uniform Traffic Code which is designated as a civil infraction under the Uniform Traffic Code is not a crime and shall not be punishable by imprisonment or a penal fine. Such a civil infraction shall not be considered a lesser included offense of any criminal offense. However, unless another penalty is expressly provided by the ordinances of the Township, every person convicted of a misdemeanor violation of the Uniform Traffic Code shall be punishable by a fine of not more than \$100 or by imprisonment of not more than 90 days, or both.

**Part III. No parking signs on Lakeshore Drive
(adjacent to Golden Township)**

Section 9. The Township Board hereby authorizes and directs the Township Traffic Engineer, in cooperation with the Oceana County Road Commission, to place “No Parking” signs on that portion of Lakeshore Drive designated on the attached diagram. The signs shall conform

to the Michigan Manual of Uniform Traffic Control Devices and shall be located so as to inform the traveling public that parking is not permitted in this area. This shall be a traffic control order, confirmed and made permanent by means of the Township Board's action adopting this as an ordinance.

Section 10. The costs of these improvements are anticipated to be less than \$500, and no budget amendment is necessary to accomplish this action, sufficient funds being available within the Department of Public Works budget to complete the installation of the signs as described.

Part IV. Publication/Effective Date

Section 11. This ordinance shall be effective 30 days after publication thereof or publication of a summary of these provisions in a local newspaper of general circulation.

Upon motion made to adopt said ordinance, a roll call vote was taken as follows:

AYES: Members: Ruggles, Siska, Spitler, Flynn and Johnson

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Sue Ann Johnson, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Sue Ann Johnson, Township Clerk