

CITY OF CARSON CITY  
MONTCALM COUNTY, MICHIGAN

ORDINANCE NUMBER 22 REVISION IV

AN ORDINANCE ENACTED PURSUANT TO MCL 257.951-257.955 AND MCL 41.181 TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC 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 ACT 306, AS AMENDED (MCL 24.201 et seq) AND MADE EFFECTIVE OCTOBER 30, 2002, IN ACCORDANCE WITH PUBLIC ACT NO. 62 OF 1956, AS AMENDED, AND TO ADOPT BY REFERENCE CERTAIN STATE LAWS; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 22.1  
REFERENCES IN CODE

All references in the Uniform Traffic Code and in the Michigan Vehicle Code, to "governmental unit" shall mean the City of Carson City.

CHAPTER 22.2  
ADOPTION OF MICHIGAN UNIFORM TRAFFIC CODE BY REFERENCE

The Uniform Traffic Code for Cities, Townships and Villages promulgated by the Director of State Police, in Rule No. 2002-009-SP pursuant to the Administrative Procedures Act of 1969, 1969 Public Acts No. 306, MCL 24.201 et. seq., and made effective October 20, 2002, in accordance Public Act 62 of 1956, State of Michigan, and any amendments thereafter published is hereby adopted by reference as in this Ordinance as revised.

CHAPTER 22.3  
ADOPTION OF PROVISIONS OF 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:

- 22.301 Chapter I (Words and Phrases Defined): MCL 257.1-257.82.
- 22.302 Chapter II (Administration, Registration): MCL 257.223, 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- 22.303 Chapter III (Operator's and Chauffeur's License): MCL 257.311, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.
- 22.304 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 (except 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.
- 22.305 Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905

**CHAPTER 22.4**  
**ADOPTION OF OTHER STATE LAWS BY REFERENCE**

The following provisions of state law are hereby adopted by reference:

- 22.401 Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).
- 22.402 Subchapter 6 of Part 811 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, pertaining to off-road vehicles (MCL 324.81101-324.81147).
- 22.403 Part 821 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, pertaining to snowmobiles (MCL 324.82101-324.82158).
- 22.404 Section 703 of the Michigan Liquor Control Act, 1998 Public Act 58, as amended, pertaining to minors and alcoholic liquor (MCL 436.1703).

*Under the uniform traffic code :*

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- 22.405 R28.1323 Engine Brakes prohibited in certain areas.
- A. For purposes of this section, "engine brakes" are defined as an exhaust or exhaust manifold powered auxiliary braking system found on trucks. The terms "truck" and "truck tractor" used in this section shall have the same meaning as provided in the Michigan Vehicle Code, as amended from time to time, being MCL 257.1 et seq.
  - B. The city commission hereby finds that engine brakes are an auxiliary system and that drivers of trucks have other means of braking. In certain areas of the city, the use and application of engine brakes can be noisy and disruptive of the peace and tranquility of nearby residential areas.
  - C. The Street Administrator is hereby authorized to designate streets, or parts of streets, where it is unlawful for the driver of a truck or truck tractor to use engine brakes (except in an emergency situation). The Street Administrator shall erect appropriate traffic-control devices to give notice of the prohibited use of engine brakes.
  - D. A person who violates a prohibition on the use of engine brakes on designated streets or parts of streets under this section is responsible for a municipal civil infraction.

**CHAPTER 22.5  
PENALTIES**

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance Revision.

**CHAPTER 22.6  
NOTICE TO BE PUBLISHED**

The City Comptroller shall publish this Ordinance Revision in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office of the Comptroller for inspection by the public at all times.

**CHAPTER 22.7  
SAVINGS CLAUSE**

All proceedings pending, and all rights and liability existing, acquired or incurred, at the time this Ordinance Revision takes effect, are hereby saved. Such proceedings may be consummated according to the ordinance in force at the time such proceedings were commenced. This Ordinance Revision shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this Ordinance Revision adopting this penal regulation, for offenses committed prior to the effective date of this Ordinance Revision; and new prosecutions may be instituted and all prosecutions pending at the effective date of this Ordinance Revision may be continued, for offenses committed prior to the effective date of this Ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

**CHAPTER 22.8  
SEVERABILITY CLAUSE**

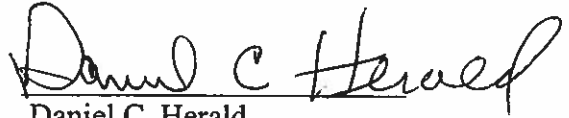
If a court of competent jurisdiction declares any provision of this Ordinance Revision or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the City, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the City to impose.

**CHAPTER 22.9  
REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE**

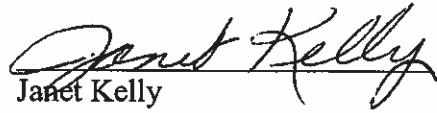
All ordinances or parts of ordinances, revisions or amendments in conflict or inconsistent with the provisions of this Ordinance Revision are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

**CERTIFICATION**

We the undersigned, Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this revision (IV) to the above and foregoing Ordinance, known as Ordinance Number 22 Revision (IV), of the City of Carson City, Michigan, was introduced at a regular meeting of the City Council, held on May 16, 2005, and was thereafter adopted at a regular meeting held on July 19, 2005, by a vote of five (5) for; zero (0) against; zero (0) abstaining; and one (1) absent.



Daniel C. Herald  
Mayor



Janet Kelly  
Comptroller