

**CHAPTER 14
VEHICLES AND TRAFFIC ORDINANCE**

14.01 UNIFORM TRAFFIC CODE ADOPTED.

(A) CODE ADOPTED

The Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of 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, is hereby adopted by reference.

History: (Effective Date of Amendment: 10-29-03; -)

(B) REFERENCES IN CODE

References in the Uniform Traffic Code for Cities, Townships and Villages to a "governmental unit" shall mean the City of Lapeer.

History: (Effective Date of Amendment: 10-29-03; -)

(C) PURPOSE AND AVAILABILITY.

Purpose of the Uniform Traffic Code is to supplement the Michigan Vehicle Code and provide for traffic administration and authority, the regulation of rights and duties of drivers and pedestrians; providing for regulations regarding parking and the operation of motor vehicles, bicycles, motorcycles, mopeds, and the others; to provide penalties and sanctions for a violation of the Uniform Traffic Code. A complete copy of the code is available to the public at the office of the City Clerk for inspection.

History: (Effective Date of Amendment: 10-29-03; -)

(D) PENALTIES

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

History: (Effective Date of Amendment: 10-29-03; -)

(E) CHANGES IN CODE.

The Uniform Traffic Code for cities, townships, and villages is hereby modified as indicated below:

**Section 5.4 Involvement in Accident Resulting in Injury or Death:
Stopping: Violation as Misdemeanor.**

History: (REPEALED. Effective Date 08-13-03; -)

Section 5.15 Operating a Vehicle Under The Influence of Intoxicating Liquor or a Controlled Substance.

History: (REPEALED. Effective Date 08-13-03; -)

Section 5.100 Driving or Congregating in City Parking Lot.

Section added to read:

- (1) No persons shall operate any motorized vehicle, or knowingly permit the same to be operated in any parking lot or parking area owned, operated or controlled by the City of Lapeer, unless the operator is undertaking to park and leave said vehicle or unless the operator is immediately undertaking to leave said parking lot or area after having been lawfully parked.
- (2) No operator of a motorized vehicle shall use a city parking lot or parking area as a short cut or as an area in which to learn to drive.
- (3) No person shall use any City parking lot or parking area as an area in which to meet or in which to congregate between the hours of 8:00 p.m. and 6:00 a.m.
- (4) A person who violates this section is responsible for a civil infraction.
History: (Effective Date of Amendment 04-12-89; -)

Section 5.101 Evidence of Vehicle Insurance: Production upon Request of Police Officer.

History: (REPEALED. Effective Date 08-13-03; -)

Section 5.97 School Buses; Overtaking, Meeting or Passing; Discharge of Passengers; Evidence of Violation; Penalties.

Section is amended to read:

- (1) The driver of a vehicle that overtakes or meets a school bus which has stopped and which is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 10 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer # actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, shall permit stopped traffic to proceed, and shall, when resuming motion, proceed in a manner that will allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety.

- (2) Passengers who cross a road upon being discharged from a school bus shall cross in front of the stopped school bus.
- (3) At an intersection where traffic is controlled by an officer or a stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper, but not more than 10 miles an hour, and shall proceed with due caution for the safety of passengers being received or discharged from the school bus.
- (4) The driver of a vehicle who fails to stop for a school bus as required by sub-section (1) of this section, or who passes a school bus in violation of sub-sections (1) or (3) of this section is guilty of a misdemeanor.
- (5) The driver of a vehicle on a highway that has been divided into 2 roadways by leaving an intervening space, by a physical barrier, or by clearly indicated dividing sections constructed so as to impede vehicular traffic need not stop upon meeting a school bus which has stopped across the dividing space, barrier or section.
- (6) In a proceeding for a violation of sub-section (1) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of sub-section (1) of this section, together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- (7) Except as otherwise provided in sub-section (4) of this section, a person who violates this section is responsible for a civil infraction.

History: (Effective Date of Amendment 11-30-1988; -)

Section 6.28 Bicycles.

(A) LICENSE TAG REQUIRED.

No person shall ride or propel a bicycle on any street or public way in the City of Lapeer or upon any part thereof, without first having secured and attached to such bicycle a proper license tag as provided hereinafter. All bicycle licenses shall be affixed to the frame of the bicycle for which issued. License number and serial number shall correspond with the registration of said bicycle.

(B) LICENSE APPLICATION.

Application for a license to own and operate a bicycle shall be made to the Traffic Division of the Police Department upon a form to be provided by the Department. The application shall be accompanied by a fee as listed on the City of Lapeer Fee Schedule to be paid in advance at the time of issuance of the license. The Chief of Police shall have authority to issue bicycle licenses subject to the provisions of this ordinance.

History: (Intro 09-06-11, Adopt 09-19-11, Publication 09-22-11; -)

(C) TERM OF LICENSE.

The license shall be valid for the life of the bicycle.

(D) MECHANICAL CONDITION.

The Chief of Police shall have authority to inspect all bicycles for mechanical fitness, and shall have the authority to refuse to grant or to revoke the license of any bicycle found to be in unsafe mechanical condition.

(E) RIDING BICYCLES, SKATEBOARDS, ROLLER BLADES OR MOTORIZED VEHICLES.

- (1) No person shall ride a bicycle, skateboard or roller blades upon any sidewalk located within the street right-of-way on Nepessing Street between Monroe Street and Saginaw Street.
- (2) No person shall ride a bicycle, skateboard, or roller blades upon any pedestrian mall area in the Central Business District.
- (3) No motorized vehicles shall be ridden on the sidewalk in any area of the City at any time. No motorized vehicles shall be ridden on any pedestrian mall areas of the City at any time.
- (4) No person shall ride a skateboard or roller blades upon any street or upon any parking lot located in the Central Business District.
- (5) except as provided in this sub-section, no person shall ride a bicycle, skateboard, or roller blades upon the following streets, street right-of-ways, sidewalks, or public parking lots, from 8:00 a.m. Thursday to 8:00 p.m. Sunday during the annual Lapeer Days celebration:

The area bounded by, and including Park Street on the North, Clay Street on the south, Mason Street on the west, and Saginaw Street on the east.

A person may ride a bicycle, skateboard, or roller blades in the area described above when going directly to, coming directly from, or participating in a parade or other Lapeer Days event intended to include bicycles, skateboard, or roller blades.

History: (Effective Date of Amendment 10-29-97; -)

(F) SERIAL NUMBER.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame. It shall be unlawful for any person to remove, destroy, mutilate or alter any bicycle license; provided, however, that nothing in this sub-section shall prohibit the Police Department from stamping numbers on the frame of bicycles, on which no serial number can be found or on which said number is illegible or insufficient for identification purposes.

(G) PENALTY.

(1) A person violating any of the provisions of this section shall be responsible for a civil infraction.

(2) In addition to the penalty described in (1) above, a person violating any of the provisions of sub-section (E) above shall also be subject to having the skateboard, roller blades, or motorized vehicle immediately confiscated and impounded by the City Police for up to ten days.

History: (Effective Date of Amendment 10-29-1997; -)

Section 8.26 Parking Dismantled or Partly Dismantled Motor Vehicles in Streets or Alleys Prohibited.

(A) It shall be unlawful for any person or persons, firm or corporation to park upon the streets or alleys of the City of Lapeer any motor vehicle that has been dismantled or partly dismantled or that is in the process of being dismantled or torn down.

(B) It is the intent of this section that the terms "dismantled" or "dismantling" shall be construed to mean the taking apart, or tearing down of any motor vehicle by the removal of any part or parts therefrom.

- (C) Any such motor vehicle so described in paragraph (A) of this section being parked on the streets or alleys of Lapeer is hereby declared to be a nuisance and it shall be the duty of any police officer of said City to abate such nuisance by removing the same from said street or alley, and said motor vehicle so removed shall be returned to the owner thereof only upon payment to the City Clerk by such owner of the expenses incurred by said City in removing same from street or alley.

Section 8.27 No Parking on Nepessing Street Between the Hours of Two A.m. and Six A.m.

- (A) It shall be unlawful for any person or persons to park a motor vehicle upon Nepessing Street in the City of Lapeer between the hours of two a.m. and six a.m., unless said motor vehicle is occupied by a person in charge of the power and control of said motor vehicle and capable of moving the same upon notice from any Police Officer of the City of Lapeer.
- (B) Any Police Officer of the City of Lapeer may impound any vehicle parked on Nepessing Street in violation of the terms of this Ordinance. Any person desiring to redeem such impounded vehicle may do so by payment to the Violations Bureau of a predetermined fine as listed in the City of Lapeer Fee Schedule, and such fine and costs as may be assessed by a court of competent jurisdiction and the payment of towing and storage costs.

History: (Effective Date of Amendment 08-17-78; Intro 09-06-11, Adopt 09-19-11, Publication 09-22-11; -)

Section 9.3 Penalties:

Any provision of this ordinance which describes an act or omission which remains a misdemeanor under the terms of the Michigan vehicle Code, being 1949 Public Act 300, as amended, shall be a misdemeanor under this ordinance, punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment. A violation of any other provision of this ordinance not constituting a misdemeanor, as herein provided, shall be processed as a civil infraction, and any person determined to be responsible for a civil infraction may be ordered by judge, referee, or district court magistrate of competent jurisdiction to pay a civil fine of not more than one hundred dollars (\$100.00) and costs in accordance with Section 907 of said Michigan Vehicle Code (M.C.L.A. 257.907; M.S.A. 9.2607).

14.02 VIOLATIONS BUREAU.

- (A) Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968, a parking violations bureau, for the purpose of handling alleged parking violations within the City, is hereby established. The parking violations bureau shall be under the supervision and control of the City Clerk.
- (B) The City Clerk shall, subject to the approval of the City Council, establish a convenient location for the parking violations bureau, appoint qualified City employees to administer the bureau and adopt rules and regulations for the operation thereof.
- (C) No violation not scheduled in Section (F) of this Ordinance shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation, in which case, any person having knowledge of the fact may make a sworn complaint before any court having jurisdiction of the offense as provided by law.
- (D) No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law.
- (E) The issuance of a traffic ticket or notice of violation by a police officer of the City shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a default judgement against the person to whom the ticket was issued will be sought if such person fails to respond within the time limit.
- (F) **MINOR CHARGES AND PREDETERMINED FINES:**

(a) For special events, when there is expected to be large influx of vehicular traffic into the City of Lapeer, which will create unusual traffic levels, congestion, and the need for rapid access, fire, and emergency vehicles, the penalties as outlined in the graph below shall apply. In addition to special events, which may be added pursuant to subsection (b) below, the special events are hereby designated as the Gus Macker Basketball Tournament, Sidewalk Sale Days, and Lapeer Days.

(b) Upon Resolution of the City Commission, to be made at least 30 days in advance of the special event, the City Commission may designate certain periods of time as additional special events. During the time period designated by the City Commission for such special events, the designated special events minor charges and pre-determined fines as listed in the City of Lapeer Fee Schedule.

History: (Effective dates of Amendments 03-14-1984; Effective date of Amendment 06-12-1996; Effective date of amendment 10-15-03; Intro 09-06-11, Adopt 09-19-11, Publication 09-22-11; -)

(c) Minor Charges and Predetermined Fines shall be as listed in the City of Lapeer Fee Schedule.

History: (Intro 09-06-11, Adopt 09-19-11, Publication 09-22-11; -)

(G) Violations of provisions under this Section (14.02) shall be punishable as provided in Section 9.3 of Chapter 14.

(H) This Ordinance shall become effective on January 1, 1969, at 12:01 a.m.

(I) In parking space clearly identified by an official sign as being reserved for use by handicappers which is on public property, or on private property available for public use, unless the person is a handicapper as described in the Michigan Vehicle Code 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 of the following:

(i) A certificate of identification issued by the Secretary of State to a handicapper on the lower left corner of the front windshield.

(ii) A special registration plate issued by the Secretary of State to a handicapper.

(iii) A similar certificate of identification used by another state to a handicapper.

- (iv) A similar special registration plate issued by another state to a handicapper.

History: (Effective Date of Amendment 10-26-1988; -)

14.03 PUBLIC PARKING LOTS.

(A) Designation of Downtown City Parking Lots.

The following areas are hereby designated as Downtown City Parking Lots:

Downtown City Parking Lots	
Designation	Location
No.1	Northeast corner of Clay Street and Court Street intersection.
No.2	End of Park Street on the East Side of Saginaw Street.
No.3	Between Nepessing and Park Streets and adjacent to Pine Street on the West.
No.4	Between Nepessing and Park Streets and adjacent to Pine Street on the East.
No.5	Between Nepessing Street on the North and Farmers Creek on the South, and between Saginaw and Court Streets.
No.6	Southwest Corner of Clay and Cedar Streets with Clay Street on the North and the Alley South of Clay Street on the South.
No.7	Between Fox Street and Cedar Street on the South side of Clay Street - City/County Parking Lot.
No.8	Between Nepessing Street and Clay Streets and between Mason and Cedar Streets.
No.9	Between Nepessing and Park Streets and Between Mason and Court Streets.
No.10	Located immediately West of 407 Clay Street.

(B) PARKING HOURS IN DOWNTOWN CITY PARKING LOTS.

- (1) Except in those areas designated as "Downtown Resident Parking Areas" by an appropriate Traffic Control Order pursuant to Section 2.53 (A) of the Uniform Traffic Code for cities, townships, and villages, of August 4, 1976, heretofore adopted in Section 14.01 (A) of this Chapter 14, there shall be parking for the general public in Downtown City Parking Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 between the hours of 6:00 a.m. and 2:00 a.m. of the following day, and there shall be no parking between 2:00 a.m. and 6:00 a.m.

(C) INSTALLATION AND LOCATION OF PARKING METERS IN DOWNTOWN CITY PARKING LOTS.

- (1) There shall be installed in Downtown City Parking Lots 1, 3, 4, 5, 8, 9 and 10 such number of parking meters as the Lapeer City Commission shall from time to time determine by resolution in those locations which are designated in an appropriate Traffic Control Order pursuant to Section 2.53 (A) of the Uniform Traffic Code for cities, townships and villages of August 4, 1976, heretofore adopted in Section 14.01 of this Chapter 14.

(D) PARKING AREAS FOR DOWNTOWN RESIDENTS.

- (1) Downtown City Parking Lots shall contain the number of spaces for downtown residents as the Lapeer City Commission shall from time to time determine by resolution in those locations which are designated in an appropriate Traffic Control order pursuant to Section 2.53 (A) of the Uniform Traffic Code for cities, townships and villages of August 4, 1976, heretofore adopted in Section 14.01 (A) of this Chapter 14.

(E) PROHIBITION OF PARKING OF SEMI-TRAILERS.

- (1) In order to preserve the surface of downtown parking lots from heavy loads and to assure an adequate supply of parking spaces, there shall be no parking of semi-trailers in any Downtown Parking Lots.
History: (Effective Date of Amendment 05-01-1975; -)

14.04 COMMUTER PARKING LOTS.

(A) Designation of commuter parking lots.

The following areas are designated as Commuter Parking Lots:

Commuter Parking Lots	
Designation	Location
No.	Lot located on Saginaw Street north of Genesee Street.
No.2	Lot located on S. Main Street between the G.T.W.R.R. and Farmers Creek.

- (B) Prohibition of parking of vehicles, trailers or semi-trailers in excess of twenty (20) feet in areas designated as commuter lots. In order to establish sufficient room for parking and vehicular mobility in areas designated as commuter lots there shall be no parking of any vehicle, trailer, or semi-trailer having a length in excess of twenty (20) feet in any lot so designated.
 History: (Effective Date of Amendment 08-29-1984; -)

14.06 SAFETY BELTS AND CHILD RESTRAINT SYSTEMS.
 History: (REPEALED. Effective Date 08-13-03; -)

14.07 PARKING OF TRUCKS OR BUSES.

It shall be unlawful to park any truck or bus, except those actively providing a service, on any public street for more than three (3) hours per day. For purposes of this section, "public street" means the portion of any street certified by the City in accordance with Public Act 51 of 1951, as amended. "Truck" or "bus" shall mean any vehicle with a licensed empty weight of more than 5,500 pounds or any vehicle which exceeds 22 feet in length.
 History: (Effective Date of Amendment 03-14-90; -)

14.08 TRUCK ROUTES.

- (A) The operation of any truck as defined in Public Act 300 of 1949, as amended, is prohibited upon every street in the City except "Truck Routes" designated as such by Traffic Control Order. Provided however, that no provision of this section shall prohibit:
1. The operation of emergency vehicles upon any street in the City.

2. The operation of trucks owned or operated by the City, other governmental agencies or contractors licensed to provide services to the City residents or to trucks engaged in the repair, maintenance or construction of streets, street improvements, or utilities within the City.
 3. The operation of a truck upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
 4. Any truck while engaged in one or more local pickups or deliveries from using such prohibited streets as may be reasonably necessary in so doing, provided that such truck shall upon completion of the last pickup or delivery, return by the shortest route to the nearest street upon which it is permitted to operate.
- (B) No truck operated in the City shall exceed the normal maximum axel load established by Public Act 300 of 1949, as amended.
- (C) During the months of March, April and May in each year, the maximum axel load allowable for trucks operating in the City shall be reduced by 35 percent from the normal maximum axle load. The City Manager may suspend the restrictions imposed by this section when conditions of the street, or the public health, safety, and welfare so warrant. The City Manager may impose the restricted loading requirements of this section on streets at any other time it is reasonably necessary to protect the street from damage.
- (D) It shall be the duty of any person driving or in charge of any truck operating upon any street in the City for which truck travel is limited or restricted, to proceed, upon the request of any police officer, to any public or private scale for the purpose of weighing the truck to determine whether the weight thereof is in excess of the weight limit permitted upon such street.

History: (Effective Date of Amendment 03-14-1990; -)

14.09 MICHIGAN VEHICLE CODE ADOPTED

- (A) The Michigan Vehicle Code, 1949 PA 300; MCL 257.1 to 257.923; MSA 9.1801 TO MSA 9.2623, as amended, is hereby adopted by reference.

(B) REFERENCED IN VEHICLE CODE

References in the Michigan Vehicle Code to “local authorities” shall mean the

City of Lapeer.

14.10 PENALTIES

The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.”

History: (Effective Date of Amendment 02-28-01; -)