

CHAPTER 16 TRAFFIC AND MOTOR VEHICLES*

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ARTICLE I IN GENERAL

Sec. 16-001--16-025. Reserved.

ARTICLE II MICHIGAN VEHICLE CODE*

**Editor's note: An ordinance of October 27, 2003, amended the Code by, in effect, repealing former art. II, §§ 16-026--16-030, and adding a new art. II. Former art. II pertained to the Uniform Traffic Code, and derived from the Compiled Ordinances of 1986, §§ 20.003--20.005, and ordinances of April 9, 1990; November 27, 1995; September 27, 1999; and March 13, 2000.*

Sec. 16-026. Adoption by reference

The Michigan Vehicle Code, Act Number 300 of the Public Acts of 1949, as amended, MCL 257.1 – MCL 257.923, is adopted by reference, with the following chapters and corresponding MCL sections to serve as the basic traffic regulations of the Township:

Chapter I Words and Phrases Defined; 257.1 – 257.82
Chapter II Administration, Registration, Certificate of Title and Anti-Theft
Unregistered vehicle (257.215)
Failure to display registration (257.223)
Display of registration plates (257.225)
Failure to notify of change of address for registration (257.228)
Abandoned vehicles (257.252a – 257.252i)
Improper use of title, or registration certificate or plate (257.256)
Chapter III Operator's and Chauffer's License
Operator's and chauffer's license possession and display (257.311)
Restricted license (257.312)
Driving on suspended license; non-resident (257.317)
Commercial vehicle operation; alcohol (257.319d)
Employer allows commercial vehicle violation (257.319g)
Failure to answer court citation (257.321a)
License, unlawful use or alteration (257.324)

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Allowing unlicensed minor to operate (257.325)
Operation in violation of act (257.326)
Employment of unlicensed chauffeur (257.327)
Proof of insurance (257.328)
Chapter VI Obedience to and Effect of Traffic Laws; (257.601 – 257.750)
Chapter VIII Penalties; (257.901 – 257.910)

(Ord. of 10-27-2003)

Secs. 16-027--16-050. Reserved.

ARTICLE III RECREATIONAL VEHICLES

Sec. 16-051. Short title

This article shall be known and cited as the "Recreational Vehicle Regulation Ordinance." It shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

(Comp. Ords. 1986, § 20.311)

Sec. 16-052. Purpose

The purpose of this article shall be:

- (a) To define and regulate the use and operation of recreational vehicles within the Township.
- (b) To adopt by ordinance the statutes of the state regulating the use and operation of snowmobiles within the Township.
- (c) To impose parental responsibility for operation of such vehicles by children.
- (d) To provide for penalties upon the violation of these provisions.

(Comp. Ords. 1986, §§ 20.312--20.316)

Sec. 16-053. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Dealer means any person engaged in the sale, lease or rental of snowmobiles, motorbikes, motor driven cycles or other recreational vehicles, as a regular business.

Highway or street means 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.

Motor driven cycle means every motorcycle, including every motor-scooter, with a motor which produces not to exceed five (5) maximum brake horsepower, and every bicycle with motor attached.

Motorbike or mini-bike means any wheeled cycle driven by an internal combustion engine having a saddle or seat for the use of the rider and not being licensed as a motor vehicle within this state, regardless of the horsepower of such vehicle. As used herein, the terms motorbike and mini-bike are declared interchangeable.

Operate means to ride in or on and be in actual physical control of the operation of a snowmobile, motorbike, motor driven cycle or other recreational vehicle.

Operator means any person who operates or is in actual physical control of a snowmobile, motorbike, motor driven cycle or other recreational vehicle.

Other recreational vehicle means any mechanical power driven vehicle, whether steered by propeller, track, wheels or skis designed or manufactured primarily for operation as

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(CHAPTER 16, ARTICLE III, SECTION 16-053 cont.)

recreation, including professional competition, not being eligible for licensing and registration under the Michigan Vehicle Code.

Owner means any of the following:

- (1) A person who holds the legal right, title or interest to a snowmobile, motorbike, motor driven cycle or other recreational vehicle.
- (2) A vendee or lessee of a snowmobile, motorbike, motor driven cycle or other recreational vehicle which is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
- (3) A person renting a snowmobile, motorbike, motor driven cycle, or other recreational vehicle or having the exclusive use and possession of a snowmobile, motorbike, motor driven cycle or other recreational vehicle.

Right-of-way means that portion of a highway outside the roadway and any shoulder.

Roadway means that portion of a highway improved, designated or ordinarily used for vehicular travel. If a roadway includes two (2) or more separate roadways the term roadway refers to any such roadway separately, but not to all such roadways collectively.

Shoulder means that portion of a highway on either side of the roadway which is normally snowplowed for the safety and convenience of vehicular traffic.

Snowmobile means any motor driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated.

(Comp. Ords. 1986, §§ 20.317--20.329)

Sec. 16-054. Snowmobile; Certificate of registration and decal

- (a) Except as otherwise provided in MCL 324.82103 and MCL 324.82104, a snowmobile shall not be operated unless the owner first obtains a certificate of registration and a registration decal and the registration decal assigned to that snowmobile has been affixed to each side of the forward half of the cowl above the foot -well of the snowmobile.
- (b) Registration as required by subsection (a) shall not be required for a snowmobile operated exclusively on lands owned or under the control of the snowmobile owner or for a snowmobile used entirely in a safety education and training program conducted by a certified snowmobile safety instructor and authorized by MCL 324.82108.

(Comp. Ords. 1986, §§ 20.330--20.332; Ord. of 7-8-2002)

Sec. 16-055. Equipment required--Snowmobiles

All snowmobiles operated in the Township shall have the following equipment:

- (a) At least one (1) headlight, one (1) taillight, which shall each be lighted during operation in the Township.
- (b) Adequate brakes capable one (1) of the following while the snowmobile travels on packed snow and carries an operator who weighs one hundred seventy-five (175) pounds or more:
 - (1) Stopping the snowmobile in not more than forty (40) feet from an initial steady speed of twenty (20) miles per hour; or
 - (2) Locking the snowmobile's traction belt or belts.
- (c) All sleds or separate passenger compartments, if any, shall be properly maintained and in good working order to reasonably ensure the safety of passengers, if any.
- (d) A person operating or riding on a snowmobile shall wear a crash helmet on his or her head. Crash helmets shall be approved by the United States Department of Transportation. This section does not apply to a person riding on or operating a snowmobile on his or her own private property.
- (e) A muffler in good working order and in constant operating from which noise emission at fifty (50) feet at right angles from the vehicle path under full throttle does not exceed eighty-six (86) DBA, decibels on the "a" scale, on a sound meter having characteristics defined by American standards association S1, 4-1966 "general purpose sound meter". A snowmobile manufactured after July 1, 1977, and sold or offered for sale in this state shall not exceed seventy-eighty (78) decibels of sound pressure at fifty (50)

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(CHAPTER 16, ARTICLE III, SECTION 16-055 cont.)

feet as measured under the 1974 society of automobile engineers code J-192a. This section does not apply to a snowmobile that is being used in an organized race on a course which is used solely for racing.

(Comp. Ords. 1986, §§ 20.333--20.337; Ord. of 7-8-2002)

Sec. 16-056. Same--Other recreational vehicles

All motorbikes, motor driven cycles and other recreational vehicles shall have the following equipment:

- (a) A muffler properly attached, in good working order, and in constant operation to prevent excessive or unusual noise and annoying smoke.
- (b) Adequate brakes, all in good working order.
- (c) All safety devices such as the particular vehicle might be equipped with should also be maintained in good working order.

(Comp. Ords. 1986, §§ 20.338--20.341)

Sec. 16-057. General operating regulations - Snowmobiles

The following regulations are applicable to the operation of snowmobiles:

- (a) A person shall not operate a snowmobile upon a public street, or on a public or private parking lot not specifically designated for the use of snowmobiles except under the conditions and circumstances in subsection (b) below;
- (b) A snowmobile may be operated on the street or associated right-of-way when necessary to cross a bridge or culvert if the snowmobile is brought to a complete stop before entering onto the street or associated right-of-way and the operator yields to approaching vehicles on the public street.

(Comp. Ords. 1986, §§ 20.342--20.344)

Sec. 16-058. Operation on public street right-of-way – Snowmobiles

A snowmobile may be operated on the right-of-way of a public street within the Township if it is operated at the extreme right of the open portion of the right-of-way and with the flow of traffic on the public street. Snowmobiles operated on the public street right-of-way of a public highway, as herein provided shall travel single file and shall not be operated abreast except when overtaking and passing another snowmobile. In the absence of a posted snowmobile speed limit, a snowmobile on a public street right-of-way as herein provided in this section shall be limited to the speed limited posted on the public street.

(Comp. Ords. 1986, § 20.345; Ord. of 7-8-2002)

Sec. 16-059. Crossing public street - Snowmobiles

A snowmobile may be operated across a public street, at right angles to the street for the purpose of getting from one (1) area to another when the operation can be done in safety and another vehicle is not crossing the public street at the same time in the same general area. An operator shall bring his snowmobile to a complete stop before proceeding across any public street and shall yield to all oncoming traffic.

(Comp. Ords. 1986, § 20.346)

Sec. 16-060. County streets; outside limits - Snowmobiles

- (a) Within the Township, snowmobiles may be operated on a public street which is not normally snowplowed for vehicular traffic and on any snowplowed public street which is designated and marked for snowmobile use by the Road Commission for Oakland County.
- (b) A duly constituted law enforcement officer of the Township may authorize use of a snowmobile on a public street within the Township when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow or other extreme winter weather conditions.
- (c) A snowmobile may be operated on a street for a special event of limited duration when permitted by the Township. The event may be conducted on the frozen surface of public waters only under permit from the S.E.A.

(Comp. Ords. 1986, §§ 20.347--20.349)

(CHAPTER 16, ARTICLE III cont.)

Sec. 16-061. Prohibitions

No person shall operate, nor shall an owner allow to be operated a snowmobile, motorbike, motor driven cycle or other recreational vehicle in the following manner:

- (a) In a careless or negligent manner likely to endanger persons or property.
- (b) At a rate of speed greater than is reasonable and proper, having due regard for conditions then existing.
- (c) In a manner which would cause loud, unnecessary or unusual noise which would unreasonably interfere with the peace and quiet of other persons.
- (d) While the operator is using the snowmobile to hunt, pursue, worry or kill a wild bird or animal.
- (e) While transporting on the snowmobile a bow, unless unstrung or encased, or a firearm, unless unloaded in both barrel and magazine and securely encased.
- (f) No operator or owner shall allow or cause to be allowed a snowmobile, motorbike, motor drive cycle or other recreational vehicle while the motor is running or to remain unattended on public property with the keys for starting left in the ignition or otherwise in open view.

(Comp. Ords. 1986, §§ 20.350--20.356; Ord. of 7-8-2002)

Sec. 16-062. Place of operation

No person shall operate nor shall the owner allow to be operated a snowmobile, motorbike, motor driven cycle or other recreational vehicle:

- (a) On the private property of another, without the express permission to do so by the owner or occupant of such property.
- (b) On public school grounds, park property, playgrounds, and recreation areas or any other public property, without express permission or provision to do so by proper public authority.

(Comp. Ords. 1986, §§ 20.357--20.359)

Sec. 16-063. Prohibitions on snowmobile operation

A person shall not operate a snowmobile:

- (a) In any forest nursery, planting area or public lands posted or reasonably identifiable as an area of forest reproduction when growing stock may be damaged or as a natural dedicated area.
- (b) On the frozen surface of public waters within one hundred (100) feet of a person, including but not limited to a skater, not in or upon a snowmobile, or within one hundred (100) feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.
- (c) Within one hundred (100) feet of a dwelling between 12:00 midnight and 6:00 a.m., at a speed greater than minimum required to maintain forward movement of the snowmobile.
- (d) In or upon or remain unlawfully on premises which are fenced, otherwise enclosed in a manner to exclude intruders, posted in a conspicuous manner or when notice against trespass is personally communicated to him by the owner or an authorized person. A person shall not operate a snowmobile in or upon farmlands, farm wood lots or platted property without permission of the landowner.
- (e) On or across a cemetery or burial ground.
- (f) Within one hundred (100) feet of a slide, ski or skating area. A snowmobile may enter such an area for the purpose of servicing the area of and for medical emergencies.
- (g) On a railroad or railroad right-of-way, except railroad, public utility or law enforcement personnel while in the performance of their duties.

(Comp. Ords. 1986, §§ 20.360--20.367)

Sec. 16-064. Operating in reckless manner or while under influence of intoxicating liquor or controlled substances - Snowmobiles

- (a) A person shall not operate a snowmobile upon a public street, public non-motorized pathway, frozen surface of a public watercourse, inland lake or stream, or another public place, including, but not limited to, an area designated for the parking of snowmobiles or other motor vehicles, in willful or wanton disregard for the safety of persons or property.
- (b) A person shall not operate a snowmobile in the Township if either of the following applies:
 - (1) The person is under the influence of intoxicating liquor or a controlled substance, or both.

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(CHAPTER 16, ARTICLE III, SECTION 16-064 cont.)

- (2) The person has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (c) The owner of a snowmobile or a person in charge or in control of a snowmobile shall not authorize or knowingly permit the snowmobile to be driven or operated by a person who is under the influence of intoxicating liquor or a controlled substance, or both, or who has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (d) A person shall not operate a snowmobile when, due to the consumption of an intoxicating liquor or a controlled substance, or both, the person's ability to operate the snowmobile is visibly impaired. If a person is charged with violating subsection (b), a finding of guilty under this subsection may be rendered.

(Ord. of 7-8-2002)

Editor's note: An ordinance of July 8, 2002 amended the Code by, in effect, repealing former § 16-064, and adding a new § 16-064 to read as herein set out. Former § 16-064 pertained to unattended vehicles, and derived from the Compiled Ordinances of 1986, § 20.368.

Sec. 16-065. Parental responsibility for operation by children

- (a) A parent or legal guardian shall not permit his or her children who are under the age of twelve (12) years to operate a snowmobile, motorbike, motor driven cycle or other recreational vehicle without the direct supervision of an adult except on land owned or under the control of the parent or legal guardian.
- (b) A person who is at least twelve (12) but less than sixteen (16) years of age may operate a snowmobile if:
 - (1) The person is under the direct supervision of a person who is twenty-one (21) years of age or older;
 - (2) The person has in his immediate possession of a snowmobile safety certificate (when operating a snowmobile) issued pursuant to state law.
 - (3) The person is on land owned or controlled by his parent or legal guardian.
- (c) A person who is operating a snowmobile pursuant to subsection (b)(2) above shall present the snowmobile safety certificate to any peace officer upon demand.
- (d) Notwithstanding subsection (a) above, an operator who is under twelve (12) years of age shall not cross a public street. An operator who is at least twelve (12) years of age, but less than sixteen (16) years of age, may cross a public street only if the person has a valid snowmobile safety certificate in his immediate possession.
- (e) The owner of a snowmobile, motorbike, motor driven cycle or other recreational vehicle, shall not permit the said vehicle to be operated contrary to this section.

(Comp. Ords. 1986, §§ 20.369--20.376; Ord. of 7-8-2002)

Sec. 16-066. Violations--Penalties and sanctions; owner presumed operator

- (a) Violations of Section 16-064 are a misdemeanor punishable as provided in Section 1-010(a) of this Code and in Part 821 of the Natural Resources and Environmental Protection Act, as amended, MCL 324.82101 – MCL 324.82160, which is adopted by reference, and may be investigated, charged, and prosecuted as provided in that statute.
- (b) Violation of any of the remaining sections of this article is a civil infraction punishable as provided in Section 1-010(b) of this Code.
- (c) In a proceeding for violation of this article involving prohibited operation or conduct, the registration number displayed on a snowmobile or other recreational vehicle constitutes a rebuttable presumption that the owner of the said vehicle was the person operating the vehicle at the time of the offense.

(Comp. Ords. 1986, §§ 20.377--20.379; Ord. of 7-8-2002)

(CHAPTER 16, ARTICLE III cont.)

Secs. 16-067--16-085. Reserved

ARTICLE IV SCHOOL PROPERTY

Sec. 16-086. Applicability of article

The provisions of this article shall apply to all properties, lands and premises of the Community College District of Parts of the Counties of Oakland, Washtenaw, Livingston and Lapeer, Michigan (Oakland Community College), and the Waterford School District located in the Township, referred to in this Article as "school property."

(Comp. Ords. 1986, § 20.091)

Sec. 16-087. Application of general traffic regulations

All provisions of the Michigan Vehicle Code, adopted by Article II of this chapter, insofar as they can have application, shall be applicable to the Community College District and Waterford School District property.

Sec. 16-088. Establishment of traffic control devices

The boards of trustees of the Community College District and the Waterford School District shall respectively place and maintain upon their respective property such traffic control devices, not inconsistent with the provisions of this article, as each shall deem necessary to indicate and carry out the provisions of this article or to regulate, warn or guide traffic. All such traffic control devices hereafter erected shall conform to state specifications. Any such rules shall be in the form of traffic control orders and shall be submitted to the Township Board and remain in effect unless disapproved in writing by the Township Board.

(Comp. Ords. 1986, § 20.093)

Sec. 16-089. Speed limits

It shall be unlawful for any person to operate a motor vehicle in excess of a speed of fifteen (15) miles per hour upon any school property, unless otherwise posted.

(Comp. Ords. 1986, § 20.097)

Sec. 16-090. Depositing waste materials on street roadways

- (a) No person shall throw or deposit upon any school property street, any glass bottle, glass, nails, tacks, wire, cans, or waste materials as defined in Chapter 9 of this Code, or any other substance likely to injure any person, animal or vehicle upon such street.
- (b) Any person who drops, or permits to be dropped or thrown, upon any school property street, any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from school property shall remove any glass or other injurious substance dropped upon any school property or public street from such vehicle.

(Comp. Ords. 1986, § 20.113)

Sec. 16-091. Consumption of liquor on school property streets and parking areas

No alcoholic beverage in an open container shall be possessed, and no alcoholic beverage shall be consumed on school property streets or parking areas.

(Comp. Ords. 1986, § 20.114)

Sec. 16-092. Violations and sanctions

Violation of any section of this article is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Comp. Ords. 1986, § 20.116; Ord. of 7-8-2002)

Secs. 16-093--16-115. Reserved

(CHAPTER 16 cont.)

ARTICLE V SHOPPING CENTERS

Sec. 16-116. Authority

This article is enacted pursuant to authority granted and conferred by Act 235 of the Public Acts of 1969 (MCL 257.941 et seq.) entitled "Control of Traffic in Parking Lots."

(Comp. Ords. 1986, § 20.181)

Sec. 16-117. Application of general traffic regulations

All provisions of the Michigan Vehicle Code, adopted by Article II of this chapter, insofar as they can have application, shall be applicable to shopping center parking lots.

(Comp. Ords. 1986, § 20.184)

Sec. 16-118. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Parking area means an area near or contiguous to a shopping center, used by the public as the means of access to and egress from the stores and business establishments at the shopping center and for the free parking of motor vehicles of patrons of the shopping center.

Shopping center means a minimum area of three (3) acres of land on which there is located one (1) or more stores or business establishments and where a parking area is provided.

(Comp. Ords. 1986, § 20.182)

Sec. 16-119. Authority of Township

The Township may:

- (a) Order stop signs, yield signs or other traffic control devices erected at specified entrance or exit locations to a shopping center or at any intersection in the parking area.
- (b) Regulate traffic in the parking area, including regulation by means of traffic control signals.
- (c) Prohibit or regulate the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking area.
- (d) Regulate the crossing of any street roadway in the parking area by pedestrians.
- (e) Designate any separate street roadway, drive or land in the parking area for one-way traffic.
- (f) Prohibit, regulate, restrict or limit the stopping, standing or parking of vehicles in specified areas of the parking area.
- (g) Designate safety zones, loading zones and other restricted areas.
- (h) Provide for the removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires or other public emergencies, or found unattended in the parking area, where they constitute an obstruction to the traffic or where stopping, standing or parking is prohibited, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle.
- (i) Adopt additional rules and regulations to control traffic and parking in the parking areas as local conditions may require for the safety and convenience of the public or of the users of the shopping center.

(Comp. Ords. 1986, § 20.183)

Sec. 16-120. Liability for costs

The cost of any signs, markings, signals or other devices and the cost of installing and maintaining same shall be paid by the shopping center requesting regulation and control under this article.

(Comp. Ords. 1986, § 20.185)

Sec. 16-121. Application of article; parking space for disabled

- (a) This article applies to the Waterford Plaza Shopping Center located at the northwest corner of the intersection of Crescent Lake Road and Highland Road, and to the Summit Place Shopping Center at the northwest corner of Telegraph Road and Elizabeth Lake Road. This article will apply to those shopping centers which subsequently qualify for and make proper

(CHAPTER 16, ARTICLE V, SECTION 16-121 cont.)

application for regulation and control as to satisfy the requirements of this article, which upon adoption of the necessary ordinance, shall be added to this Section as additional subsections.

- (b) The Township Board shall provide for parking spaces specifically designated for persons with disabilities in numbers to conform with the requirements of Public Act 1 of the Public Acts of 1966 in each shopping center area within the Township.

(Comp. Ords. 1986, §§ 20.186, 20.211--20.217; Ord. of 7-8-2002)

Sec. 16-122. Request for operation of article provisions

To become subject to the requirements of this article, the owner or person in charge of the general operation and control of the shopping center parking area shall make a written request to the Township directed to the Supervisor thereof who will then bring same to the attention of the Township Board for such action as they deem necessary.

(Comp. Ords. 1986, § 20.187)

Sec. 16-123. Violations and sanctions

Violation of any section of this article is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Comp. Ords. 1986, § 20.190; Ord. of 7-8-2002)

Secs. 16-124--16-145. Reserved

ARTICLE VI RESERVED

**Editor's note: The 2014 ordinance recodification amended the Code repealed the fee-based public parking lot regulations in this Article, formerly §§ 16-146--16-185, and reserving this Article for future use.*

Secs. 16-146--16-185. Reserved.

ARTICLE VII BICYCLES AND OTHER NON-MOTORIZED MODES OF TRANSPORTATION

Sec. 16-186. Title

This article shall be known and cited as the "Bicycle and Non-motorized Transportation Ordinance." It shall be deemed sufficient in any action for enforcement of the provisions hereof, to define the same by such title and reference to the number hereof.

(Comp. Ords. 1986, § 20.020)

Sec. 16-187. Purpose

The purpose of this article is declared as follows:

- (a) To establish and define non-motorized pathways within the Township.
- (b) To establish regulations governing the equipment, operation and use of bicycles and non-motorized pathways.
- (c) To establish sanctions, misdemeanor penalties, and in certain cases, impoundment procedures for violations of this article.

(Comp. Ords. 1986, § 20.021)

Sec. 16-188. Definitions

The following definitions shall apply in the interpretation of the provisions of this article:

(CHAPTER 16, ARTICLE VII, SECTION 16-188 cont.)

Bicycle means every device propelled by human power upon which any person may ride, having one (1), two (2), or three (3) wheels, any of which is over fourteen (14) inches in diameter. It includes pedal bicycles with helper motors rated less than one (1) brake horsepower transmitted by friction and not by gear or chain, which produce ordinary pedaling speeds up to a maximum of twenty (20) miles per hour.

Bike route means those sections of less traveled public or private streets interconnecting other bikeways. Bike routes shall be posted as such by appropriate signs.

Class I bikeway means a continuous concrete or asphalt path or sidewalk designated, set aside or posted for use by bicycles or other forms of non-motorized transportation, usually located adjacent to, but separated from a public street.

Class II bikeway means narrow lanes marked within an existing street right-of-way posted for the use of bicycles or other forms of non-motorized transportation.

Hazardous materials means substances and materials of any nature and kind, including but not limited to glass, oil, grease or chemicals which create an obstacle or hazard to authorized vehicles on all bikeways and non-motorized pathways.

Motorized transportation and/or vehicles means all conveyances of a nature powered electrically or by internal combustion engine, designed, equipped or used for carrying or transporting persons, excluding bicycles with helper motors rated less than one (1) brake horsepower transmitted by friction and not by gear or chain, and excluding all conveyances designed for handicapped persons.

(Comp. Ords. 1986, § 20.022)

Sec. 16-189. General prohibition for Class I bikeway

It is prohibited and a violation of this Code for any person to use or employ, or for any parent or guardian to allow or permit a minor under their care to use or employ, any form of motorized transportation to be operated or driven in any fashion whatsoever upon a Class I bikeway.

(Comp. Ords. 1986, § 20.023)

Sec. 16-190. Hazardous materials

It is prohibited and a violation of this Code for any person to place, deposit, permit or allow to be placed or deposited any hazardous materials upon any bikeway or non-motorized pathway within the Township.

(Comp. Ords. 1986, § 20.025)

Sec. 16-191. Obstructions

It is prohibited and a violation of this Code for any person to place, permit, allow, deposit or create any obstacle within any bikeway or non-motorized pathway, such as but not limited to, structures, tree or shrub limbs, signs, gates, fences, receptacles, poles, posts or other obstacle of every nature and kind.

(Comp. Ords. 1986, § 20.026)

Sec. 16-192. Lamps and reflectors on bicycles

Every bicycle when in use at nighttime shall be outfitted with reflective materials or lighting devices, white on the front and red on the rear, so attached or affixed, designed and maintained as to be visible at night from all distances within three hundred (300) feet when approached by a motor vehicle displaying lawfully lighted head lamps.

(Comp. Ords. 1986, § 20.031)

Sec. 16-193. Reserved. (Prior text - Audible signal on bicycles repealed.)

(CHAPTER 16, ARTICLE VII cont.)

Sec. 16-194. Brakes on bicycles

Every bicycle shall be equipped with a brake adequate to control the movement of and to stop within reasonable limits such bicycle whenever necessary.

(Comp. Ords. 1986, § 20.033)

Sec. 16-195. Obedience to traffic control devices

(a) Any person operating a bicycle shall obey the instruction of the official traffic signals, signs and other control devices applicable thereto placed in accordance with the traffic ordinances of this Township, unless otherwise directed by a police officer or traffic officer.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no persons riding a bicycle shall disobey the directions of any such signs, except where such persons dismount from the bicycle to make such turns.

(Comp. Ords. 1986, § 20.034)

Sec. 16-196. Right-of-way rules

The operator of a bicycle emerging from any alley, driveway or building shall, upon approaching a bikeway, bike route, bikepath or sidewalk, yield the right-of-way to all pedestrians approaching on that area; and upon entering a street or bikeway shall yield the right-of-way to all vehicles approaching on the street.

(Comp. Ords. 1986, § 20.035)

Sec. 16-197. Right side traffic flow observed

Every person operating a bicycle upon a bikeway, bike route or street shall ride as near to the right-hand side as practicable, exercising due care when passing a vehicle or pedestrian.

(Comp. Ords. 1986, § 20.036)

Sec. 16-198. Riding on bicycles

A person operating a bicycle shall not ride other than upon or astride the permanent and regular seat attached thereto, nor carry any other person upon such bicycle other than upon a firmly attached and regular seat.

(Comp. Ords. 1986, § 20.037)

Sec. 16-199. Improper towing prohibited

No person operating a bicycle shall attach such bicycle to any other vehicle of any kind moving upon a street or bikeway. No person riding a bicycle shall tow or draw any coaster, sled, person on roller skates, skateboard, toy vehicle, or any other similar vehicle, unless such trailer or device is constructed and designed for the specific purpose of being towed by a bicycle.

(Comp. Ords. 1986, § 20.038)

Sec. 16-200. Riding in a group

Persons riding bicycles upon a street shall not ride more than two (2) abreast except on Class I bikeways or parts of streets set aside for the exclusive use of bicycles.

(Comp. Ords. 1986, § 20.039)

Sec. 16-201. Carrying articles

No person riding a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebars.

(Comp. Ords. 1986, § 20.040)

Sec. 16-202. Speed

No persons shall operate a bicycle at a speed greater than is safe and prudent under the conditions then existing.

(Comp. Ords. 1986, § 20.041)

(CHAPTER 16, ARTICLE VII cont.)

Sec. 16-203. Parking

It is prohibited to park or leave unattended any bicycle or other vehicle upon or within a designated bikeway, whether such bikeway is on or off the street.

(Comp. Ords. 1986, § 20.042)

Sec. 16-204. Bicycle dealers

- (a) All persons engaged in the business of buying or selling new bicycles shall keep a record of the name and address of the person from or to whom such bicycle is purchased or sold, the description thereof, the frame number thereof and the number of the license, if any. Such reports shall be available at all reasonable times for inspection by the Township or its duly authorized agents.
- (b) All persons engaged in the business of buying or selling secondhand bicycles shall first obtain and maintain a secondhand dealers license in accordance with the requirements in Chapter 10 of this Code.

(Comp. Ords. 1986, § 20.043)

Sec. 16-205. Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a street shall be subject to the provisions of the traffic ordinances of this Township applicable to the driver of a vehicle except as to special regulations in this article and those provisions of the ordinances which, by their nature, can have no application.

(Comp. Ords. 1986, § 20.044)

Sec. 16-206. Impoundment of vehicles

- (a) Authorized enforcement officers of the Township shall have the authority to impound vehicles under the following circumstances:
 - (1) Abandoned, stolen, or unclaimed bicycles found on a bikeway or non-motorized pathway.
 - (2) Bicycles in operation on a public street, bikeway or non-motorized pathway with defective equipment or equipment which is inadequate under the provisions of this chapter.
 - (3) Motorized vehicles being operated or illegally parked on or within a class I bikeway in the presence of an authorized enforcement officer.
- (b) All bicycles or other vehicles impounded under this section shall be held securely by or on behalf of the Police Chief in one or more locations or facilities approved by a Township Board or Supervisor directive, resolution, approval, or other action. The bicycle or other vehicle shall be held until ordered released, after payment of all towing and storage fees, by court order or by the Police Chief upon proper disposition of the violation or ground for impoundment.

(Comp. Ords. 1986, § 20.045)

Sec. 16-207. Violations and sanctions

Violation of any section of this article is a civil infraction punishable as provided in Section 1-010(b) of this Code.

(Comp. Ords. 1986, § 20.046; Ord. of 7-8-2002)

Secs. 16-208--16-220. Reserved

**Editor's note: The 2014 ordinance recodification amended the Code repealed the bicycle licensing requirements in this Division, formerly §§ 16-221--16-224, and reserving this Division for future use.*

(CHAPTER 16 cont.)

ARTICLE VIII. MOTOR CARRIER SAFETY

**Editor's note: The 2014 ordinance recodification amended the Code transferring the Waterford Township Alarm System Control Ordinance from this Article, formerly §§ 10-141 – 10-175, to Article VI of this Chapter, §§ 10-451 – 10-480; further, transferring the Motor Carrier Safety Rules Ordinance from Article VIII of this Chapter, formerly §§ 10-306 – 10-330, to this Article and pertaining to similar subject matter and derived from the same historical ordinance sources.*

Sec. 16-221. Short title

This Article shall be known and cited as the "Motor Carrier Safety Ordinance."
(Ord. No. 149, § 1.00, 3-27-1989)

Sec. 16-222. Purpose

The purpose of this Article is declared as follows:

- (1) To facilitate the local enforcement of the Motor Carrier Safety Act of 1963, Act No. 181 of the Public Acts of 1963 as amended (MCL 480.11 – MCL 480.25), referred to in this Article as the "Act", and the rules and regulations promulgated by the Department of State Police under the Act, referred to in this Article as the "Rules", including subsequent additions and amendments thereto.
- (2) To adopt the Act and Rules by reference as an ordinance of the Township and provide for its enforcement by the Township police department subject to any requirements of the Act, and in a manner that is not more permissive, restrictive, and does not require more action, equipment, or permits, than the Act or Rules, and that does not prevent or obstruct compliance with the Act.
- (3) To provide sanctions for violations of the motor carrier safety rules as adopted into this Code.
(Ord. No. 149, § 2.00, 3-27-1989; Ord. of 12-10-2001)

Sec. 16-223. Adoption by reference

The Motor Carrier Safety Act of 1963, Act No. 181 of the Public Acts of 1963 as amended (MCL 480.11 – MCL 480.25), and the rules and regulations as promulgated by the Department of State Police under that Act, with subsequent additions and amendments thereto, are hereby adopted, by reference as an ordinance of the Township. Copies of the Act and Rules shall be kept on file in the office of the Township Clerk and shall be available for public inspection and distribution at all times that office is open for business with the general public.
(Ord. No. 149, § 3.00, 3-27-1989; Ord. of 12-10-2001)

Sec. 16-224. Enforcement

- (a) All police officers of the Township and designated motor carrier officers having reasonable cause to believe that a commercial motor vehicle is being operated in violation of the Act or Rules may stop the vehicle and make a full inspection.
- (b) In the event that the officer determines a violation of the Act or Rules has occurred, the officer may issue a notice to appear for violation of this Article in the same manner as civil infraction citation under the Michigan Vehicle Code. The notice to appear citation shall serve as a complaint to be filed in the district court.
(Ord. No. 149, § 4.00, 3-27-1989; Ord. of 12-10-2001)

Sec. 16-225. Preemption

Any provision of this Article that is "inconsistent" with the Act or Rules, as defined in MCL 480.21(1), is preempted to the extent of the inconsistency and shall not be enforced.
(Ord. No. 149, § 5.00, 3-27-1989)

Sec. 16-226. Violation; Civil infraction, sanctions and misdemeanor

- (a) Any driver or operator who violates this Article, and any owner, user, or officer, agent, lessee, or receiver of an owner or user of a commercial motor vehicle, who requires or

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(CHAPTER 16, ARTICLE VIII, SECTION 16-226 cont.)

permits the operation of a commercial vehicle in violation of this Article, shall be subject to sanctions and punishment by the court as follows, or as provided in the Act or Rules to the extent they provide different sanctions and punishment:

- (1) As a civil infraction punishable as provided in Section 1-010(b) of this Code, with the civil fine to be not more than two hundred fifty dollars (\$250.00).
 - (2) Costs of not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00).
 - (3) Violations for operation or requiring or permitting operation of a commercial motor vehicle with a serious safety defect are subject to a civil fine of not more than three hundred dollars (\$300.00) for each violation.
 - (4) Violations for operation or permitting or allowing operation of a commercial motor vehicle wherein the vehicle is transporting a package required to be marked or labeled under 49 C.F.R. parts 100 to 180, are subject to a civil fine of not more than five hundred dollars (\$500.00) for each violation.
 - (5) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this Article related to the transportation of hazardous materials, is guilty of a misdemeanor punishable as provided in Section 1-010(a) of this Code.
 - (6) The court (judge, referee or magistrate) may also order a person found to have violated this Article to attend and complete a program of treatment, education, or rehabilitation.
- (b) As used in this Article:
- (1) Commercial motor vehicle has the same meaning as in the Act, which means any self-propelled or towed vehicle designed or used on public highways to transport passengers or property, except for a bus exempted by the Act, if the vehicle is one or more of the following:
 - (i) Has a gross vehicle weight rating, actual gross weight, gross combination weight rating, or actual gross combination weight of 10,001 or more pounds.
 - (ii) Is designed for carrying 16 or more passengers, including the driver.
 - (iii) Is used in the transportation of hazardous materials in a quantity that requires marking or placarding pursuant to 49 CFR parts 100 to 180.
 - (2) Operation means being in actual physical control of a vehicle regardless of whether the person is licensed under the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as an operator or chauffeur.
- (c) For each violation of this Article, the court, in its discretion, shall impose sanctions pursuant to paragraph (a) of this Section.

(Ord. No. 149, § 6.00, 3-27-1989; Ord. of 12-10-2001)

Secs. 16-227--16-320. Reserved

ARTICLE IX. ABANDONED VEHICLES

**Editor's note: The 2014 ordinance recodification amended the Code repealing the Waterford Township Abandoned, Junked and Distressed Vehicle Ordinance in Article III of Chapter 10, formerly §§ 10-066 – 10-090, and adopting the provisions under this Article for similar subject matter pertaining to abandoned vehicles and derived from the same historical ordinance sources.*

Sec. 16-321. Short title

This Article shall be known and cited as the “Abandoned Vehicle Ordinance”.

Sec. 16-322. Purpose

The purpose of this Article is to summarize and provide for implementation of the abandoned vehicle provisions in the Motor Vehicle Code adopted by reference in Article II of this Chapter, MCL 257.252a – MCL 257.252l, which are referred to in this Article as the “Act” .

(CHAPTER 16, ARTICLE IX, SECTION 16-323 cont.)

Sec. 16-323. Definition

As defined in MCL 257.252a of the Act and used in this Article, *Abandoned Vehicle*, means a vehicle that has remained on:

- (a) Private property without the consent of the owner;
- (b) Public property for a period of not less than 48 hours;
- (c) A state trunk line highway as described in Section 1 of Public Act 51 of 1951, MCL 247.651, as follows:
 - (i) If a valid registration plate is affixed to the vehicle, for a period of not less than 18 hours.
 - (ii) If a valid registration plate is not affixed to the vehicle.

Sec. 16-324. Prohibition on abandoning vehicles

Registered owners, and the last operator of a vehicle before it becomes an abandoned vehicle shall be responsible for a civil infraction, punishable as provided in Section 1-010(b) of this Code.

Sec. 16-325. Abandoned vehicle administrative procedures

The Police Chief shall establish and implement an abandoned vehicle determination, processing, reporting, notice, and claim procedure that follows and complies with the procedures established in the Act.

Sec. 16-326. Abandoned vehicle removal, storage, and disposition procedure

Subject to and in compliance with any Township Board or Township Supervisor directives, resolutions, approvals, or other actions, the Police Chief shall establish and implement an abandoned vehicle removal, storage, disposition, and sale procedure that follows and complies with the Act.

Sec. 16-327. Vehicle removal by enforcement agency

Subject to and in compliance with the procedures in MCL 257.252d, the Police Chief may cause the immediate removal to a place of safekeeping that conforms to any Township Board or Township Supervisor directives, resolutions, approvals, or other actions, with the cost of such removal and storage to be at the expense of the registered owner of the vehicle in any of the following circumstances:

- (a) If the vehicle is in such a condition that the continued operation of the vehicle would constitute an immediate hazard to the public.
- (b) If the vehicle is parked or standing upon a highway or other public place in such a manner as to create an immediate public hazard or an obstruction of traffic.
- (c) If the vehicle is parked in a posted tow away zone.
- (d) If there is reasonable cause to believe that all or part of the vehicle is stolen.
- (e) If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that such vehicle was used in the commission of a crime.
- (f) If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
- (g) If the vehicle is hampering the use of private property by the owner or person in charge of such property or is parked in a manner that impedes the movement of another vehicle.
- (h) If the vehicle is stopped, standing, or parked in a designated parking space for persons with disabilities without being permitted by law to be in that space.
- (i) If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
- (j) If the vehicle is interfering with the use of a ramp or a curb-cut by persons with disabilities.
- (k) If the vehicle involved in a traffic crash cannot be safely operated from the scene of the crash.

Sec. 16-328. Abandoned vehicle claims and disputes; court review

Hearings on claims and disputes regarding whether the Police Chief, a towing agency, a custodian, or a private property owner acted properly and regarding the reasonableness of towing and storage

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(CHAPTER 16, ARTICLE IX, SECTION 16-328 cont.)

fees under the Act, shall be conducted by the 51st District Court of the State of Michigan as provided in MCL 257.252e and MCL 257.2f.

Sec. 16-329. Disposition of abandoned and other vehicles; public sale

After all proceedings and time periods required by the Act, vehicles determined to be abandoned and removed under Section 16-325, vehicles removed under Section 16-327, and the contents of such vehicles, shall be sold at a public sale, with the sale and disposition of the vehicle or sale proceeds to be as provided in MCL 257.252g

Sec. 16-330. Violations; Civil infraction

In addition to Section 16-324, violation of any other provision of this Article is a civil infraction punishable as provided in Section 1-010(b) of this Code.