



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM



Date: June 22, 2021

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney

Subject: Chapter 107- Troy Traffic and Motor Vehicle Ordinance

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Based on provisions in State law and codes and regulations, the City of Troy adopted the current Chapter 106 as its Traffic Ordinance several years ago. The Ordinance combined all of the different applicable State provisions into one document, and provided local numbers for each violation. The City of Troy is one of only a handful of Southeastern Michigan municipalities that took this extra step decades ago, and it allowed Troy to deviate from the specific State language to be more proactive whenever possible. Since that time, the Uniform Traffic Code has been amended, and the Michigan legislature has passed several amendments to the state statutes, with several more proposals currently pending. Each time the State passes amendments or revisions, the City is required to review and possibly update the Troy ordinances. In an effort to be more efficient, the Troy Police Department has requested the adoption of a new Traffic and Motor Vehicle Ordinance that simply incorporates the Michigan Vehicle Code, the Uniform Traffic Code, the Motor Carrier Safety Act, and/or the recreational vehicle provisions found in the Natural Resources and Environmental Protection Act, along with any amendments or revisions.

With this proposed change, the effective date of any new state law will automatically be the effective date of the Troy Traffic and Motor Vehicle Ordinance. This is especially important, since we expect changes to the State law to address the anticipated High Occupancy Vehicle Lanes traversing through Troy on I-75, as well as proposed changes to commercial vehicle provisions and distracted driving provisions and drunk driving and marijuana provisions.

Our office, in connection with the Troy Police Department, spent a great deal of time reviewing every specific Troy ordinance provision to make sure that our ordinance provisions are addressed in one of the proposed incorporated authorities. Since the current Chapter 106 intermingles these authorities, it was a challenging task. There are some instances where the State authorities deviate slightly from the language found in Chapter 106, and a couple of instances where the Troy Police Department did not determine that the language specific to Troy's ordinance was necessary. There are also other instances where City Administration recommends retaining Troy's specific language, and these provisions are included in the proposed new ordinance.

For the June 14, 2021 Regular City Council Agenda, this proposed new ordinance was presented to the Troy City Council as an informational item. It is now proposed as an action item. City Administration recommends approval.

Special thanks go to Troy Police Chief Frank Nastasi, Captain Andy Satterfield, Lt. Nathan Gobler, Sgt. Justin Novak, Officer Scott Allan, Endrit Fjolla, Chris Huck, Ken Hunter, Gail Parra, Carlo Pizzorni, Bobby Smith, and Brian Warzecha for their diligent work in comparing the previous ordinance provisions against the state law provisions, and in considering the proposed revisions.

CITY OF TROY  
AN ORDINANCE TO ADOPT  
CHAPTER 107- CITY OF TROY TRAFFIC AND MOTOR VEHICLES ORDINANCE

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as Chapter 107- City of Troy Traffic and Motor Vehicles Ordinance.

Section 2. Ordinance

Chapter 107 is adopted as follows:

107.1. Michigan Vehicle Code and Amendments and Revisions Adopted

The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 et. seq., and all future amendments and revisions to the Michigan Vehicle Code, when they are effective in this State, are incorporated and adopted by reference as part of this Ordinance of the City of Troy. The provisions of MCL 257.625 (1)(c ) are specifically adopted, in accordance with 2012 PA 7 and the Home Rule Cities Act, MCL 117.1 et. seq.. The Troy City Clerk shall maintain a current copy of the Michigan Vehicle Code.

107.2 Uniform Traffic Code and Amendments and Revisions Adopted

Pursuant to MCL 257.951 et. seq., the Uniform Traffic Code, promulgated by the Michigan Department of State Police pursuant to 1956 PA 62, and all future amendments and revisions to the Uniform Traffic Code, when they are effective in this State, are incorporated and adopted by reference as part of this Ordinance of the City of Troy. The Troy City Clerk shall maintain a current copy of the Uniform Traffic Code.

107.3- Motor Carrier Safety Act and Amendments and Revisions Adopted

The Motor Carrier Safety Act, 1963 PA 181, MCL 480.1 et. seq., and all future amendments and revisions to the Motor Carrier Safety Act, when they are effective in this State, are incorporated and adopted by reference as part of this Ordinance of the City of Troy. The Troy City Clerk shall maintain a current copy of the Motor Carrier Safety Act.

107.4- Motorized Recreational Vehicles Amendments and Revisions Adopted

The Natural Resources and Environmental Protection Act, 1994 PA 451 and specifically Article III, Subchapter 6, Parts 811 and 821, MCL 324.81101 et. seq.

and MCL 324.82101 et. seq., and all future amendments and revisions to these parts of the Motorized Recreational Vehicle provisions of the Natural Resources and Environmental Protection Act, when they are effective in this State, are incorporated and adopted by reference as part of this Ordinance of the City of Troy. The Troy City Clerk shall maintain a current copy of the Motorized Recreational Vehicle provisions of the Natural Resources and Environmental Protection Act.

#### 107.5 Local Authority Designated

Any reference to the local authority or authority having jurisdiction or city shall mean the City of Troy.

#### 107.6 Notice to be Published

The City Clerk shall publish this Traffic and Motor Vehicle Ordinance in the manner required by law, but shall not be required to publish in full all of the State regulatory materials that are incorporated by reference into Troy's Traffic and Motor Vehicle Ordinance. The City Clerk shall indicate in the published notice that current and complete copies of these materials are available to the public and can be inspected or purchased during regular business hours at the City Clerk's office.

#### 107.7 Penalties

The penalties for violations of any Code or Statute or Regulation adopted in this Traffic Ordinance, for which the maximum period of imprisonment exceeds 93 days, shall not be enforced by the City as an ordinance violation, except for a violation of MCL 257.625 (1)(c ), which the City adopts by reference in accordance with 2012 PA 7. Violation of MCL 257.625 (1) (c ) shall constitute a misdemeanor, punishable by one or more of the following: Community Service for not more than 360 hours; Imprisonment for not more than 180 days; and a fine of not less than 200 dollars or more than 700 dollars.

#### 107.8 Distracted Driving- Violation Constitutes a Civil Infraction

A. "Distracted Driving" means the following:

1. The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy. As used in this subsection, a wireless 2-way communication device does not include a

global positioning or navigation system that is affixed to the motor vehicle.

2. The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy; or
  3. Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Troy. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/ grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.
- B. A person shall not engage in distracted driving within the City of Troy. A person who violates this section is responsible for a civil infraction.
- C. This section does not apply to a person who is using an electronic communication device to do one or more of the following:
1. Report a traffic accident, medical emergency or serious road hazard.
  2. Report a situation in which the person believes his or her personal safety is in jeopardy.
  3. Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
  4. Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

#### 107.9 Registration Plates Required: Violation Constitutes a Civil Infraction

- A. A person shall not operate or park on the streets of the City of Troy any vehicle which is required to be registered pursuant to state law, unless the vehicle bears valid registration plates issued for it.

B. A person who violates this section is responsible for a civil infraction.

107.10 Operation of Vehicle with Unnecessary Noise Prohibited; Violation as Civil Infraction

A. A person shall not operate a motor vehicle with unnecessary noise and shall not start, move, or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.

B. A person who violates this section is responsible for a civil infraction.

107.11- Towing Vehicles on Freeways and Expressways; Violation as Civil Infraction.

A. No disabled motor vehicle shall be towed on any freeway between the hours of 6:00 a.m. and 9:00 a.m. or between the hours of 3:00 p.m. and 7:00 p.m. except that any vehicle disabled on a freeway during such hours may be towed to the nearest ramp and then to the surface streets.

B. A person who violates this section is responsible for a civil infraction.

107.12 Authority To Authorize Issuance of Citations By Persons Other Than Police Officers, and Implementation, Administration and Training of the Program

A. The City of Troy Police Department may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following violations:

1. Parking on a sidewalk.
2. Parking in front of a public or private driveway.
3. Parking within 15 feet of a fire hydrant.
4. Parking on a crosswalk.
5. Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways.
6. Parking at a place where an official sign prohibits stopping or parking.
7. Parking in a space reserved for use by disabled persons.
8. Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.

9. Parking in violation of an official sign restricting the period of time or manner of parking.
10. Parking in a space or in a manner that blocks access to a fire lane.

B. Before authorizing and utilizing persons other than police officers to issue citations, the Troy Police Department shall implement a program to train the persons to properly issue citations, of which not less than 8 hours shall be in parking enforcement, conducted by the Troy Police Department. A person who successfully completes a program of training implemented under this Section may issue citations as provided in this Section as authorized by the Troy Chief of Police or his/her designee.

### Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

### Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance 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 adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance 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.

### Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

### Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Ethan D. Baker, Mayor

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M. Aileen Dickson, MMC, City Clerk