



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: June 7, 2023

To: Honorable Mayor and Troy City Council Members

From: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney

Subject: Proposed Additions to Chapter 107- Traffic and Motor Vehicle Code

At its meeting on June 28, 2021, the Troy City Council adopted a new Traffic and Motor Vehicle Code, following the recommendation from City Administration. In this new ordinance, the City adopted by reference the state laws detailing traffic and motor vehicle violations, including but not limited to the Motor Vehicle Code and the Uniform Traffic Code. It is a common practice for municipalities to take this approach, instead of having individual traffic and motor vehicle code provisions that essentially mirror the state law.

Prior to presenting the recommended new traffic and motor vehicle ordinance, City Administration (and especially the Troy Police Department) completed an exhaustive review of the then existing code (Chapter 106) to see if there were any unique or omitted provisions, and some of these were expressly included in the proposed new ordinance.

The City has been operating with the new traffic and motor vehicle ordinance for almost two years, and through enforcement efforts, there are a couple of items that City Administration would like to see added to Troy's ordinance. The attached proposed ordinance amendment adds these sections. In a nutshell, Section 13 adds a provision that requires all drivers and owners to have auto insurance on their vehicles, and sets the penalty for non-compliance as a misdemeanor, rather than a civil infraction as in the Motor Vehicle Code. The second requested addition prohibits commercial vehicles from parking on streets or roadways for extended periods of time.

This proposed ordinance amendment is being presented to the Troy City Council as an informational item, and absent contrary direction, will be brought as an action item for the June 26, 2023 regular City Council agenda. In the interim, we are happy to answer and questions or provide any necessary clarifications or modifications.

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

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 107- Traffic and Motor Vehicles.

Section 2. Amendment to Ordinance

Sections 13 and 14 are added to Chapter 107- Traffic and Motor Vehicles, as follows:

107.13 Mandatory Motor Vehicle Insurance; Penalties; Failure to Produce Evidence; Production of False Evidence; Rebuttable Presumption.

- 1) A nonresident owner or registrant of a motor vehicle or motorcycle not registered in the State of Michigan shall not operate or permit the motor vehicle or motorcycle to be operated in the State of Michigan for an aggregate of more than 30 days in any calendar year unless he or she continuously maintains security for the payment of benefits pursuant to the Michigan Motor Vehicle Personal and Property Protection Statute (MCL 500.3101 to MCL 500.3103).
- 2) An owner or registrant of a motor vehicle or motorcycle with respect to which security is required, who operates the motor vehicle or motorcycle or permits it to be operated upon a public highway or place open to the public in the City of Troy, without having in full force and effect security complying with the Michigan Motor Vehicle Personal and Property Protection Statute (MCL 500.3101 to 500.3103), is guilty of a misdemeanor. A person who operates a motor vehicle or motorcycle upon a public highway in the City of Troy with the knowledge that the owner or registrant does not have the required security in full force and effect is guilty of a misdemeanor. A person convicted of a misdemeanor under this section shall be fined not more than \$500.00, imprisoned for not more than 90 days, or both.
- 3) The failure of a person to produce evidence that a motor vehicle or motorcycle has in full force and effect security complying with the Michigan Motor Vehicle Personal and Property Protection Statute (MCL 500.3101 to 500.3103), on the date of the issuance of the citation, creates a rebuttable presumption in a prosecution under subsection (2) that the motor vehicle or motorcycle did not have in full force and effect security complying with the Michigan Motor Vehicle Personal and Property Protection Statute (MCL 500.3101 to 500.3103) on the date of the issuance of the citation.

- 4) An owner or operator of a motor vehicle or motorcycle who supplies or produces false insurance documentation of coverage that is required by the Michigan Motor Vehicle Personal and Property Protection Statute (MCL 500.3101 to 500.3103), or who uses or produces an altered, fraudulent, or counterfeit certificate of insurance in response to a request from any authorized person, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days and a fine of not more than \$500 or both.

107.14 **Parking on Public or Private Property.** It shall be unlawful for any person to park a motor vehicle:

- 1) Off the street or roadway or any privately- owned property, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.
- 2) Off the street or roadway on any public property without the express or implied consent, authorization, or ratification of the authorized public authorities.
- 3) No person shall drive upon, park or stand any vehicle between the curb or curb line and the lot line nearest the street, said area being commonly known as lawn extension, whether or not any sidewalk or curb is actually in place on such street.
- 4) It shall be unlawful for the owner or operation of any commercial vehicle, truck or trailer, to park the same for a period exceeding one hour upon any residential street in the City of Troy, unless such vehicles are being used for the purpose of delivering or picking up goods, wares, merchandise, or materials or is being used in connection with servicing any residences located adjacent to the street upon which said vehicles are parked and then only for such period as is necessary to complete the service. Commercial vehicles include all motor vehicles used for transportation of passengers for hire, or constructed or used for transportation of goods, construction materials, wares or merchandise, and all motor vehicles designed and used for drawing other vehicles that are not constructed to carry a load independently or any part of the weight of a vehicle or load being drawn. Commercial vehicle does not include a personal vehicle operated by a transportation network company driver.
- 5) A person who violates this section is responsible for a civil infraction.

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 provisions of this ordinance shall remain in full force and effect, and any such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling.

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 _____, _____.

Ethan D. Baker, Mayor

M. Aileen Dickson, CMC, City Clerk

