

**TITLE VII: TRAFFIC CODE**

**Chapter**

**70. GENERAL PROVISIONS**

## CHAPTER 70: GENERAL PROVISIONS

### Section (§)

- 70.01 Uniform Traffic Code adopted by reference
- 70.02 Right-of-way
- 70.03 View or control of driver
- 70.04 Parades, processions, and funerals
- 70.05 Removal of disabled vehicle
- 70.06 Stopping, standing, or parking prohibited
- 70.07 Rules and regulations
- 70.08 Gross vehicle weight
  
- 70.99 Penalty

All vehicles approaching the intersection of a state trunkline highway shall come to a full stop before entering or crossing the highway.  
(1997 Code, § 3109) Penalty, see § 70.99

### § 70.03 VIEW OR CONTROL OF DRIVER.

(A) No more than 3 persons shall occupy the front or driver's seat of a motor vehicle, and no person, adult or minor, nor any animal, shall be seated or carried in the lap of the driver, nor shall the driver be seated in the lap of a person occupying the front seat when the motor vehicle is in motion.

(B) No passenger in a vehicle shall ride in any position as to interfere with the driver's view ahead or to the sides, or to interfere with his or her control over the driving mechanism of the vehicle.

(C) (1) The windshield in front of the driver shall at all times be kept clear of dirt, snow, and ice, or open so that the driver's view is unobstructed.

(2) The driver shall have an unobstructed view to the rear of the vehicle at all times.  
(1997 Code, § 3113) Penalty, see § 70.99

### § 70.01 UNIFORM TRAFFIC CODE ADOPTED BY REFERENCE.

(A) (1) The Uniform Traffic Code for Cities, Townships, and Villages promulgated as Public Act 300 of 1949 being MCL 257.1 through 257.923 and MCL 257.951 through 257.954, as amended, and Michigan Administrative Code Department of State Police R28.1001 through R28.1905, as amended, are hereby adopted by reference.

(2) It is further moved that any amendments to the Uniform Traffic Code by the state are automatically adopted by reference to the traffic code.  
(Am. Ord. passed 8-11-1975)

(B) References in the Uniform Traffic Code for Michigan Cities, Townships, and Villages to "governmental unit" shall mean the City of Brown City.  
(Ord. passed 8-13-1979)  
(1997 Code, § 3102)

### § 70.02 RIGHT-OF-WAY.

(B) The City Clerk shall not issue the permit if its issuance would, in his or her opinion, create an unnecessary and unwarranted traffic hazard or interference, except upon the order of the City Council.

### § 70.04 PARADES, PROCESSIONS, AND FUNERALS.

(A) No funeral, procession, or parade, excepting the armed forces of the United States or of this state, shall occupy, march, or proceed along any street, except in accordance with a permit issued by the City Clerk.

(C) A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a flag, as required by the Michigan Vehicle Code.

(D) Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical, and follow the vehicle ahead as closely as is safe. (1997 Code, § 3117) Penalty, see § 70.99

**§ 70.05 REMOVAL OF DISABLED VEHICLE.**

Whenever a vehicle becomes stalled upon a street or because of damage or other reason cannot be moved by its own power and, consequently, blockades the street or interferes with use of the same by other vehicles, it shall be the duty of its owner and its operator to remove it by towing or otherwise within a reasonable time. (1997 Code, § 3118) Penalty, see § 70.99

**§ 70.06 STOPPING, STANDING, OR PARKING PROHIBITED.**

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance of law or the directions of a police officer or a traffic control device or sign in any of the following places:

- (A) On a sidewalk;
- (B) In front of a public or private driveway;
- (C) Within an intersection;
- (D) Within 15 feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within 20 feet of a crosswalk at an intersection;
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (H) Within 50 feet of the nearest rail of a railroad crossing;
- (I) On the roadway side of any vehicle stopped or parked at the edge or curb of the street;
- (J) At any place where official signs prohibit

stopping or parking;

(K) Upon private property, without the permission of the owner, renter, or lessee of the property; and/or

(L) No parking is permitted on City streets from November 1 through April 1 between the hours of 2:00 a.m. and 6:00 a.m. so as not to impede or interfere with snow removal efforts. The registered owners of vehicles parked on City streets during these periods and times are subject to the penalties as described in § 70.99. (1997 Code, § 3123) Penalty, see § 70.99

**§ 70.07 RULES AND REGULATIONS.**

(A) The City Council shall by resolution designate through and stop streets, location of traffic-control signals, and manner and duration of parking vehicles, establish loading zones for buses, trucks, and tractors, designate the route of trucks and tractors in the City, and the maximum length of any vehicle to park on any street, and the speed in which any vehicle may travel in any designated area within the City.

(B) Traffic-control regulations shall become effective upon installation of traffic-control signs, and the signs shall be prima facie proof of the designation by the City Council that the area is controlled and regulated in accordance with the signs as posted. (1997 Code, § 3125)

**§ 70.08 GROSS VEHICLE WEIGHT.**

(A) *Definitions.* The terms and expressions used in this section shall be given the meanings commonly attributed to them in ordinary usage, except:

(1) A **RESIDENTIAL STREET** is defined as any street within the City limits, excepting Maple Valley Road and Cade Road; and

(2) A **VEHICLE** is defined as any carriage or other contrivance used or capable of being used as a means of transportation on land; and

**Brown City - Traffic Code**

(B) *Restrictions as to use of certain vehicles by local authorities as provided by MCL 257.726; exceptions.* No person shall drive or move, nor shall the owner cause or knowingly permit to be driven, on any residential street within the City, any vehicle or vehicles of a gross vehicle weight exceeding 15,000 pounds, with the following exceptions:

(1) Solid waste vehicles collecting solid waste from residences, businesses, or industrial facilities within the City;

(2) Vehicles making deliveries to points of destination on residential streets or to businesses located on Main Street and to the Brown construction vehicles traveling to and from points of construction on residential streets within the City limits, and snow evacuation and emergency vehicles. However, no person shall drive or move construction vehicles when county frost laws are in effect;

(3) Sixty-five passenger or smaller school buses transporting children within the City limits [on Cade Road, Main Street, Maple Valley Road, Lincoln Street, St. Mary's Street, George Street, John Street, and Second Street (but only between George Street and John Street)]; and

(4) Those semi-tractors or trucks or motor homes or recreational vehicles whose gross vehicle weight exceeds 15,000 pounds, and which are being driven to or from the residence of the owner or operator of the vehicle. However, no person shall drive or move a semi-tractor or truck or motor home or recreational vehicle when county frost laws are in effect, nor shall any person at any time haul a semi-trailer to or from the residence, whether or not the semi-trailer is loaded or empty. (Am. Ord. passed 8-28-2000)

(C) *Enforcement.* It shall be the duty of the Police Department to enforce this section.

(D) *Notice.* The Public Works Department shall cause appropriate signs designating the weight limitation set forth in this section to be placed at the City limits at the major entrances to the City, to wit: Maple Valley, Cade Road, Lincoln Street, and St. Mary's Street entrances.

(E) *Effective date.* This section shall become

effective (immediately) 30 days after adoption. (Am. Ord. passed 8-28-2000) (1997 Code, § 3132) Penalty, see § 70.99

**§ 70.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm, or corporation who violates any provision of § 70.06, or any amendment thereof, including the owner, possessor, or occupier of any premises within the City who allows or suffers the violation upon the premises, is "responsible" for having committed a municipal civil infraction, as provided for in Public Acts 12, 17, and 19 of 1994 being MCL 600.8701 et seq., 117.41, 117.29 and 89.2; the violation is punishable by a civil fine of \$50 for a first violation, \$100 for a second violation, and \$150 for a third violation. The City Council may hereafter modify, change, increase, or decrease the civil fines set forth above, by the adoption of a resolution to that effect as provided by law and § 70.06. In addition, costs of the action may be taxed and imposed against the defendant. Costs are not limited to costs taxable in ordinary civil actions and may include all expenses, direct or indirect, to which the plaintiff (the City or other enforcing municipality, agency, or other entity) has been put in connection with the municipal civil infraction, up to entry of judgment. In addition, any sanctions, writ, other court order, or other post judgment remedy, as provided by law, necessary to enforce § 70.06 and correct or abate a violation, or necessary to enforce any orders and determinations of the court, judge, or district court magistrate, including civil contempt proceedings, may be issued as appropriate and as provided for by law, including but not limited to the imposition of liens against real estate interests, seizure of property, attachment and garnishment and including post judgment enforcement costs and expenses as provided for by law, including any other enforcement authority set forth in any ordinance. Section 70.06 is enforceable by the judge or magistrate, and by the City or other enforcing agency or entity to the fullest extent as provided by law relative to violations of municipal civil infractions. The enumeration of certain powers and remedies within division (B) is not intended to

restrict any enforcement authority or remedy or sanction provided for by law, specifically including Public Acts 12, 17, and 19 of 1994 being MCL 600.8701 et seq., 117.41, 117.29 and 89.2. Provided further, however, a violation of § 70.06 is not a misdemeanor and shall not be considered a lesser included offense of any criminal offense. Each day that a violation continues constitutes a separate and independent violation and is subject to the penalties provided for herein for each such violation. A violation of § 70.06 is hereby declared to be a public nuisance per se. The municipal civil infraction notice or citation may be served personally or as otherwise provided by law and if the violation involves the use, condition, or occupancy of land or of a structure, the notice or citation may be posted upon the premises or attached to the structure at issue, with a copy sent by first-class mail to the owner at his or her last known address, and/or the owner and address as disclosed by the City tax rolls. Failure to appear or respond to any notice and/or citations relative to a municipal civil infraction shall be subject to the penalty as is otherwise provided by law. (1997 Code, § 1105A)

(C) Any person found guilty of violating § 70.08 shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable for a fine for each offense of up to \$500, or by imprisonment in the county jail not to exceed 90 days, or both the fine and imprisonment, at the discretion of the court. (1997 Code, § 3132)

