

**CHARTER TOWNSHIP OF FENTON  
PUBLIC NOTICE OF PROPOSED ORDINANCE**

*At their meeting of November 14, 2016 the Fenton Township Board conducted the first reading of the following proposed ordinance. The second reading of the proposed ordinance is scheduled to be held on Monday December 5, 2016, beginning at 7:30 p.m.*

An ordinance to adopt, by reference, the Michigan Vehicle Code, the Motor Carrier Safety Act of 1963, the Pupil Transportation Act, and other related laws as specifically related to the regulation and control of motor vehicles, including commercial vehicles, motor buses, motor carriers of passengers, and school buses, over and upon roadways within the Charter Township of Fenton, repealing conflicting ordinances, and providing for penalties for violations hereof, all for the general health, welfare and safety of the residents of Fenton Township.

**THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN HEREBY ORDAINS:**

**SECTION 1. Adoption of Motor Vehicle Code**

The provisions of Michigan Law, commonly referred to as the "Michigan Vehicle Code", and also referred to by statutory citations of MCL 257.1 to and inclusive of MCL 257.955, are hereby adopted by reference.

**SECTION 2. Adoption of Motor Carrier Safety Act of 1963**

The provisions of Michigan Law, commonly referred to as the "Motor Carrier Safety Act" of 1963, and also referred to by statutory citations of MCL 480.11, to and inclusive of MCL 480.25, are hereby adopted by reference.

**SECTION 3. Adoption of Pupil Transportation Act**

The provisions of Michigan Law, commonly referred to as the "Pupil Transportation Act", and also referred to by statutory citations of MCL 257.1801 to and inclusive of MCL 257.1877, are hereby adopted by reference.

**SECTION 4. Ordinance Citations**

Violations of this Ordinance and the adopted provisions hereby shall be referred to and cited as Ordinance \_\_\_\_, and then the corresponding section of the State law.

**SECTION 5. Repeal of Conflicting Provisions**

All other Ordinance provisions in conflict herewith, are hereby repealed.

**SECTION 6. Penalties**

A. Criminal Offense:

1. Any violation of this Ordinance shall be determined to be a criminal offense, except as hereinafter provided in subsection B.

2. Any such criminal offense shall be punishable by a fine of up to \$500.00, except as noted herein, plus imprisonment. Said term of imprisonment shall be not more than ninety (90) days, except that if the provisions of the state law impose a greater penalty, then the term of imprisonment shall be not more than ninety-three (93) days. Specifically included by way of illustration, but not by way of limitation, includes MCL 257.233, .625, .625a, .625m, .625(1), .625(3), .625(6), .625(7)(a)..625(7)(b), .625(11)(b), .904, .904e, and all other such similar provisions that provide for imprisonment in excess of ninety (90) days, except as noted in subsection 3 immediately hereinafter.
3. Specifically, a violation of MCL 257.625(1)(c) as adopted above, is a misdemeanor punishable by one or more of the following:
  - a. Community service for not more than 360 hours;
  - b. Imprisonment for not more than 180 days;
  - c. A fine of not less than \$200.00 or more than \$700.00.

B. Civil infraction:

1. Any violation of this Ordinance which substantially corresponds to a provision of state law which is designated as a civil infraction shall be deemed to be a civil infraction hereunder.
2. Any such civil infraction shall have a penalty equal to that penalty as imposed by state law.

**SECTION 7. Cost Recovery**

- A. In addition to and separate and apart from, any fine or penalty, whether civil or criminal, a violator of this Ordinance shall pay actual costs incurred by the Township, but not less than Fifty Dollars (\$50.00).
- B. Those costs may be paid through the Court, or directly to the Township.

**SECTION 8. Severability**

Each and every article, section and subsection, of this ordinance, and each provision of each article, section and subsection, is declared to be separable and severable, and a judicial determination that any article, section, subsection or provision of this ordinance is invalid or unenforceable, shall not affect the validity or enforceability of any other article, section, subsection or provision.

**SECTION 9. Effective Date**

This ordinance shall be published as required by law and shall take effect 30 days after adoption and publication.

**Bonnie K. Mathis, Supervisor**

**Robert E. Krug, Clerk**