

Chapter 107 – Traffic and Motor Vehicles

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

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

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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.

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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 issues 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.

(Revised 06-28-2021; Effective 07-15-2021)

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

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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.

(Revised 06-26-2023; Effective 07-13-2023)

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.

(Revised 06-26-2023; Effective 07-13-2023)