

LAW OFFICES
HIGGS, HIGGS AND DARBEE, P.C.

P. O. Box 840
420 BAY CITY BANK BUILDING
BAY CITY, MICHIGAN
49707

MILTON E. HIGGS
F. NORMAN HIGGS
WILLIAM H. DARBEE
GARY E. BOSCO
MICHAEL A. MAKULSKI

TELEPHONE
692-2531
AREA CODE 517

June 21, 1978

TO: Mrs. Ella Jane Martini
Hampton Township Clerk
801 W. Center Road
Essexville, MI 48732

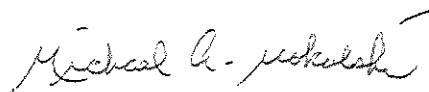
TO: Mr. David Shepardson
Chief of Police
Hampton Township
801 W. Center Road
Essexville, MI 48732

Enclosed please find the most recent amendments to the Uniform Traffic Code, as well as the most recent insert from the State Police on said Code.

The amendments (1976 and 1978) should be included with any distribution of the Code to the public, as they have been incorporated into the Ordinance No. 34. Any future amendments promulgated by the State Police can either be adopted by reference (as we did with the Code) or adopted in entirety, depending on their length. For example, for the two amendments enclosed, if they had to be adopted, we probably would adopt the 1978 amendment in its entirety and adopt by reference the 1976 amendment.

If you have any questions regarding these enclosures, please do not hesitate to contact me.

Sincerely,



Michael A. Makulski

MAM:cjd

Enclosures

STATE OF MICHIGAN



WILLIAM G. MILLIKEN, GOVERNOR

DEPARTMENT OF STATE POLICE

714 S. HARRISON RD., EAST LANSING, MICHIGAN 48823

COL. GEORGE L. HALVERSON, DIRECTOR

February 10, 1977

TO: All Holders of the July, 1976 Edition of the "Uniform Traffic Code for Cities, Townships and Villages"

FROM: Colonel George L. Halverson, Director
Michigan Department of State Police

SUBJECT: Errata to the July, 1976 "Uniform Traffic Code for Cities, Townships and Villages"

On page 2, delete the entire first paragraph and replace with the following:

The following Uniform Traffic Code for cities, townships and villages is authorized by Act No. 62 of the Public Acts of 1956, being sections 257.951 to 257.954 of the Compiled Laws of 1970. It was promulgated by publication February 14, 1958 in Supplement No. 13 to the 1954 Michigan Administrative Code. Amendments were promulgated, effective February 14, 1961 and published in Supplement No. 25, and effective February 26, 1968 and published in Supplement No. 54, to the 1954 Michigan Administrative Code; and effective August 4, 1976 and published in Supplement No. 88 to the 1954 Michigan Administrative Code.



SUBJECT: Errata to the July, 1976 "Uniform Traffic Code for Cities, Townships and Villages"

On page 67, delete Sec. 1 in its entirety and replace with the following:

Sec. 1 CODE ADOPTED

The Uniform Traffic Code for cities, townships and villages promulgated by the Commissioner of State Police on February 14, 1958 and published in Supplement No. 13, and as amended both on February 14, 1961 and published in Supplement No. 25, and on February 26, 1968 and published in Supplement No. 54, and on August 4, 1976 and published in Supplement No. 88, to the 1954 Michigan Administrative Code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this ordinance modified.

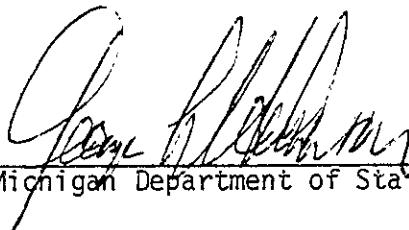
On page 70, delete Sec. 1 in its entirety and replace with the following:

Sec. 1 AMENDMENTS TO CODE ADOPTED

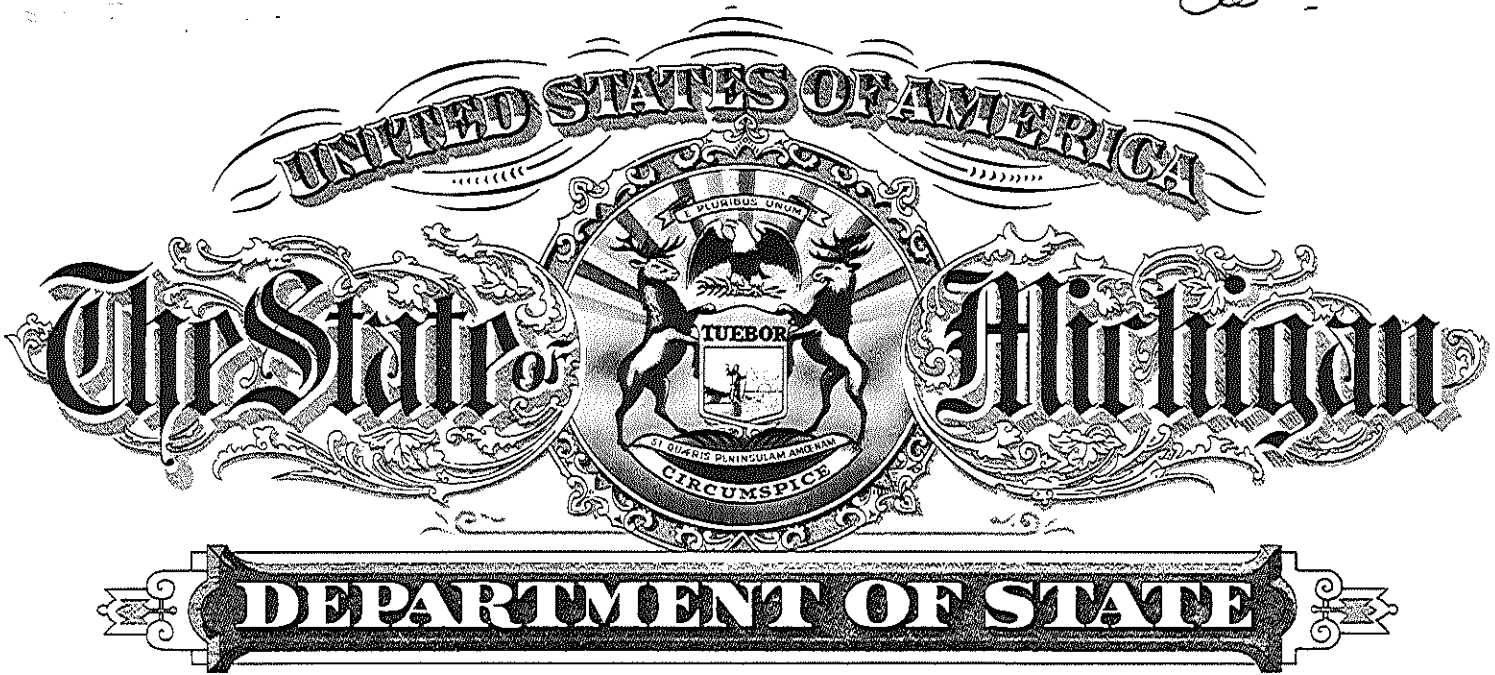
Amendments to sections (here list section numbers) of the Uniform Traffic Code for Cities, Townships and Villages, and the amendment of such Uniform Traffic Code by the addition of sections (here list sections added), all of which were promulgated by the Director of the Department of State Police, effective August 4, 1976 and published in Supplement No. 88 to the 1954 Michigan Administrative Code, in accordance with Act No. 62 of the Michigan Public Acts of 1956, are hereby adopted by reference amending and adding similarly numbered sections of ordinance _____ adopted on _____.

SUBJECT: Errata to the July, 1976 "Uniform Traffic Code for Cities,
Townships and Villages"

This Emergency Rule, signed by Governor William G. Milliken
on February 8, 1977 was filed with the Secretary of State
at 2:00 p.m. February 10, 1977. These changes have been
adopted through the Administrative Rules procedure.


Director
Michigan Department of State Police

Cl



TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Richard H. Austin, Secretary of State of the State of Michigan and Custodian of the Great Seal thereof, Do Hereby Certify that the attached is
a true and compared photocopy of Rule 28.1415a inclusive, of the Depart-
ment of State Police, Safety and Traffic Division relating to Uniform
Traffic Code for Cities, Townships, and Villages, the original of which
was filed in this office on February 10, 1978, at 2:00 p.m. and took
effect 15 days after filing. I further certify that the same have not
been rescinded or amended as of this date.



In Testimony Whereof, I have hereunto
set my hand and affixed the Great Seal of the
State at the Capitol, in the City of Lansing, this
16th *day of* June
*A.D. 19*78
Richard H. Austin
Secretary of State.

DEPARTMENT OF STATE POLICE
SAFETY AND TRAFFIC DIVISION

FEB 10 1973
AM
7,8,9,10,11,12,1,2,3,4,5,6 PM

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

Filed with the Secretary of State on
This rule takes effect 15 days after filing with the Secretary of State

(By authority conferred on the department of state police by section 1 of Act No. 62 of the Public Acts of 1956, and sections 7, 9, and 153 of Act No. 380 of the Public Acts of 1965, being §§ 257.951, 16.107, 16.109, and 16.253 of the Michigan Compiled Laws)

R 28.1415a of the Michigan Administrative Code, appearing on page 24 of Quarterly Supplement No. 88 to the Code, is amended to read as follows:

CHAPTER 5—RIGHTS AND DUTIES OF DRIVERS AND OTHERS

R 28.1415a. Sec. 5.15a. Driving under influence of intoxicating liquor; tests; admissibility; presumption; liability for withdrawing blood; refusal to take test; other evidence; option to demand breath test only.

(1) In any criminal prosecution for driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in a person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or saliva, shall be admissible into evidence and shall give rise to the following presumptions, and in the event any such tests are given, the results of the tests shall be made available to the person so charged or his attorney upon written request to the prosecution, with a copy of the request filed with the court, and the prosecution shall furnish the report at least 2 days prior to the day of the trial and shall be offered as evidence by the prosecution in a criminal proceeding; failure to fully comply with such request shall bar the admission of the results into evidence by the prosecution:

(a) If there was at that time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.

(b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was impaired within the provisions of section 5.15b of this Code due to the consumption of intoxicating liquor.

(c) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(2) Samples and specimens of urine, breath, and saliva shall be taken and collected in a reasonable manner; but only a duly licensed physician,

November 1, 1977

or a licensed nurse or medical technician under the direction of a licensed physician and duly qualified to withdraw blood, acting in a medical environment, at the request of a police officer, can withdraw blood for the purpose of determining the alcoholic content therein under the provisions of the act. No liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures attaches to a qualified person who withdraws blood or assists in the withdrawal in accordance with the act unless the withdrawal is performed in a negligent manner.

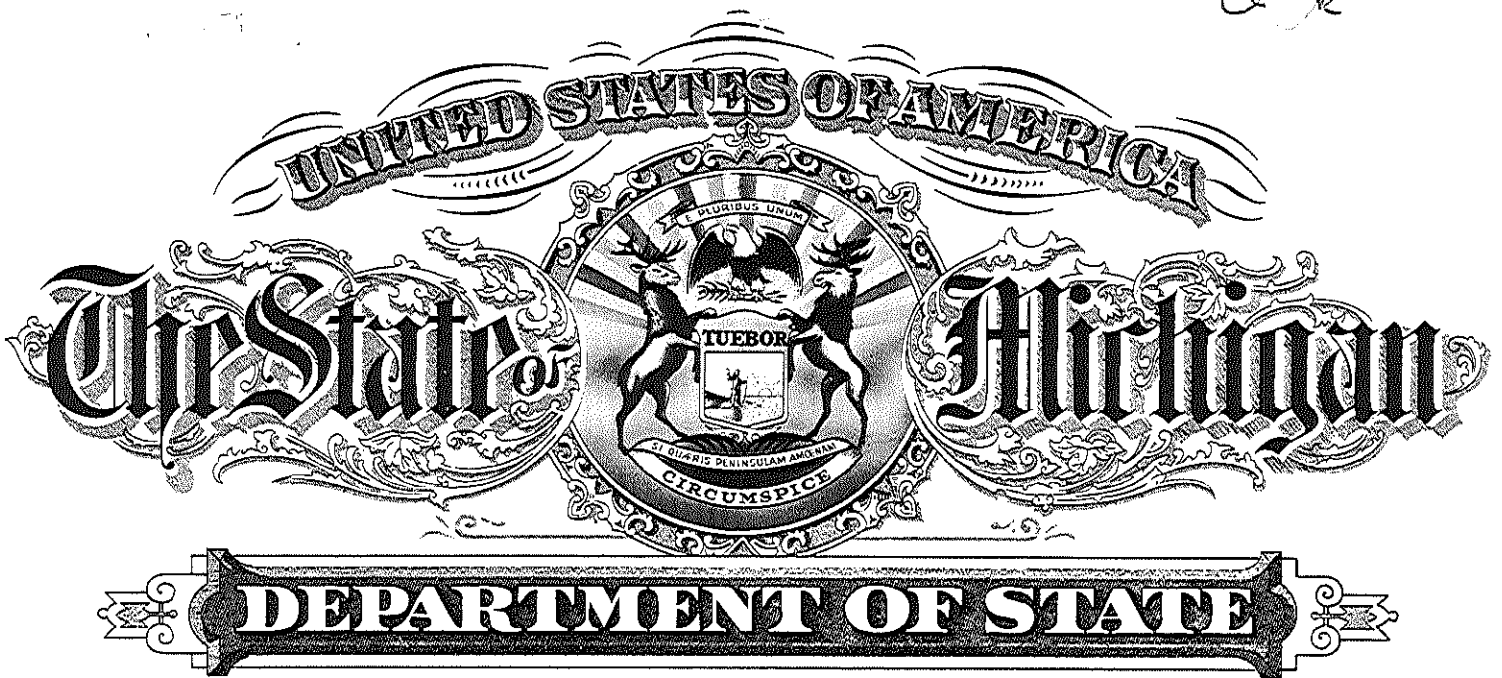
(3) A person charged with driving a vehicle under the influence of intoxicating liquor who takes a chemical test administered at the request of a police officer as provided in paragraphs (1) and (2) of this section, shall be informed that he will be given a reasonable opportunity to have a person of his own choosing administer one of the chemical tests as provided in this section within a reasonable time after his detention, and the results of such test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. Any person charged with driving a vehicle while under the influence of intoxicating liquor shall be informed that he has the right to demand that one of the tests provided for in paragraph (1) of this section shall be given him, and the results of such test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant.

(4) The person charged shall be advised that his refusal to take a test as herein provided shall result in the suspension or revocation of his operator's or chauffeur's license or his operating privilege.

(5) The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

(6) Notwithstanding any other provision of this Code, a person requested to take this test shall be advised that he has the option to demand that only a breath test shall be given, in which case his refusal to submit to any other test shall not constitute a refusal for the purposes of sections 5.15c and 5.15d of this Code.

Ce k



TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Richard H. Austin, Secretary of State of the State of Michigan and Custodian of the Great Seal thereof, Do Hereby Certify that the attached is
a true and compared photocopy of Rule 28.1001 - .2075 of the Michigan
Department of State Police, Safety and Traffic Division relating to
Uniform Traffic Code for Cities, Townships, and Villages, the original of
which was filed in this office on July 20, 1976, at 10:30 a.m. and took
effect 15 days after filing.



In Testimony Whereof, I have hereunto
set my hand and affixed the Great Seal of the
State at the Capitol, in the City of Lansing, this
16th day of June

A.D. 1978

Richard H. Austin
Secretary of State.

DEPARTMENT OF STATE POLICE

SAFETY AND TRAFFIC DIVISION

UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES

FILED
RICHARD H. AUSTIN, SEC. OF STATE
STATE OF MICHIGAN

JUL 20 1976

AM
7, 8, 9, 10, 11, 12, 3, 4, 5, 6 PM

Filed with the Secretary of State on
These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the department of state police by section 1 of Act No. 62 of the Public Acts of 1956, and sections 7, 9, and 153 of Act No. 380 of the Public Acts of 1965, being §§ 257.951, 16.107, 16.109, and 16.253 of the Michigan Compiled Laws)

Sections 1.1, 2.5, 2.5a, 2.6, 2.7, 2.28, 2.36b, 2.46, 2.51, 2.52, 2.58, 5.15, 5.16b, 5.26, 5.35, 5.44, 5.49, 5.62, 5.69, 5.79, 5.86, 5.90, 5.97, 6.8, 6.16, 6.17, 6.18, 6.23, 6.24 and 8.23 of the rules entitled "Uniform Traffic Code for Cities, Townships, and Villages", being R 28.1001, R 28.1105, R 28.1105a, R 28.1106, R 28.1107, R 28.1128, R 28.1136b, R 28.1146, R 28.1151, R 28.1152, R 28.1158, R 28.1415, R 28.1416b, R 28.1426, R 28.1435, R 28.1444, R 28.1449, R 28.1479, R 28.1486, R 28.1490, R 28.1497, R 28.1608, R 28.1616, R 28.1617, R 28.1618, R 28.1623, R 28.1624, and R 28.1823 of the Michigan Administrative Code and appearing on pages 309, 312, 315, 322, 323, 325, 330, 333, 335, and 341 of the 1957 Annual Supplement to the Code, pages 1375 and 1376 of the 1960 Annual Supplement to the Code, and pages 4614, 4619, 4620, 4624, 4628, 4630, 4633, 4634, 4637, and 4638 of the 1968 Annual Supplement to the Code are amended and sections 3.12, 4.4a, 4.16, 4.17, 4.18, 4.19, 4.20, 4.21, 4.22, 5.9a, 5.15a, 5.15b, 5.15c, 5.15d, 5.28a, 5.73a, 5.80a, 5.98a, 6.17a, 6.23a, 10.1, 10.11, 10.12, 10.13, 10.14, 10.21, 10.22, 10.23, 10.31, 10.32, 10.33, 10.34, 10.35, 10.36, 10.37, 10.38, 10.39, 10.40, 10.41, 10.51, 10.61, 10.71, 10.72, 10.73, 10.74, and 10.75 are added to read as hereinafter provided.

Sections 5.16a, 5.51, and 7.4 of the rules entitled "Uniform Traffic Code for Cities, Townships, and Villages", being R 28.1416a, R 28.1451, and R 28.1704 of the Michigan Administrative Code and appearing on pages 328 and 336 of the 1957 Annual Supplement to the Code, and page 4628 of the 1968 Annual Supplement to the Code, are rescinded.

CHAPTER 1 - WORDS AND PHRASES DEFINED

R 28.1001. Sec. 1.1. Words and phrases.

The following words and phrases when used in this ordinance

shall for the purpose of this ordinance have the meanings respectively ascribed to them in this chapter. Whenever any word or phrase used herein is not defined herein but is defined in Act No. 300 of the Public Acts of 1949, as amended, being § 257.1 et seq. of the Michigan Compiled Laws, the definition therein shall be deemed to apply to the words and phrases used herein.

Sec. 1.000. Act.

"Act" means Act No. 300 of the Public Acts of 1949, as amended.

Sec. 1.001. Alley.

"Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.

Sec. 1.002. Authorized emergency vehicle.

"Authorized emergency vehicle" means vehicles of the fire department, police vehicles, ambulances, emergency vehicles of governmental departments, or vehicles of public service corporations and privately owned motor vehicles of volunteer and paid firemen as are authorized by the director of state police.

Sec. 1.003. Bicycle.

"Bicycle" means a device propelled by human power on which a person may ride, having 2 tandem wheels, either of which is over 20 inches in diameter. It includes pedal bicycles with helper motors rated less than 1 brake horsepower transmitted by friction and not by gear or chain, which produce only ordinary pedaling speeds not exceeding 20 miles an hour.

Sec. 1.003a. Bicycle path.

"Bicycle path" means a portion of a street or highway separated from the roadway by an open, unpaved space, or by a barrier, and established for the use of persons riding bicycles.

Sec. 1.003b. Bicycle lane.

"Bicycle lane" means a portion of a street or highway adjacent to the roadway and established for the use of persons riding bicycles.

Sec. 1.004. Bus.

"Bus" means a motor vehicle designed for carrying more

than 10 passengers and used for the transportation of persons, and a motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. It does not include a school bus or a bus equipped and used for living or camping purposes.

Sec. 1.005. Bus stand or bus stop.

"Bus stand or bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules, or by buses waiting for, loading, or unloading passengers.

Sec. 1.006. Business district.

"Business district" means the territory contiguous to a highway when 50% or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.

Sec. 1.007. Commercial vehicle.

"Commercial vehicle" includes motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, and motor vehicles designed and used for drawing other vehicles, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 1.008. Crosswalk.

"Crosswalk" means:

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable highway.
- (b) A portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 1.009. Curb loading zone.

"Curb loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Sec. 1.010. Driver.

"Driver" means a person who drives, or is in actual physical control of, a vehicle.

Sec. 1.010a. Explosives.

"Explosives" means a chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in those proportions, quantities, or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Sec. 1.010b. Farm tractor.

"Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 1.010c. Flammable liquid.

"Flammable liquid" means a liquid which has a flash point of 70° Fahrenheit or less, as determined by a tagliabue or equivalent closed-cup test device.

Sec. 1.011. Freight curb loading zone.

"Freight curb loading zone" means a space adjacent to a curb for exclusive use of vehicles during the loading or unloading of freight.

Sec. 1.012. Governmental unit.

"Governmental unit" means incorporated cities, incorporated villages, and townships.

Sec. 1.012a. Gross weight.

"Gross weight" means the weight of a vehicle without load plus the weight of a load thereon.

Sec. 1.012b. Implement of husbandry.

"Implement of husbandry" means a vehicle designed for agricultural purposes and used exclusively in agricultural operations. The transportation of seeds, fertilizers, or sprays between a place of storage or supply and farms in a trailer, which materials will be used to plant, fertilize, or spray, is an agricultural operation.

Sec. 1.013. Intersection.

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways

which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

- (b) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of the highways shall be regarded as a separate intersection.

Sec. 1.014. Laned roadway.

"Laned roadway" means a roadway which is divided into 2 or more clearly marked lanes for vehicular traffic.

Sec. 1.015. Limited access highway.

"Limited access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only, and in such manner as may be determined by the public authority having jurisdiction over the highway, street, or roadway.

Sec. 1.016. Motorcycle.

"Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

Sec. 1.016a. Motor-driven cycle.

"Motor-driven cycle" means a motorcycle with a motor that produces less than 5 gross brake horsepower, a motor scooter, and a bicycle with motor attached, except:

- (a) A pedal bicycle with a helper motor rated less than 1 brake horsepower transmitted by friction and not by gear or chain, which produces only ordinary pedaling speeds not exceeding 20 miles an hour.
- (b) A motorized wheelchair or other similar vehicle not exceeding 1,000 pounds gross weight, operated by a physically afflicted or disabled person.

Sec. 1.017. Motor vehicle.

"Motor vehicle" means a vehicle which is self-propelled and a vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 1.018. Official time standard.

"Official time standard" means whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this governmental unit.

Sec. 1.019. Parking.

"Parking" means standing a vehicle, whether occupied or not, upon a highway when not loading or unloading, except when making necessary repairs.

Sec. 1.020. Parking meter zone.

"Parking meter zone" means an area adjacent to a parking meter set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified thereon.

Sec. 1.021. Passenger curb loading zone.

"Passenger curb loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Sec. 1.022. Pedestrian.

"Pedestrian" means a person afoot.

Sec. 1.023. Person.

"Person" means a natural person, firm, copartnership, association, or corporation and their legal successors.

Sec. 1.024. Police officer.

"Police officer" means a sheriff or his deputy, village marshal, or an officer of the police department of cities, villages, townships, and officer of the Michigan state police.

Sec. 1.025. Private driveway or road.

- (a) "Private driveway" means a piece of privately owned and maintained property used for vehicular traffic, but not normally used by the public.
- (b) "Private road" means a privately owned and maintained road, allowing access to more than 1 residence or place of business, normally open to the public and on which persons besides owners located thereon may also travel.

Sec. 1.026. Railroad.

"Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Sec. 1.027. Railroad train.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.

Sec. 1.028. Residence district.

"Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

Sec. 1.029. Right-of-way.

"Right-of-way" means the privilege of the immediate use of the highway.

Sec. 1.030. Roadway.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes 2 or more separate roadways, the term "roadway", as used herein, shall refer to a roadway separately, but not to all such roadways collectively.

Sec. 1.031. Safety zone.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected and so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sec. 1.031a. School bus.

"School bus" means a motor vehicle, except a station wagon, with a manufacturers' rated seating capacity of 8 or more children, owned by a public, private, or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school. It does not include buses operated by a municipally owned transportation system or by a common passenger carrier certificated by the public service commission.

Sec. 1.031b. School crossing.

"School crossing" means a crosswalk officially designated as a place to be used by school children for crossing a street or highway.

Sec. 1.031c. School-crossing guard.

"School-crossing guard" means a person, 18 years of age or older, employed by this governmental unit, or the school district, to guide and protect school children using a school crossing.

Sec. 1.031d. Semitrailer.

"Semitrailer" means a vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sec. 1.032. Sidewalk.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of roadway, and the adjacent property lines intended for the use of pedestrians.

Sec. 1.032a. Special mobile equipment.

"Special mobile equipment" means a vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction, or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditchdigging apparatus, well-boring apparatus, and well-servicing apparatus.

Sec. 1.033. Stand or standing.

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of, and while actually engaged in, receiving or discharging passengers.

Sec. 1.034. Stop.

"Stop", when required, means complete cessation from movement.

Sec. 1.035. Stop or stopping.

"Stop or stopping", when prohibited, means any halting,

even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Sec. 1.036. Street or highway.

"Street or highway" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 1.037. Taxicab.

"Taxicab" means a licensed public motor vehicle for hire, designated and constructed to seat not more than 10 persons and operating as a common carrier on call or demand.

Sec. 1.038. Taxicab stand.

"Taxicab stand" means a fixed area in the roadway set aside for taxicabs to stand or wait for passengers.

Sec. 1.039. Through highway.

"Through highway" means every state trunk line highway or any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same.

Sec. 1.039a. Tow-away zone.

"Tow-away zone" means a zone where no parking, stopping, or standing is permitted, as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.

Sec. 1.040. Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using a highway for purposes of travel.

Sec. 1.041. Traffic-control devices.

"Traffic-control devices" means signs, signals, markings, and devices, not inconsistent with this ordinance, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

Sec. 1.042. Traffic-control signal.

"Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Sec. 1.043. Traffic division.

"Traffic division" means the traffic division of the police department of cities, villages, and townships, or, in the event a traffic division is not established, then the term, whenever used herein, shall be deemed to refer to the police department of the cities, villages, and townships.

Sec. 1.043a. Trailer.

"Trailer" means a vehicle, with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 1.043b. U-turn.

"U-turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.

Sec. 1.044. Vehicle.

"Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

CHAPTER 2 - TRAFFIC ADMINISTRATION AND AUTHORITY

R 28.1105. Sec. 2.5. Authority to impound vehicles.

A member of the police department may remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by this governmental unit, under the circumstances hereinafter enumerated. The necessary costs for the removal shall become a lien on the vehicle and the person into whose custody the vehicle is given may hold it until the expenses involved have been paid:

- (a) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.
- (b) When a vehicle on a street is so disabled as to constitute an obstruction to traffic, and the person in charge of the vehicle is, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal.
- (c) When a vehicle is left unattended on a street and is so parked as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (d) When a vehicle is found being driven on the streets or highways in such an unsafe condition as to endanger persons or property.
- (e) When a vehicle is left unattended on a street continuously for more than 48 hours and may be presumed to be abandoned.
- (f) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon the street.
- (g) When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reason.
- (h) When a vehicle is found parked in a "tow-away zone" designated by the traffic engineer and properly signposted.

R 28.1105a. Sec. 2.5a. Authority to impound abandoned vehicles.

- (1) The police department shall take into custody abandoned vehicles and abandoned junk vehicles found on a street or highway or any other place, whether public or private. For purposes of this section, a vehicle is considered an abandoned vehicle when:
 - (a) It has remained on a public street or highway, or other place open to travel by the public, for a period of 48 hours or more, without notification by the registered owner to the police department of the reason for leaving the vehicle in the public place.
 - (b) It has remained on private property for a period of 48 hours or more without the consent of the owner or lessee of the property, or for a period of 48 hours or more after the consent has been revoked.
 - (c) It has remained in a garage for more than 15 days without a contract of service, storage, or repair by the registered owner.

(2) A police officer may issue a citation to the registered owner of a vehicle which is found abandoned within this governmental unit. The citation shall state that the registered owner is charged with abandoning a vehicle.

(3) Abandoning a vehicle is a misdemeanor.

R 28.1106. Sec. 2.6. Notifying department of state of impounded vehicle.

(1) If the registered owner of an abandoned vehicle taken into custody by the police department has not claimed the vehicle and paid all charges due against it within 10 days, the police department shall notify the department of state on a form prescribed by that department.

(2) Disposition of an abandoned vehicle shall be made as provided in section 252 of the act.

R 28.1107. Sec. 2.7. Vehicle deemed abandoned or junk; record and photograph; release of vehicle; definitions.

(1) When a vehicle found abandoned on a street or highway or any other place, whether public or private, has a value of less than \$100.00, it shall be considered an abandoned vehicle.

(2) A vehicle is considered a junk vehicle when:

(a) It is 4 or more years old and has a fair market value of \$100.00 or less.

(b) It is apparently inoperable and is extensively damaged, including a broken window or windshield, or missing wheels, tires, motor, or transmission.

(c) It does not display current registration plates.

(3) The police department, or a bonded licensed dealer, shall record the make of the vehicle and the serial number when available, shall detail the damage or missing equipment to substantiate the value of \$100.00 or less, and shall photograph the vehicle at the place where it was abandoned. The police department shall retain the photograph for at least 2 years.

(4) Within 24 hours after it is determined that the vehicle was not stolen, the police department shall release the vehicle to a garage keeper, towing service, used vehicle parts dealer, or scrap metal processing facility. The person to whom the vehicle is released shall proceed as provided in section 252 (d), (h), and (i) of the act.

(5) As used in subsection (d):

- (a) "Scrap metal processing facility" means a business concern engaged primarily in the acquisition, processing, and shipment of ferrous and nonferrous scrap, the end product of which is the production of material for remelting purposes for steel mills, foundries, smelters, and refiners.
- (b) "Used vehicle parts dealer" means a business concern engaged primarily in the acquisition of wrecked, damaged, inoperative or abandoned vehicles, or abandoned junk vehicles, the dismantling of these vehicles for the reclamation of reusable parts, and the preparation of remaining scrap materials for delivery to a scrap metal facility.

R 28.1128. Sec. 2.28. Testing traffic-control devices.

The traffic engineer may test or experiment with traffic-control devices under actual conditions of traffic in accordance with procedures contained in the Michigan manual of uniform traffic-control devices.

R 8.1136b. Sec. 2.36b. Traffic-control devices on private property.

- (1) With the consent, or at the request, of the owners or persons in charge of private property open to the general public for travel, the traffic engineer may determine controls of the movement of vehicles and pedestrians, and the parking of vehicles, needed for the safety and convenience of the public and users of the property. He shall place and maintain whatever traffic-control devices are necessary to give notice of those determinations.
- (2) A person who violates the directions of the traffic-control devices is guilty of a misdemeanor.

R 28.1146. Sec. 2.46. Turn signs.

The traffic engineer may determine the locations at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at those locations. The making of those turns may be prohibited between certain hours of the day and permitted at other times. At those locations, the differences shall be plainly shown on the signs, or the signs may be removed when turns are permitted.

R 28.1151. Sec. 2.51. Prohibiting certain traffic.

The traffic engineer may, after an engineering and traffic investigation, designate any heavily traveled street under his jurisdiction from which is to be prohibited a class or kind of traffic found to be incompatible with the normal and safe movement of traffic. He shall erect appropriate traffic-control devices giving notice of the determination.

R 28.1152. Sec. 2.52. Operating bicycle on sidewalk.

A person operating a bicycle on a sidewalk constructed for the use of pedestrians shall yield the right of way to a pedestrian and shall give an audible signal before overtaking and passing the pedestrian.

R 28.1158. Sec. 2.58. Issuance and record of traffic citation books.

The clerk shall be responsible for the issuance of traffic citation books to the chief of police and shall maintain a record of each book.

CHAPTER 3 - OBEDIENCE TO TRAFFIC REGULATIONS

R 28.1212. Sec. 3.12. Enforcing violation on private road.

Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of this code.

CHAPTER 4 - TRAFFIC CONTROL DEVICES

R 28.1304a. Sec. 4.4a. Avoiding traffic-control device.

The driver of a vehicle shall not avoid obedience to an official traffic-control device by driving on or through private property or on or through public property which is not a street or highway.

R 28.1316. Sec. 4.16. School crossings; designation; creation.

The traffic engineer may, after traffic and engineering studies and in consultation with the superintendent of the school district, designate appropriate crosswalks as school crossings, and create additional school crossings where they are considered necessary on streets or highways under his jurisdiction.

R 28.1317. Sec. 4.17. School-crossing guards; duty periods; identifying clothing; signs.

- (1) When school-crossing guards are assigned, they shall be stationed at school crossings during the times of day designated by the superintendent of the school district and the chief of the law enforcement agency having jurisdiction.

- (2) When on duty, a school-crossing guard shall wear an outer vest of a color and style meeting the standards of the Michigan manual of uniform traffic-control devices. The school-crossing guard shall also hold a stop sign which conforms to the Michigan manual of uniform traffic-control devices for hand-held signs.
- (3) When the school-crossing guards are assigned at designated school crossings, warning signs shall be erected in conformance with the Michigan manual of uniform traffic-control devices.

R 28.1318. Sec. 4.18. School-crossing guards; selection; training; supervision.

- (1) School-crossing guards shall be selected, trained, and supervised by the local law enforcement agency.
- (2) School-crossing guards shall receive not less than 4 hours of instruction in job-related matters before assuming duties and 4 hours of annual review thereafter.

R 28.1319. Sec. 4.19. School-crossing guard; failure to obey signal as violation; presumption.

- (1) The driver of a motor vehicle who fails to stop at a school crossing when a school-crossing guard is in the crossing and is holding the stop sign in an upright position visible to approaching vehicular traffic, is guilty of a violation of section 4.4 of this code.
- (2) In any proceeding for a violation of subsection (1) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of subsection (1), together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

R 28.1320. Sec. 4.20. "Bicycle paths" or "bicycle lanes"; establishment; traffic-control devices.

- (1) When the traffic engineer, after a traffic survey and engineering study, determines there is a need, he may establish a part of a street or highway under his jurisdiction as a bicycle path or lane.
- (2) The bicycle path or lane shall be identified by official traffic-control devices conforming to the Michigan manual of uniform traffic-control devices.

R 28.1321. Sec. 4.21. "Bicycle paths"; vehicles prohibited; snowmobiles permitted under certain conditions.

- (1) A person shall not operate a vehicle upon or across a bicycle path except to enter or leave adjacent property or as otherwise permitted in this section.
- (2) A person may operate a snowmobile upon a bicycle path which is snow-covered and not snow-plowed for bicycle traffic.
- (3) A person shall not park a vehicle upon a bicycle path.

R 28.1322. Sec. 4.22. "Bicycle lanes"; vehicles prohibited; parking permitted under certain conditions.

- (1) A person shall not operate a vehicle upon or across a bicycle lane except to enter or leave adjacent property.
- (2) A person shall not park a vehicle upon a bicycle lane except where parking is permitted by official signs.

CHAPTER 5 - RIGHTS AND DUTIES OF DRIVERS AND OTHERS

R 28.1409a. Sec. 5.9a. Driving at slow speed.

A person shall not drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

R 28.1415. Sec. 5.15. Driving under influence of intoxicating liquor or narcotic drugs.

- (1) A person, whether licensed or not, who is an habitual user of narcotic drugs, barbitol, a derivative of barbitol, or marijuana, or a person who is under the influence of intoxicating liquor or narcotic drugs, barbitol, a derivative of barbitol, or marijuana, shall not drive a vehicle on a street or highway, or any other place open to the general public, including any area designated for the parking of motor vehicles.
- (2) A person who is convicted of a violation of this section shall be punished by imprisonment for not more than 90 days or by a fine of not less than \$50.00 nor more than \$100.00, or both, together with costs of prosecution.

R. 28.1415a. Sec. 5.15a. Driving under influence of intoxicating liquor; tests; admissibility; presumption; liability for withdrawing blood; refusal to take test; other evidence; option to demand breath test only.

- (1) In any criminal prosecution for driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in a person's blood at the time alleged, as shown by chemical analysis of the person's blood, urine, breath, or saliva, shall be admissible into evidence and shall give rise to the following presumptions, and in the event any such tests are given, the results of the tests shall be made available to the person so charged or his attorney upon written request to the prosecution, with a copy of the request filed with the court, and the prosecution shall furnish the report at least 2 days prior to the day of the trial and shall be offered as evidence by the prosecution in a criminal proceeding; failure to fully comply with such request shall bar the admission of the results into evidence by the prosecution:
 - (a) If there was at that time 0.07% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.
 - (b) If there was at the time in excess of 0.07% but less than 0.10% by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to operate a motor vehicle was impaired within the provisions of section 625b of the act due to the consumption of intoxicating liquor.
 - (c) If there was at that time 0.10% or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.
- (2) Samples and specimens of urine, breath, and saliva shall be taken and collected in a reasonable manner; but only a duly licensed physician, or a licensed nurse or medical technician under the direction of a licensed physician and duly qualified to withdraw blood, acting in a medical environment, at the request of a police officer, can withdraw blood for the purpose of determining the alcoholic content therein under the provisions of the act. No liability for a crime or civil damages predicated on the act of withdrawing blood and related procedures attaches to a qualified person who withdraws blood or assists in the withdrawal in accordance with the act unless the withdrawal is performed in a negligent manner.

- (3) A person charged with driving a vehicle while under the influence of intoxicating liquor who takes a chemical test administered at the request of a police officer as provided in paragraphs (1) and (2) of this section, shall be informed that he will be given a reasonable opportunity to have a person of his own choosing administer one of the chemical tests as provided in this section within a reasonable time after his detention, and the results of such test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant. Any person charged with driving a vehicle while under the influence of intoxicating liquor shall be informed that he has the right to demand that one of the tests provided for in paragraph (1) of this section shall be given him, and the results of such test shall be admissible and shall be considered with other competent evidence in determining the innocence or guilt of the defendant.
- (4) The person charged shall be advised that his refusal to take a test as herein provided shall result in the suspension or revocation of his operator's or chauffeur's license or his operating privilege.
- (5) The provision of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.
- (6) Notwithstanding any other provision of this act, a person requested to take this test shall be advised that he has the option to demand that only a breath test shall be given, in which case his refusal to submit to any other test shall not constitute a refusal for the purposes of sections 625d and 625f of the act.

R 28.1415b. Sec. 5.15b. Driving under influence of intoxicating liquor or drugs while ability impaired.

- (1) A person shall not operate a vehicle on a highway, or street, or any other place open to the general public, including an area designated for the parking of motor vehicles, when, due to the consumption of intoxicating liquor, narcotic drugs, barbitol, a derivative of barbitol, or marijuana, he has visibly impaired his ability to operate the vehicle. When a person is charged with violation of section 5.15, a finding of guilty shall be permissible under this section.
- (2) A person convicted of a violation of this section may be imprisoned for not more than 90 days or fined not more than \$100.00, or both, together with costs of prosecution.

R 28.1415c. Sec. 5.15c. Implied consent.

- (1) A person who operates a vehicle upon the public highways of this state is deemed to have given consent to chemical tests of his blood, breath, urine, or other bodily substances for the purpose of determining the alcoholic content of his blood if:
 - (a) He is arrested for driving a vehicle while under the influence of intoxicating liquor, or while his ability to operate a vehicle has been impaired due to the consumption of intoxicating liquor.

Any person who is afflicted with hemophilia, diabetes, or any condition requiring the use of an anticoagulant under the direction of a physician shall not be deemed to have given consent to the withdrawal of blood.

- (2) The tests shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was driving a vehicle upon the public highways of this state while under the influence of intoxicating liquor.

R 28.1415d. Sec. 5.15d. Refusal to submit to test; report.

A person under arrest shall be advised of his right to refuse to submit to chemical tests, and if he refuses the request of a law enforcement officer to submit to chemical tests, no test shall be given. A sworn report shall be forwarded to the secretary of state by the law enforcement officer stating that he had reasonable grounds to believe that the person had been driving a motor vehicle on the public highways of the state while under the influence of intoxicating liquor or that he had been driving a vehicle while his ability to operate a vehicle had been impaired due to the consumption of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer and had been advised of the consequences of such refusal. The form of the report shall be prescribed and furnished by the department of state.

R 28.1416a. Rescinded.

R 28.1416b. Sec. 5.16b. Consumption of liquor on highways or on property open to public.

- (1) Alcoholic liquor shall not be consumed on a highway, street, or alley, or on any public or private property which is open to the general public and is not licensed to sell alcoholic liquor for consumption on the premises.

- (2) A person shall not transport or possess alcoholic liquor in a container which is open or uncapped, or on which the seal is broken, within the passenger compartment of a vehicle on the streets or highways of this governmental unit. If the vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open or uncapped, or on which the seal is broken, shall be encased or enclosed. This subsection shall not apply to a chartered passenger vehicle licensed by the Michigan public service commission.

R 28.1426. Sec. 5.26. Driving on roadways laned for traffic.

When a roadway is divided into 2 or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

- (a) A vehicle shall be driven, as nearly as practicable, entirely within a single lane and shall not be moved from the lane until the driver has first made sure that the movement can be made with safety. On a roadway with 4 or more lanes, which provides for 2-way movement of traffic, a vehicle shall be driven within the extreme right-hand lane except when overtaking and passing, but shall not cross the center line of the roadway except when making a left turn.
- (b) On a roadway which is divided into 3 lanes and provides for 2-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction, when the center lane is clear of traffic within a safe distance, in preparation for a left turn, or when the center lane is at the time allocated exclusively to traffic moving in the same direction the vehicle is proceeding and the allocation is designated by official traffic-control devices.
- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway. Drivers of vehicles shall obey the directions of those devices.

R 28.1428a. Sec. 5.28a. Limited access highway; pedestrians and certain vehicles prohibited.

A person shall not operate a motor-driven cycle or motor-cycle with less than a 125 cubic centimeter engine, farm tractor, or other self-propelled farm implement, nor shall any pedestrian, bicycle, or other nonmotorized traffic be permitted on any limited access highway in this state.

R 28.1435. Sec. 5.35. Signals for starting, stopping, or turning.

- (1) The driver of a vehicle or bicycle on a highway, before stopping or turning from a direct line, shall first see that the movement can be made in safety and shall give a signal as required in this section.
- (2) The signal required in this section shall be given either by means of the hand and arm in the manner herein specified, or by a mechanical or electrical signal device which conveys a clear signal or warning to other highway traffic, except as provided in subsection (3). When a signal is given by means of hand and arm, the driver shall indicate his intention to stop or turn by extending his hand and arm from and beyond the left side of the vehicle and signal as follows:
 - (a) Left turn Hand and arm extended horizontally.
 - (b) Right turn Hand and arm extended upward.
 - (c) Stop or decrease speed Hand and arm extended downward.
- (3) A commercial motor vehicle, other than one in transit from a manufacturer to a dealer, in use on a highway, shall be equipped with, and the required signal shall be given by, a signal light or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to a single vehicle or combination of vehicles.

R 28.1444. Sec. 5.44. Right-of-way, funeral, or other procession.

- (1) All vehicles and persons forming a funeral procession or other authorized procession shall have the right-of-way over all other vehicles, except fire apparatus, ambulances, and police patrol vehicles, at any street intersection. Each vehicle in the funeral procession shall have displayed on the front thereof a flag which shall be white in color, upon which shall be printed, stamped, or stained a purple cross or the star of David. In addition, the lead vehicle and the last vehicle in the funeral procession may carry an additional flag. The flag shall contain no name embossed or printed thereon except the word "funeral".
- (2) A person passing through a funeral procession of motor vehicles, as designated in subsection (1), with a vehicle of any kind shall be guilty of a misdemeanor.

R 28.1449. Sec. 5.49. Limitations on backing.

- (1) The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.
- (2) A vehicle shall not be backed a distance of more than 60 feet.

R 28.1451. Rescinded.

R 28.1462. Sec. 5.62. Driver's license required; motorcycle indorsement; change of residence.

- (1) A person who is not licensed as an operator or chauffeur, as required by the act, shall not operate a motor vehicle on the streets or highways of this governmental unit.
- (2) A person who operates a motorcycle or motor-driven cycle shall have a motorcycle indorsement on the operator's or chauffeur's license.
- (3) An operator or chauffeur who changes his residence before the expiration of his license shall immediately take the license to the local examining board or to the secretary of state, where the new address and the date of the change shall be entered on the back of the license.

R 28.1469. Sec. 5.69. License plates required.

A person shall not operate or park on the streets of this governmental unit any vehicle which is required to be registered pursuant to the act, unless the vehicle bears valid registration plates issued for it.

R 28.1473a. Sec. 5.73a. Dimming lights.

When the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

R 28.1479. Sec. 5.79. Brakes.

Brake equipment is required as follows:

- (a) A motor vehicle, other than a motorcycle or motor-driven cycle, when operated on a street or highway, shall be equipped with brakes adequate to control the movement of, and to stop and hold, the vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to not less than 2 wheels. If these 2 separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any 1 part

- of the operating mechanism shall not leave the motor vehicle without brakes on not less than 2 wheels.
- (b) A motorcycle or motor-driven cycle, when operated on a street or highway, shall be equipped with at least 2 brakes, 1 on the front wheel and 1 on the rear wheel, which may be operated by hand or foot.
 - (c) A trailer or semitrailer of a gross weight of 3,000 pounds or more, when operated on a street or highway, shall be equipped with brakes adequate to control the movement of, and to stop and hold, the vehicle, and shall be designed so as to be applied by the driver of the towing vehicle from its cab.
 - (d) A new motor vehicle, trailer, or semitrailer, hereafter sold in this state and operated on the streets or highways, shall be equipped with service brakes on all wheels of the vehicle, except a motorcycle or motor-driven cycle, and except that a semitrailer of less than 1,500 pounds gross weight need not be equipped with brakes. The provisions of this subdivision shall not apply to a trailer or semitrailer owned by a farmer and used exclusively in connection with the farming operations of the farmer and not used for hire. A truck or truck tractor which has 3 or more axles need not have brakes on the front wheels. A truck or truck tractor which is equipped with at least 2 steerable axles shall require brakes on 1 of the steerable axles.

R 28.1480a. Sec. 5.80a. Windshield required: exemptions; goggles required for operator of motorcycle or motor-driven cycle.

A motor vehicle shall not be operated on the streets or highways of this governmental unit unless it is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface water and debris when the motor vehicle is moving forward. A farm tractor, other implements of husbandry, and historic vehicles as defined in section 803a of the act are exempt from this section. When a motorcycle or a motor-driven cycle operated on the streets and highways in excess of 35 miles an hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eye glasses, which goggles, eye glasses, or face shield shall be shatter-resistant material and of sufficient size to protect the operator's eyes against insects, other airborne material, and highway surfact water and debris.

R 28.1486. Sec. 5.86. Tire studs.

- (1) A tire on a vehicle moved on a highway shall not have

on its periphery a block, stud, flange, cleat, spike, or other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highways, and except that it shall be permissible to use tire chains of reasonable proportions upon a vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, and except also as provided in subsection (2).

- (2) A pneumatic tire may have embedded in it wire not to exceed .075 inches in diameter if so constructed that under no conditions shall the percent of metal in contact with the highway exceed 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use of operation of the tire, the metal in contact with the highway shall not exceed 20% of the area.

R 28.1490. Sec. 5.90. Mufflers.

A motor vehicle, including every motorcycle or motor-driven cycle, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. A person shall not remove, destroy, or damage the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass, or similar device on a motorcycle or motor-driven cycle on any street or highway.

R 28.1497. Sec. 5.97. School buses; paint; signs; overtaking, meeting, or passing; discharge of passengers; signal lights; mirror; evidence of violation.

- (1) School buses shall be painted and shall contain such signs on the back and front thereof, with respect thereto, as shall be approved by the director of the department of state highways and transportation and the superintendent of public instruction.
- (2) The driver of a vehicle overtaking or meeting a school bus, which has stopped and is displaying 2 alternately flashing red lights located at the same level, shall bring the vehicle to a full stop at least 10 feet from the school bus, and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights and permit stopped traffic to proceed and shall, when resuming motion, proceed in such a manner as to allow congested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety. Passengers crossing the road on being discharged from

- a school bus shall cross in front of the stopped school bus. At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper, and in no event greater than 10 miles an hour, and with due caution for the safety of passengers being received or discharged from the school bus.
- (3) Signs giving notice of this ordinance shall be posted upon, or at the entrance to, the area or part thereof affected as may be most appropriate, and shall be sufficiently legible as to be seen by an ordinarily observant person.
 - (4) The driver of a vehicle upon a highway which has been divided into 2 roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.
 - (5) Every school bus shall, in addition to any other equipment and distinctive marking required by law, be equipped with signal lights mounted as high and widely spaced laterally as practicable. These lights shall be capable of displaying to the front 2 alternately flashing red lights located at the same level and to the rear 2 alternately flashing red lights located at the same level. The lights shall have sufficient intensity to be visible from a distance of at least 500 feet in normal sunlight and shall be actuated by the driver of the school bus whenever, but only whenever, the vehicle is stopped and for a distance of at least 200 feet in advance of a stop for the purpose of receiving or discharging school children.
 - (6) Every school bus shall be equipped with a mirror, convex in shape, at least 7½ inches in diameter, firmly mounted at hood or fender-top height in front of the bus. It shall be located on either the left or right side of the bus in such a manner that the seated driver may observe through its use the road from the front bumper forward to the point where direct observation is possible.
 - (7) In any proceeding for a violation of subsection (1), proof that the particular vehicle described in the citation, complaint, or warrant was in violation of subsection (1), together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.

R 28.1498a. Sec. 5.98a. Barricade, object, device, or person impeding traffic.

A person, without authority, shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic on a public street or highway by means of a barricade, object, or device, or with his person. This section shall not apply to persons maintaining, rearranging, or constructing public utilities in, or adjacent to, a street or highway.

CHAPTER 6 - OPERATION OF BICYCLES, MOTORCYCLES, MOTOR DRIVEN CYCLES, AND TOY VEHICLES

R 28.1608. Sec. 6.8. Number of persons, and manner of carrying persons, on motorcycles and motor-driven cycles.

- (1) A person operating a motorcycle shall ride on and astride the permanent and regular seat attached to the vehicle, and shall not carry another person, nor permit another person to ride, on the motorcycle as a passenger unless it is designed and equipped to carry more than 1 person. If the motorcycle is so designed and equipped, the passenger may ride on the permanent and regular seat if it is designed for 2 persons, or on another seat firmly attached to the vehicle to the rear or side of the operator.
- (2) A person operating a motor-driven cycle shall ride on and astride the permanent and regular seat attached to the vehicle, and shall not carry another person as a passenger on the motor-driven cycle.

R 28.1616. Sec. 6.16. Carrying articles; height of handlebars.

- (1) A person operating a bicycle, motorcycle, or motor-driven cycle shall not carry a package, bundle, or article which prevents the driver from keeping both hands on the handlebars of the vehicle.
- (2) A person shall not operate on a street or highway of this governmental unit a motorcycle or motor-driven cycle equipped with handlebars that are higher than 15 inches from the lowest point of the undepressed saddle to the highest point of the handlegrip of the operator.

R 28.1617. Sec. 6.17. Parking on sidewalk.

A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices, nor on a sidewalk, in any manner which would unreasonably obstruct pedestrian or other traffic.

R 28.1617a. Sec. 6.17a. Parking on roadway.

- (1) Notwithstanding the provisions of chapter 8 of this code, and unless prohibited or restricted by traffic-control devices, a bicycle may be parked:
 - (a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.
 - (b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.
- (2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of chapter 8 regulating the parking of vehicles.

R 28.1618. Sec. 6.18. Obedience to sign.

When a sign is erected on a sidewalk which prohibits the riding of bicycles thereon by any person, a person shall not disobey the sign.

R 28.1623. Sec. 6.23. Protective helmet required.

A person operating or riding on a motorcycle or motor-driven cycle on a public thoroughfare shall wear on his head a protective helmet of a type approved by the department of state police.

R 28.1623a. Sec. 6.23a. Protective helmet standards; label.

Protective helmets required by section 6.23, which are sold or offered for sale in this governmental unit, shall meet or exceed the state police standards and shall be clearly labeled as meeting those requirements.

R 28.1624. Sec. 6.24. Dealers; leasing motorcycles or motor-driven cycles to unlicensed operators.

A dealer shall not rent, lease, or furnish a motorcycle or motor-driven cycle to a person for use on the streets and highways who is not licensed to operate a motorcycle or motor-driven cycle by this state, if a resident, or by the state of which he is a resident, if a nonresident.

CHAPTER 7 - PEDESTRIANS' RIGHTS AND DUTIES

R 28.1704. Rescinded.

CHAPTER 8 - STOPPING, STANDING, AND PARKING

R 28.1823a. Sec. 8.23a. Unlawful standing or parking of vehicle; warrant for arrest; proof establishing probable cause; presumption.

Except as provided in section 8.23b involving leased vehicles, in any proceeding relating to arrest and prosecution for the violation of a local ordinance or state statute relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance or state statute, together with proof, by verifying ownership of the vehicle with the secretary of state, that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall be accepted by the court as establishing probable cause for the issuance of a warrant for the arrest of the registered owner, and creates in evidence a presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

R 28.1823b. Sec. 8.23b. Unlawful standing or parking of leased vehicle; presumption.

In a proceeding for a violation of section 8.23a involving a leased motor vehicle, proof that the particular vehicle described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the lessee of the vehicle at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle, not the registered owner, was the person who parked or placed the vehicle at the point, and for the time during which, the violation occurred.

CHAPTER 10 -SNOWMOBILES

R 28.2001. Sec. 10.1. Words and phrases.

The following words and phrases, when used in this chapter, have the meanings respectively ascribed to them in this chapter. Whenever any word or phrase used herein is not defined herein, but is defined in this ordinance, or in Act No. 74 of the Public Acts of 1968, as amended, being S 257.1501 et seq. of the Michigan Compiled Laws, the definitions used therein shall be deemed to apply to the words and phrases used in this chapter.

Sec. 10.001. Dealer.

"Dealer" means a person engaged in the sale, lease, or rental of snowmobiles as a regular business.

Sec. 10.002. Operate.

"Operate" means to ride in or on, or to be in actual physical control of, a snowmobile.

Sec. 10.003. Owner.

"Owner" means any of the following:

- (a) A person who holds the legal title to a snowmobile in his name.
- (b) A vendee or lessee of a snowmobile which is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
- (c) A person renting a snowmobile, or having exclusive use of a snowmobile, for more than 30 days.

Sec. 10.004. Public property.

"Public property" means property owned, leased, or otherwise controlled by this governmental unit, including parks, parking lots, and recreational areas.

Sec. 10.005. Private property open to the public.

"Private property open to the public" means property which is privately owned but is open to public access.

Sec. 10.006. Right of way.

"Right of way" means that portion of a street or highway less the roadway and any shoulder.

Sec. 10.007. Snowmobile.

"Snowmobile" means a motor-driven vehicle designed for travel primarily on snow or ice, of a type which utilizes sled-type runners or skis, an endless belt tread, or any combination of these, or other similar means of contact with the surface on which it is operated.

R 28.2011. Sec. 10.11. Registration required; exceptions.

A snowmobile shall not be operated within the corporate limits of this governmental unit unless and until it is registered by the owner pursuant to Act. No. 74 of the Public Acts of 1968, as amended, except that the following snowmobiles may be operated without being registered:

- (a) A snowmobile operated exclusively on lands owned by, or under the control of, the snowmobile owner.
- (b) A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor.
- (c) A snowmobile which is exclusively operated in a special event of limited duration, which is conducted according to a prearranged schedule under a permit from this governmental unit.

R 28.2012. Sec. 10.12. Certificate of registration; carrying; display; duplicate.

A certificate of registration shall be carried on the snowmobile when it is in operation, and shall be displayed on demand of a police officer. If the certificate is lost, mutilated, or illegible, the owner shall immediately obtain a duplicate certificate of registration by application to the secretary of state.

R 28.2013. Sec. 10.13. Identification number; display; form.

The identification number of the certificate of registration shall be prominently displayed on both sides of the forward half of the snowmobile. The number shall be painted on or attached in a permanent manner in block characters of good proportion, not less than 3 inches in height, reading from left to right, and shall contrast so as to be distinctly visible and legible. Other numbers shall not be attached or displayed on the snowmobile.

R 28.2014. Sec. 10.14. Operation of snowmobile registered in another state or Canada.

A snowmobile registered in another state, or in a province of Canada, to a nonresident of this state may be operated within this governmental unit under the authority of that registration for a period of not more than 20 days.

R 28.2021. Sec. 10.21. Brakes.

A snowmobile shall be equipped with brakes capable of 1 of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more:

- (a) Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles an hour.
- (b) Locking the snowmobile traction belt or belts.

R 28.2022. Sec. 10.22. Lights.

A snowmobile shall be equipped with 1 headlight and 1 taillight. The lights shall be lighted when the snowmobile is being operated between the hours from 1/2 hour after sunset to 1/2 hour before sunrise.

R 28.2023. Sec. 10.23. Muffler.

A snowmobile shall be equipped with a muffler in good working order and in constant operation from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 DBA, decibels on the "a" scale, on a sound meter having characteristics defined

by the American standards association S1, 4-1966 "general purpose sound meter". All snowmobiles manufactured after February 1, 1972, and operated in this governmental unit, shall not exceed 82 DBA of the 1970 society of automotive engineers code J-192.

R 28.2031. Sec. 10.31. Operation on designated public and private property.

A snowmobile shall be operated within the corporate limits of this governmental unit only a public property and private property open to the public which has been so designated by the governing body of this governmental unit, or on property owned or under the control of the owner of the snowmobile.

R 28.2032. Sec. 10.32. Time and conditions of operation.

Operation of a snowmobile on public property and private property open to the public shall be carried on only at times and under conditions determined by an official authorized by the governing body to make those decisions.

R 28.2033. Sec. 10.33. Speeds.

A person shall not operate a snowmobile on public property or private property open to the public at a speed greater than is reasonable and proper having due regard for existing conditions.

R 28.2034. Sec. 10.34. Operating snowmobile under influence of intoxicating liquor, narcotic drugs, or barbitol.

A person shall not operate a snowmobile on public property or private property open to the public while under the influence of intoxicating liquor or narcotic drugs, barbitol, or a derivative of barbitol.

R 28.2035. Sec. 10.35. Operation between midnight and 6 a.m.

A person shall not operate a snowmobile within 100 feet of a dwelling between 12 midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile.

R 28.2036. Sec. 10.36. Operation on cemetery or burial ground.

A person shall not operate a snowmobile on or across a cemetery or burial ground.

R 28.2037. Sec. 10.37. Operation on public sidewalk.

A person shall not operate a snowmobile on a public sidewalk, except that a snowmobile may be driven across a sidewalk at a regular driveway.

R 28.2038. Sec. 10.38. Operation on limited access highway.

A person shall not operate a snowmobile on a limited access highway.

R 28.2039. Sec. 10.39. Operation on roadway.

A person shall not operate a snowmobile on any roadway within the corporate limits of this governmental unit, except that:

- (a) The chief of police is hereby authorized to permit the operation of a snowmobile on a roadway when, because of snow or other extreme roadway conditions, conventional motor vehicles cannot be used for necessary transportation.
- (b) A snowmobile may be operated on a roadway when necessary to cross the roadway or to cross a bridge or culvert. The snowmobile shall be brought to a complete stop before entering onto the roadway, and the operator shall yield the right of way to a vehicle approaching on the roadway.
- (c) A snowmobile may be operated on a roadway only for a distance of not more than 500 feet while traveling to an area approved for snowmobile use or between 2 approved areas.

R 28.2040. Sec. 10.40. Operation by person under 12 years of age.

A parent or legal guardian shall not permit his child who is under the age of 12 years to operate a snowmobile without the direct supervision of an adult, except on land owned by or under the control of, the parent or legal guardian. An operator under the age of 12 years shall not cross a street or highway.

R 28.2041. Sec. 10.41. Operation by persons 12 to 16 years of age.

A person between the ages of 12 and 16 years may operate a snowmobile if any one of the following requirements is met:

- (a) He is under the direct supervision of a person who is not less than 18 years of age.
- (b) He has in his immediate possession a snowmobile safety certificate issued to him.
- (c) He is on land owned or under the control of his parent or legal guardian.

R 28.2051. Sec. 10.51. Accident; notice; report.

The operator of a snowmobile involved in an accident which results in an injury to or the death of any person, or in property damage in an estimated amount of not less than \$100.00, shall immediately notify the police department. The police department shall complete a report of the accident on a form prescribed by the director of the department of state police,

and forward the report to that department. A copy of the accident report shall be retained by the police department for not less than 3 years.

R 28.2061. Sec. 10.61. Duties of dealer; liability insurance.

- (a) A dealer who rents, leases, or otherwise furnishes snowmobiles to the public shall maintain in safe operating condition the snowmobiles so rented, leased, or furnished. The dealer, his agents, or his employees shall explain the operation of the snowmobile being rented, leased, or furnished. If the dealer, agent, or employee believes the person to whom the snowmobile is to be rented, leased, or furnished is not competent to operate the snowmobile with safety to himself and to others, he shall refuse to rent, lease, or furnish the snowmobile.
- (b) A dealer who rents, leases, or otherwise furnishes a snowmobile shall carry a policy of liability insurance subject to limits, exclusive of interests and costs, with respect to the snowmobile, as follows: \$20,000.00 because of bodily injury to or death of 1 person in any 1 accident and subject to that limit for 1 person; \$40,000.00 because of bodily injury to or death of 2 or more persons in any 1 accident; and \$10,000.00 because of injury to or destruction of property of others in any 1 accident; or, in the alternative, demand and be shown proof that the person renting, leasing, or being furnished a snowmobile carries a liability policy of at least the type and coverage specified above.

R 28.2071. Sec. 10.71. Operation in violation of chapter.

The owner of a snowmobile shall not permit his snowmobile to be operated in violation of the provisions of this chapter.

R 28.2072. Sec. 10.72. Registered number as evidence of operation by owner.

In a proceeding for a violation of this chapter involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of this offense.

R 8.2073. Sec. 10.73. Stopping at direction of uniformed police officer; violation; identification of official law enforcement vehicle.

- (1) The operator of a snowmobile who is given, by hand, voice, emergency light, or siren, a visual or audible signal by a police officer, acting in the lawful performance of his duty, directing the operator to

bring his snowmobile to a stop, shall do so. An operator shall not wilfully fail to obey the direction by increasing his speed, extinguishing his lights, or otherwise attempting to flee or elude the officer.

- (2) The officer giving the signal shall be in uniform. A vehicle or snowmobile which is used at night for purposes of enforcing this chapter shall be identified as an official law enforcement vehicle or snowmobile.

R 28.2074. Sec. 10.74. Violation as misdemeanor.

A person who violates a provision of this chapter is guilty of a misdemeanor.

R 28.2075. Sec. 10.75. Arrest without warrant; procedures.

When a person is arrested without warrant for a violation of this chapter, except a violation of section 10.35, the arresting officer shall follow the procedures provided in sections 2.10 of 2.11, whichever is applicable.