

ORDINANCE NO. 2004-5

**MICHIGAN VEHICLE CODE ORDINANCE**

AN ORDINANCE TO ADOPT, BY REFERENCE, THE MICHIGAN MOTOR VEHICLE CODE WITHIN ALLENDALE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR VIOLATION; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

ALLENDALE CHARTER TOWNSHIP, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

**Section 1. Michigan Vehicle Code Adopted by Reference.** The Michigan Vehicle Code, Public Act 300 of 1949 of the State of Michigan, being codified at MCL 257.1 through 257.923, is hereby adopted in full by reference except as modified in this Ordinance.

**Section 2. References in Code.** References in the Michigan Vehicle Code to "local authorities," to "government" or to "governmental unit" shall mean the Township of Allendale.

A. **Misdemeanor.** Any provision of the Michigan Vehicle Code which describes an act, omission, or condition which is declared to be a criminal offense shall be processed as a misdemeanor. Unless some other penalty is expressly provided for by the Michigan Vehicle Code, any person found guilty of a misdemeanor under this Article shall be subject to the imposition of a sentence which includes a fine or not more than \$500.00, or imprisonment in the county jail for a maximum period of 90 days, or both such fine and imprisonment.

B. **Civil Infraction.** Any provision of the Michigan Vehicle Code which describes an act, omission, or condition which is declared to be a civil infraction, shall be processed as a civil infraction as provided for under state law. Any person found responsible for a civil infraction may be ordered by the judge or magistrate to pay a civil fine and costs as well as such additional penalties as are provided for by state law.

C. **Costs.** When any person is found guilty of a criminal violation or responsible for a civil infraction pursuant to this Ordinance, the judge or magistrate shall summarily determine and tax the costs of the action which shall include all expenses, direct and indirect, to which the Township has incurred relative to the violation or infraction up to the entry of judgment.

**Section 3. Severability.** This Ordinance and the various sections, subsections, sentences, phrases, and clauses are declared to be severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

**Section 4. Notice to be Published.** The Township Clerk shall publish this Ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the Code is available to the public at the Office of the Township Clerk for inspection.

**Section 5. Repeal.** Any and all resolutions, ordinances, or orders in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, repealed.

**Section 6. Effective Date.** This Ordinance is ordered to take effect on April 30, 2004, said date being 30 days or more after publication in the Advance, a newspaper having general circulation in the Township.