

UNIFORM TRAFFIC CODE ORDINANCE # 152

An Ordinance to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of State Police; to amend said Uniform Traffic Code with respect to impoundment or immobilization of vehicles under certain terms and conditions and with respect to the offense of driving under the influence of intoxicating liquors; and to repeal all Ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIPS OF  
KALAMAZOO, OSTEMO, AND KALAMAZOO  
AND THE  
VILLAGES OF AUGUSTA AND CLIMAX  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of State Police and published in the 1979 Edition of the Michigan Administrative Code and amendments as published in the Quarterly Supplement No. 5 to the 1979 Edition of the Michigan Administrative Code, in accordance with Public Act 62 of 1956 of the State of Michigan, is hereby adopted by reference except as amended hereinafter.

SECTION II

References in the said Uniform Traffic Code for Michigan Cities, Townships, and Villages to "government unit" shall mean the respective township or village adopting this Ordinance.

SECTION III

The respective township or village clerk of the governmental subdivision enacting this Ordinance shall publish this Ordinance in the manner required by law and shall, at the same time, publish a supplementary notice setting forth the purpose of the said Uniform Traffic Code and of the fact that a complete copy of the Code is available at the office

of the Clerk for inspection by the public at all times.

#### SECTION IV

The said Uniform Traffic Code for Cities, Townships, and Villages as adopted by reference herein is hereby amended by the creation of a new Section 2.5b to read as follows:

"Sec. 2.5b. IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE FOR UNANSWERED CITATIONS: PROCEDURE.

(1) Where a police officer of the governmental unit receives a certified record or certified notice from the Secretary of State, clerk of the district court or from the clerk of the parking violations bureau of the governmental unit that the owner of a motor vehicle has failed to answer six or more parking violation notices or citations regarding illegal parking, then and in such event a police officer of the governmental unit is hereby authorized to impound or immobilize the motor vehicle of such owner which may be found on public property or on private property open to the public within the territorial boundaries of the governmental unit.

(2) Where a police officer impounds or immobilizes a vehicle as authorized by this Section, then and in such event such police officer shall cause a notice of such act to be served upon the owner and secured party, if any, of such motor vehicle in accordance with and under the same conditions imposed by Section 2.5 (2)(c) of the said Uniform Traffic Code. In the event any such vehicle is stored in a garage, a copy of such notice shall be given to the proprietor of such garage.

(3) In case of the impounding or immobilization of a motor vehicle as authorized under this Section, a police officer of the governmental unit is hereby authorized to restore possession of the same to the owner thereof, or his agent, upon the payment of all charges outstanding against the same, including unsettled citations in the amounts then prevailing and charges for towing and storage actually paid out by the governmental unit. In the event such owner professes that the citations are not true and he or she wishes to have the matter decided by a court of competent jurisdiction, possession of said motor vehicle may be restored to the owner promptly upon his or her tendering a plea of not guilty or not responsible, as the case may be, before a court of competent jurisdiction."

#### SECTION V

The said Uniform Traffic Code for Cities, Townships, and Villages as adopted by reference herein is hereby amended by the creation of a new Section 5.15h to read as follows:

"Sec. 5.15h. JURY INSTRUCTION REGARDING REFUSAL TO SUBMIT TO CHEMICAL TEST. If a jury instruction regarding a defendant's refusal to submit to a chemical test under Section 5.15d of the Uniform Traffic Code is requested by the prosecution or the defendant, the jury instruction shall be given as follows:

'Evidence was admitted in this case which, if believed by the jury, could prove that the defendant had exercised his or her right to refuse a chemical test. You are instructed that such a refusal is within the statutory rights of the defendant and is not evidence of his or her guilt. You are not to consider such a refusal in determining the guilt or innocence of the defendant.'"

SECTION VI

This Ordinance shall take effect on the 30th day of August, 1981. All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance and the said Uniform Traffic Code as adopted herein, including any previous ordinances adopting the said Uniform Traffic Code, are hereby repealed.

*Glenn M. Porter, Clerk*