

VILLAGE COUNCIL
VILLAGE OF NASHVILLE
ORDINANCE NO. 1-22-2004-A

Council member Kenyon, supported by Council member Coll, moved the adoption of the following Ordinance:

AN ORDINANCE TO ADOPT THE MICHIGAN VEHICLE
CODE AND UNIFORM TRAFFIC CODE BY REFERENCE,
TO PROVIDE PENALTIES FOR VIOLATIONS AND TO
REPEAL CONFLICTING ORDINANCES

THE VILLAGE OF NASHVILLE ORDAINS:

Section 1. Michigan Vehicle Code adopted. Pursuant to the provisions of the General Law Village Act, Act No. 3 of the Public Acts of Michigan of 1895, as amended, MCLA 61.1, *et seq.*, the Michigan Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949, as amended, MCL 257.1, *et seq.*, is adopted by reference, as if fully set forth herein.

Section 2. References in Michigan Vehicle Code. References in the Michigan Vehicle Code to “local authorities” shall mean the Village of Nashville, Barry County, Michigan.

Section 3. Enforcement of Michigan Vehicle Code: Sanctions.

(1) The Michigan Vehicle Code may be enforced by any sheriff’s deputy, police officer or any employee of the Village authorized to enforce criminal ordinances or authorized to issue civil infractions.

(2) The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

(3) When any person is found guilty of a misdemeanor or responsible for a civil infraction pursuant to this section, 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 Village has been put in connection with the violation or infraction up to the entry of judgment.

Section 4. Uniform Traffic Code adopted. The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002 is adopted by reference, as if fully set forth herein.

Section 5. References in Uniform Traffic Code. References in the Uniform Traffic Code to “governmental unit” or “municipality” shall mean the Village of Nashville, Barry County, Michigan.

Section 6. Enforcement of Uniform Traffic Code: Sanctions.

(1) The Uniform Traffic Code may be enforced by any sheriff's deputy, police officer or any employee of the Village authorized to enforce criminal ordinances or authorized to issue civil infractions.

(2) The penalties provided by the Uniform Traffic Code are adopted by reference, provided, however, that the Village may not enforce any provision of the Uniform Traffic Code for which the maximum period of imprisonment is greater than 93 days.

(3) When any person is found guilty of a misdemeanor or responsible for a civil infraction pursuant to this section, 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 Village has been put in connection with the violation or infraction up to the entry of judgment.

Section 7. Repealer: Pending Proceedings. Ordinance Nos. 8-10-61A, 8-10-61B, 8-9-79 and 1-8-98-A are repealed; provided, however that all proceedings pending all rights and liabilities existing at the time this ordinance takes effect are saved and may be consummated or continued according to the law in force when they were commenced. No prosecution initiated prior to the effective date of this ordinance or initiated after the effective date of this ordinance for an offense committed prior to the effective date shall be affected by this ordinance.

Section 8. Publication. The Village Clerk shall publish a summary of this ordinance in the manner provided by law and shall at the same time publish a supplementary notice setting forth the purpose of the Michigan Vehicle Code and Uniform Traffic Code and the fact that a complete copy of the Michigan Vehicle Code and Uniform Traffic Code are available at the Office of the Village Clerk for inspection by the public at all times.

Section 9. Effective Date. This ordinance shall take effect upon publication of the summary and supplementary notice described in Section 8, as provided by state law.

YEAS: Bracy, Wheeler, Kenyon, Coll, Seaton, Dunham

NAYS: none

ABSTAIN: none

ABSENT: Wolff

APPROVED: January 22, 2004.

I certify that this ordinance was adopted at a regular meeting of the Nashville Village Council held on January 22, 2003.

Cathy Lentz, Village Clerk

Adopted: January 22, 2004

Published: January 27, 2004