

AGENDA
Committee on Public Safety
City Council Conference Room, 10th Floor, City Hall
Thursday, May 12, 2011 – 4:00 p.m.

Councilmember Carol Wood, Chair
Councilmember Tina Houghton, Vice Chair
Councilmember A'Lynne Robinson, Member

- I. Call to Order**
- II. Roll Call**
- III. Approval of Minutes**
- IV. Public Comment**
- V. Action/Discussion**
 - A. Appointment of Jill Rhode as an At Large Member to the Board of Fire Commissioners for a Term to Expire June 30, 2015
 - B. Review and Discussion of the Medical Marijuana Ordinance
 - C. Introducing and Setting a Public Hearing to Adopt the Michigan Vehicle Code and Uniform Traffic Code
- VI. Receipt of Communications**
- VII. Adjourn**
- VIII. Pending**

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015;

WHEREAS, the Public Safety Committee met on May 12, 2011 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby confirms the appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015.



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

From the 5-2-11 Council Meeting Packet

REFERRED TO THE COMMITTEE ON
PUBLIC SAFETY

TO: City Council President A'Lynne Robinson and Council Members
FROM: Mayor Virg Bernero
DATE: April 28, 2011
RE: Resolution—Appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



Virg Bernero, Mayor

City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Joe McDonald, Community Outreach Coordinator

Subject: Resolution—Appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015

Date: April 28, 2011

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

"Equal Opportunity Employer"

BY THE _____
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015

WHEREAS, the _____ Committee met on _____ and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby confirms the appointment of Appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015

April 28, 2011

A'Lynne Robinson, President
Lansing City Council
10th Floor City Hall
124 W. Michigan Avenue
Lansing, MI 48933

Dear President Robinson and City Council Members:

I herewith submit for your confirmation the following reappointments and appointments. This nominee has been vetted and meets the qualifications as required by the City Charter.

Board of Fire Commissioners

Appointment of Jill Rhode as an At-Large Member to Board of Fire Commissioners for a term to expire June 30, 2015

Your confirmation of this appointment is appreciated.

Sincerely,



Virg Bernero
Mayor

- 1 B. Candy;
- 2 C. Food products;
- 3 D. Cosmetics;
- 4 E. Pharmaceuticals; and
- 5 F. Toiletries;
- 6 (2) Tool, die, gauge and machine shops and the manufacturing, compounding, processing or
7 treatment of light sheet metal products, including heating and ventilating equipment, cornices,
8 eaves and the like, hardware and cutlery;
- 9 (3) The manufacturing, compounding, assembling or treatment of items from the following
10 materials which are prepared previously at another site: bone, canvas, cellophane, cloth, cork,
11 elastomer, feathers, felt, fiber, fur, glass, hair, leather, horn, paper, plastics, rubber, precious or
12 semiprecious metals, stones, sheet metal, forged or cast steel or iron, shells, textiles, tobacco,
13 wax, wire, wood or yarn;
- 14 (4) The commercial manufacture of pottery and figurines or other similar ceramic products
15 using only previously pulverized clay and kilns which are fired only by electricity or gas;
- 16 (5) The manufacture of musical instruments, toys, novelties, metal or rubber stamps or other
17 small, molded rubber products;
- 18 (6) The manufacture or assembly of electrical appliances, electronic instruments and devices or
19 components of electronic instruments and devices, radios, televisions or phonographs;
- 20 (7) Hot, warm and cold metal forming operations, excluding drop hammer forging;
- 21 (8) Medical, experimental, film or testing laboratories;
- 22 (9) The manufacture or repair of electric or neon signs;

- 1 (10) Central dry cleaning plants or laundries; or
- 2 (11) Furniture refinishing, stripping, upholstery or manufacture;
- 3 (c) Railroad and truck terminal freight facilities, railroad transfer and storage tracks or railroad
- 4 right-of-ways;
- 5 (d) Any of the following public utility structures or facilities:
- 6 (1) Offices;
- 7 (2) Telephone exchange buildings;
- 8 (3) Electrical transformer stations or substations;
- 9 (4) Gas regulator stations or gas tank holders; and
- 10 (5) Water supply plants, water tank holders, wells or pumping stations;
- 11 (e) An off-street parking facility;
- 12 (f) Oil or gas drilling and extraction;
- 13 (g) An accessory structure or use customarily incidental to any principal use permitted in the H
- 14 Light Industrial District, including, but not limited to, a caretaker or watchperson's residence and
- 15 storage of materials or equipment used in the normal function of the principal permitted use;
- 16 (h) A nonaccessory, free-standing sign;
- 17 (i) An outdoor storage or sales facility which sells new building material, sand, gravel or
- 18 lumber;
- 19 (j) The storage of a contractor's material or equipment; and
- 20 (k) A DISPENSARY OR A CULTIVATION BUSINESS, AS THOSE TERMS ARE
- 21 DEFINED BY CHAPTER 1300.

1 ~~(k)~~ (l) A use which, by the decision of the Planning Board, is similar to the uses described in this
2 section.

3 CHAPTER 1300. MEDICAL MARIHUANA ESTABLISHMENTS

4 1300.01. DEFINITIONS

5 FOR THE PURPOSES OF THIS CHAPTER,

6 (a) ANY TERM DEFINED BY THE MICHIGAN MEDICAL MARIHUANA ACT, BEING
7 MCL 333.26421 *ET SEQ.*, SHALL HAVE THE DEFINITION GIVEN IN THE MICHIGAN
8 MEDICAL MARIHUANA ACT.

9 (b) ANY TERM DEFINED BY 21 USC 860(e) SHALL HAVE THE DEFINITION GIVEN BY
10 21 USC 860(e).

11 (c) THE FOLLOWING TERMS SHALL HAVE THE DEFINITIONS GIVEN:

12 *DISPENSARY* MEANS A NONRESIDENTIAL LAND USE WHERE MARIHUANA IS
13 DISTRIBUTED BY ONE OR MORE PRIMARY CAREGIVERS BUT IS NOT GROWN OR
14 CULTIVATED.

15 *CULTIVATION BUSINESS* MEANS A NONRESIDENTIAL LAND USE WHERE
16 MARIHUANA IS GROWN OR CULTIVATED IN AN ENCLOSED, LOCKED FACILITY
17 BY ONE OR MORE PRIMARY CAREGIVERS BUT IS NOT DISTRIBUTED.

18 *MEDICAL MARIHUANA ESTABLISHMENT* MEANS ANY NONRESIDENTIAL LAND USE
19 INVOLVING THE GROWTH OR DISTRIBUTION OF MARIHUANA.

20 *STAKEHOLDER* MEANS, WITH RESPECT TO ANY ENTITY, A PARTNER, A MEMBER,
21 AN OFFICER, A DIRECTOR, AN EMPLOYEE, OR ANY PERSON WITH AN OWNERSHIP
22 INTEREST OF TEN PERCENT OR MORE.

1 1300.02. OPERATION WITHOUT LICENSE PROHIBITED

2 (a) NO PERSON SHALL OPERATE A MEDICAL MARIHUANA ESTABLISHMENT IN
3 THE CITY WITHOUT FIRST OBTAINING A LICENSE TO DO SO FROM THE CITY
4 CLERK.

5 (b) THE CITY CLERK MAY ISSUE LICENSES ONLY FOR DISPENSARIES AND
6 CULTIVATION BUSINESSES. THE TERM OF EACH LICENSE SHALL BE ONE YEAR.
7 COUNCIL MAY ESTABLISH, BY RESOLUTION, AN APPROPRIATE FEE FOR EACH
8 TYPE OF LICENSE ISSUED UNDER THIS CHAPTER.

9 1300.03. LICENSE APPLICATIONS

10 (a) APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER SHALL BE MADE
11 IN WRITING TO THE CITY CLERK AT LEAST 30 DAYS PRIOR TO (1) COMMENCING
12 OPERATION OF A MEDICAL MARIHUANA ESTABLISHMENT; OR (2) THE
13 EXPIRATION OF AN EXISTING LICENSE.

14 (b) AN APPLICATION FOR A LICENSE REQUIRED BY THIS CHAPTER SHALL
15 CONTAIN THE FOLLOWING:

16 (1) INDICATION OF THE TYPE OF LICENSE SOUGHT (DISPENSARY OR
17 CULTIVATION BUSINESS) AND THE APPROPRIATE NON-REFUNDABLE LICENSE
18 FEE IN THE AMOUNT SET BY COUNCIL RESOLUTION;

19 (2) THE NAME, PHYSICAL ADDRESS, EMAIL ADDRESS, AND ONE OR MORE PHONE
20 NUMBERS OF THE APPLICANT;

- 1 (3) IF THE APPLICANT IS NOT AN INDIVIDUAL, THE NAMES, PHYSICAL
2 ADDRESSES, EMAIL ADDRESSES, AND ONE OR MORE PHONE NUMBERS OF EACH
3 STAKEHOLDER OF THE APPLICANT;
- 4 (4) THE NAME AND ADDRESS OF THE PROPOSED MEDICAL MARIHUANA
5 ESTABLISHMENT, THE NAME OF AN EMERGENCY CONTACT PERSON AND HIS OR
6 HER PHONE NUMBER, AND ANY ADDITIONAL CONTACT INFORMATION DEEMED
7 NECESSARY;
- 8 (5) FOR THE APPLICANT AND FOR EACH STAKEHOLDER OF THE APPLICANT,
9 DISCLOSURE OF ANY CITATION OR CONVICTION FOR, OR GUILTY PLEA TO, A
10 VIOLATION OF ANY LAW OF THE UNITED STATES OR ANY STATE OR LOCAL
11 GOVERNMENT REGULATING CONTROLLED SUBSTANCES OCCURRING WITHIN
12 THE TEN YEARS PRECEDING THE DATE OF APPLICATION;
- 13 (6) ONE OF THE FOLLOWING: (A) PROOF OF OWNERSHIP OF THE ENTIRE
14 PREMISES WHEREIN THE MEDICAL MARIHUANA ESTABLISHMENT IS TO BE
15 OPERATED; OR (B) WRITTEN CONSENT FROM THE PROPERTY OWNER FOR USE OF
16 THE PREMISES IN A MANNER REQUIRING LICENSURE UNDER THIS CHAPTER;
- 17 (7) PROOF OF AN INSURANCE POLICY COVERING THE MEDICAL MARIHUANA
18 ESTABLISHMENT AND NAMING THE CITY AS A CO-INSURED, AVAILABLE FOR
19 THE PAYMENT OF ANY DAMAGES ARISING OUT OF AN ACT OR OMISSION OF THE
20 LICENSEE OR HIS AGENTS, EMPLOYEES, OR SUBCONTRACTORS, IN THE AMOUNT
21 OF (A) AT LEAST ONE MILLION DOLLARS FOR PROPERTY DAMAGE; (B) AT LEAST
22 ONE MILLION DOLLARS FOR INJURY TO ONE PERSON; AND (C) AT LEAST TWO

1 MILLION DOLLARS FOR INJURY TO TWO OR MORE PERSONS RESULTING FROM

2 THE SAME OCCURRENCE;

3 (8) A BUSINESS PLAN;

4 (9) A SECURITY PLAN MEETING THE REQUIREMENTS OF THIS CHAPTER;

5 (10) A FLOOR PLAN OF THE PREMISES ON WHICH THE MEDICAL MARIHUANA

6 ESTABLISHMENT IS TO BE OPERATED;

7 (11) AN AFFIDAVIT THAT NEITHER THE APPLICANT NOR ANY STAKEHOLDER OF

8 THE APPLICANT IS IN DEFAULT TO THE CITY.

9 (c) UPON RECEIPT OF A COMPLETED APPLICATION, THE CITY CLERK SHALL

10 REFER A COPY OF THE APPLICATION TO EACH OF THE FOLLOWING FOR THEIR

11 APPROVAL: THE CITY ATTORNEY, THE POLICE DEPARTMENT, THE FIRE

12 MARSHAL, THE BUILDING SAFETY OFFICE, THE ZONING ADMINISTRATOR, AND

13 THE CITY TREASURER.

14 (d) BEFORE APPROVING THE APPLICATION:

15 (1) THE FIRE MARSHAL AND THE BUILDING SAFETY OFFICE SHALL INSPECT THE

16 PROPOSED LOCATION FOR COMPLIANCE WITH ALL LAWS FOR WHICH THEY ARE

17 CHARGED WITH ENFORCEMENT.

18 (2) THE POLICE DEPARTMENT SHALL CONDUCT A BACKGROUND CHECK ON THE

19 APPLICANT AND ANY STAKEHOLDER IDENTIFIED ON THE APPLICATION AND

20 VERIFY THAT ANY DISCLOSURES REQUIRED BY SECTION 1300.02(b)(5) HAVE

21 BEEN MADE.

1 (3) THE ZONING ADMINISTRATOR SHALL CONFIRM THAT THE PROPOSED
2 LOCATION COMPLIES WITH THE ZONING CODE.

3 (e) IF WRITTEN APPROVAL IS GIVEN BY EACH INDIVIDUAL OR DEPARTMENT
4 IDENTIFIED IN SUBSECTION (c), THE CITY CLERK SHALL ISSUE A LICENSE TO THE
5 APPLICANT.

6 (f) LICENSES ISSUED UNDER THIS CHAPTER ARE NONTRANSFERABLE.

7 (g) LICENSEES SHALL REPORT ANY CHANGE IN THE INFORMATION REQUIRED
8 BY SUBSECTION (b) TO THE CITY CLERK WITHIN 10 DAYS OF THE CHANGE.

9 1300.04. DENIAL AND REVOCATION

10 (a) A LICENSE ISSUED UNDER THIS CHAPTER MAY BE REVOKED AFTER AN
11 ADMINISTRATIVE HEARING AT WHICH THE CITY CLERK DETERMINES THAT ANY
12 GROUNDS FOR REVOCATION UNDER SUBSECTION (b) EXIST. NOTICE OF THE TIME
13 AND PLACE OF THE HEARING AND THE GROUNDS FOR REVOCATION MUST BE
14 GIVEN TO THE LICENSEE AT LEAST FIVE DAYS PRIOR TO THE DATE OF THE
15 HEARING, BY FIRST CLASS MAIL TO THE ADDRESS GIVEN ON THE LICENSE
16 APPLICATION OR ANY ADDRESS PROVIDED PURSUANT TO SECTION 1300.03(g).

17 (b) A LICENSE APPLIED FOR OR ISSUED UNDER THIS CHAPTER MAY BE DENIED
18 OR REVOKED ON ANY OF THE FOLLOWING BASES:

19 (1) VIOLATION OF THIS CHAPTER;

20 (2) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF A
21 FALSE STATEMENT BY THE APPLICANT DURING THE APPLICATION PROCESS;

1 (3) ANY CITATION OR CONVICTION FOR, OR GUILTY PLEA TO, A VIOLATION OF
2 ANY LAW OF THE UNITED STATES OR ANY STATE OR LOCAL GOVERNMENT
3 REGULATING CONTROLLED SUBSTANCES BY THE APPLICANT OR ANY
4 STAKEHOLDER OF THE APPLICANT OCCURRING: (A) WITHIN THE TEN YEARS
5 PRECEDING THE DATE OF APPLICATION; OR (B) WHILE LICENSED UNDER THIS
6 CHAPTER.

7 (4) COMMISSION OF FRAUD OR MISREPRESENTATION OR THE MAKING OF A
8 FALSE STATEMENT BY THE APPLICANT OR ANY OF HIS AGENTS OR EMPLOYEES
9 WHILE ENGAGING IN ANY ACTIVITY FOR WHICH THIS CHAPTER REQUIRES A
10 LICENSE.

11 1300.05. OPERATION OF MEDICAL MARIHUANA ESTABLISHMENTS

12
13 (a) NO DISPENSARY SHALL BE OPERATED BETWEEN THE HOURS OF 9 P.M. AND 7
14 A.M.

15 (b) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL PERMIT A PERSON UNDER
16 THE AGE OF EIGHTEEN ON ITS PREMISES UNLESS THE PERSON IS (1) A
17 QUALIFYING PATIENT WHO IS REGISTERED WITH THE MICHIGAN DEPARTMENT
18 OF COMMUNITY HEALTH; OR (2) ACCOMPANIED BY AN ADULT.

19 (c) NO CONSUMPTION OF MARIHUANA SHALL BE PERMITTED ON THE PREMISES
20 OF A MEDICAL MARIHUANA ESTABLISHMENT AND A SIGN SHALL BE POSTED ON
21 THE PREMISES OF EACH MEDICAL MARIHUANA ESTABLISHMENT INDICATING
22 THAT CONSUMPTION IS PROHIBITED ON THE PREMISES.

1 (d) MEDICAL MARIHUANA ESTABLISHMENTS SHALL CONTINUOUSLY MONITOR
2 THE ENTIRE PREMISES ON WHICH THEY ARE OPERATED WITH SECURITY
3 CAMERAS. THE RECORDINGS SHALL BE MAINTAINED IN A SECURE, OFF-SITE
4 LOCATION FOR A PERIOD OF 6 MONTHS.

5 (e) ANY USABLE MARIHUANA REMAINING ON THE PREMISES OF A MEDICAL
6 MARIHUANA ESTABLISHMENT WHILE THE MEDICAL MARIHUANA
7 ESTABLISHMENT IS NOT IN OPERATION SHALL BE SECURED IN A SAFE
8 PERMANENTLY AFFIXED TO THE PREMISES.

9 (f) NO MARIHUANA SHALL BE DISTRIBUTED TO INDIVIDUALS WHO REMAIN IN
10 THEIR VEHICLES.

11 (g) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE OPERATED IN A
12 MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS
13 DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY
14 ON WHICH THE MEDICAL MARIHUANA ESTABLISHMENT IS OPERATED.

15 (h) THE LICENSE REQUIRED BY THIS CHAPTER SHALL BE PROMINENTLY
16 DISPLAYED ON THE PREMISES OF A MEDICAL MARIHUANA ESTABLISHMENT.

17 (i) NO MEDICAL MARIHUANA ESTABLISHMENT SHALL BE LOCATED WITHIN (A)
18 1000 FEET OF THE REAL PROPERTY COMPRISING A PUBLIC OR PRIVATE
19 ELEMENTARY, VOCATIONAL, OR SECONDARY SCHOOL; A PUBLIC OR PRIVATE
20 COLLEGE, JUNIOR COLLEGE, OR UNIVERSITY; A PLAYGROUND; A CHURCH OR
21 OTHER STRUCTURE IN WHICH RELIGIOUS SERVICES ARE CONDUCTED; A
22 FACILITY AT WHICH SUBSTANCE ABUSE PREVENTION SERVICES OR SUBSTANCE

1 ABUSE TREATMENT AND REHABILITATION SERVICES, AS THOSE TERMS ARE
2 DEFINED IN PART 61 OF PA 368 OF 1978, BEING MCL 333.6101 *ET SEQ*, ARE
3 OFFERED; OR ANOTHER MEDICAL MARIHUANA ESTABLISHMENT; OR (B) 100
4 FEET OF A PUBLIC OR PRIVATE YOUTH CENTER, PUBLIC SWIMMING POOL, OR
5 VIDEO ARCADE FACILITY.

6 (j) DISPOSAL OF MARIHUANA SHALL BE DONE IN A MANNER THAT PREVENTS
7 ITS ACQUISITION BY ANY PERSON WHO MAY NOT LAWFULLY POSSESS IT AND
8 OTHERWISE IN CONFORMANCE WITH STATE LAW.

9 1300.06. PENALTY

10 ANY PERSON IN VIOLATION OF ANY PROVISION OF THIS CHAPTER OR ANY
11 PROVISION OF A LICENSE ISSUED UNDER THIS CHAPTER IS RESPONSIBLE FOR A
12 MISDEMEANOR, PUNISHABLE BY A FINE OF UP TO \$500 PLUS COSTS OF
13 PROSECUTION, 90 DAYS IMPRISONMENT, OR BOTH, FOR EACH VIOLATION.

14 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
15 inconsistent with the provisions hereof are hereby repealed.

16 Section 3. Should any section, clause or phrase of this ordinance be declared to be
17 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
18 other than the part so declared to be invalid.

19 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
20 immediate effect by City Council.

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Approved as to form:

City Attorney

Dated: _____

1
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**INTRODUCTION OF ORDINANCE
AMEND PART 4**

BY THE COMMITTEE ON PUBLIC SAFETY

An Ordinance of the City of Lansing, Michigan, to repeal Part 4 of the Lansing Codified Ordinances and replace it with a new Part 4 adopting by reference the Michigan Vehicle Code, the Uniform Traffic Code promulgated by the Michigan State Police in 2003, and other related state laws and to otherwise provide for the regulation of vehicles, traffic, and the use of City streets

The Ordinance is referred to the PUBLIC SAFETY COMMITTEE

RESOLUTION SETTING PUBLIC HEARING
By Council Member Carol Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for [date] at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to repeal Part 4 of the Lansing Codified Ordinances and replace it with a new Part 4 adopting by reference the Michigan Vehicle Code, the Uniform Traffic Code promulgated by the Michigan State Police in 2003, and other related state laws and to otherwise provide for the regulation of vehicles, traffic, and the use of City streets

Interested Persons are invited to attend this Public Hearing



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President A'Lynne Robinson and Council Members
FROM: Mayor Virg Bernero
DATE: April 7, 2011
RE: Resolution— Introduction of Ordinance & Setting Public Hearing— Adoption of Michigan
Vehicle Code and Uniform Traffic Code

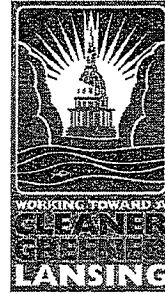
The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



Virg Bernero, Mayor

City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: **BRIG SMITH, CITY ATTORNEY**

Subject: Resolution— Introduction of Ordinance & Setting Public Hearing— Adoption of Michigan Vehicle Code and Uniform Traffic Code

Date: April 7, 2011

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

“Equal Opportunity Employer”

**TO: VIRG BERNERO, MAYOR
JERRY AMBROSE, CHIEF OF STAFF
RANDY HANNAN, DEPUTY CHIEF OF STAFF**

**FROM: BRIG SMITH, CITY ATTORNEY
SARA STURING, SPECIAL ASSISTANT CITY ATTORNEY**

DATE: APRIL 4, 2011

**RE: ADOPTION OF THE MICHIGAN VEHICLE CODE AND THE
UNIFORM TRAFFIC CODE**

Our office recommends introduction of an ordinance repealing the City's current Traffic Code and adopting the Michigan Vehicle Code and the Uniform Traffic Code promulgated by the Michigan State Police for use by municipalities. Adoption of these codes will align our traffic laws with those of the state and most other municipalities in Michigan, eliminating inconsistencies that result in preemption of our Traffic Code while minimizing necessary revisions when the state law changes. Additional components included in the draft ordinance recommended for introduction include (1) adoption of the Motor Carrier Safety Act, which was previously added to the existing Traffic Code; (2) adoption of state law regulating snowmobile operation, which is also contained in the existing Traffic Code; and (3) a number of provisions unique to the City of Lansing, such as the prohibition on overnight street parking, procedures for donation of abandoned bicycles, and special event parking regulations.

1 (b) THE PROVISIONS OF MCL 257.674 SHALL APPLY ON LANSING COMMUNITY
2 COLLEGE PROPERTY.

3 (c) THE POLICE DEPARTMENT IS AUTHORIZED TO IMPLEMENT AND ADMINISTER
4 A PROGRAM FOR VOLUNTEERS TO ISSUE CITATIONS FOR CERTAIN PARKING
5 VIOLATIONS, IN ACCORDANCE WITH MCL 257.675d.

6 (d) THE PUBLIC SERVICE DEPARTMENT MAY DESIGNATE ROUTES FOR VEHICLES
7 EXCEEDING THE LENGTH SPECIFIED IN MCL 257.719(3)(a).

8 (e)(1) THE PUBLIC SERVICE DEPARTMENT MAY ISSUE PERMITS PURSUANT TO
9 MCL 257.719a AFTER VERIFYING THAT THE REQUIREMENTS OF THAT SECTION
10 AND MCL 257.719b HAVE BEEN MET.

11 (2) THE PUBLIC SERVICE DEPARTMENT MAY ISSUE PERMITS PURSUANT TO MCL
12 257.725 AFTER VERIFYING THAT THE REQUIREMENTS OF THAT SECTION HAVE
13 BEEN MET.

14 (3) IN ORDER TO OBTAIN A PERMIT UNDER THIS SUBSECTION, THE PUBLIC
15 SERVICE DEPARTMENT MAY REQUIRE AN APPLICANT TO DO ANY OF THE
16 FOLLOWING: (A) PAY A FEE IN ACCORDANCE WITH STATE LAW, (B) SUBMIT ANY
17 VEHICLE FOR WHICH A PERMIT IS SOUGHT TO A SAFETY INSPECTION AND PAY A
18 REASONABLE INSPECTION FEE, (C) OBTAIN A POLICE ESCORT AND PAY ANY
19 NECESSARY FEES IN ASSOCIATION THEREWITH, (D) INDEMNIFY AND HOLD
20 HARMLESS THE CITY FOR ANY DAMAGES ARISING OUT OF THE PERMITTED
21 ACTIVITIES, AND (E) COMPLY WITH ANY OTHER CONDITION THE PUBLIC
22 SERVICE DEPARTMENT DEEMS NECESSARY TO PROTECT THE SAFETY OF THE

1 PUBLIC OR TO ENSURE AGAINST UNDUE DAMAGE TO THE ROAD FOUNDATIONS,
2 SURFACES, STRUCTURES, OR INSTALLATIONS.

3 (f) THE PUBLIC SERVICE DEPARTMENT MAY DESIGNATE HIGHWAYS WHERE
4 LOADING IN EXCESS OF THE NORMAL LOADING MAXIMUMS IS PERMITTED,
5 PURSUANT TO MCL 257.722(2).

6 (g) THE PUBLIC SERVICE DEPARTMENT MAY SUSPEND THE RESTRICTIONS OF
7 MCL 257.722, IMPOSE THE RESTRICTED LOADING REQUIREMENTS OF MCL
8 257.722., OR BOTH, PURSUANT TO MCL 257.722(10).

9 402.02. MISDEMEANOR VIOLATIONS OF THE MVC
10 ANY PERSON WHO VIOLATES A PROVISION OF THE MVC AS ADOPTED BY THIS
11 CHAPTER FOR WHICH THE PROVISION DESIGNATES VIOLATION AS A
12 MISDEMEANOR IS RESPONSIBLE FOR A MISDEMEANOR UNDER THIS SECTION
13 AND SUBJECT TO A FINE OF UP TO \$500 PLUS COSTS, IMPRISONMENT FOR UP TO
14 93 DAYS, OR BOTH.

15 402.03. MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE MVC
16 ANY PERSON WHO VIOLATES ANY OTHER PROVISION OF THE MVC AS ADOPTED
17 BY THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION UNDER
18 THIS SECTION AND SUBJECT TO A CIVIL FINE, PLUS COSTS AND OTHER
19 PENALTIES PROVIDED BY LAW.

20 CHAPTER 404. ADOPTION OF THE UNIFORM TRAFFIC CODE

21 404.01. ADOPTION OF THE UTC

1 FOR THE PURPOSE OF SUPPLEMENTING THE REGULATIONS CONTAINED IN THE
2 MVC, THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES,
3 PROMULGATED BY THE MICHIGAN STATE POLICE IN 2003 ("UTC"), BEING 2009 AC,
4 R 28.1001 *ET SEQ.*, COPIES OF WHICH ARE AVAILABLE IN THE CITY CLERK'S
5 OFFICE, IS ADOPTED BY REFERENCE, AS THOUGH SET FORTH HEREIN IN FULL,
6 WITH THE FOLLOWING ADDITIONS AND ALTERATIONS:

7 (a) THE FOLLOWING DEFINITION IS ADDED TO RULE 1:

8 *CENTRAL BUSINESS DISTRICT* MEANS THE AREA OF THE CITY BOUNDED ON THE
9 SOUTH BY MAIN STREET; ON THE WEST BY PINE STREET; ON THE NORTH BY
10 SAGINAW STREET; AND ON THE EAST BY THE GRAND RIVER, EXCEPT AT
11 MICHIGAN AVENUE, WHERE IT IS BOUNDED BY THE WEST SIDE OF THE N.Y.C.R.R.
12 TRACKS.

13 (b) WHERE THE UTC USES "THIS GOVERNMENTAL UNIT" OR "THE
14 GOVERNMENTAL UNIT," IT SHALL MEAN "THE CITY."

15 (c) WHERE THE UTC USES "THE ORDINANCE MAKING BODY," IT SHALL MEAN
16 "COUNCIL."

17 (d) SUBSECTION (1) OF RULE 125 SHALL READ: THE OFFICE OF TRAFFIC
18 ENGINEER IS HEREBY ESTABLISHED. THE TRAFFIC ENGINEER SHALL EXERCISE
19 THE POWERS AND DUTIES OF THE OFFICE IN A MANNER THAT IS CONSISTENT
20 WITH PREVAILING TRAFFIC ENGINEERING AND SAFETY PRACTICES AND IN THE
21 BEST INTERESTS OF THE CITY. IF A TRAFFIC ENGINEER IS NOT APPOINTED, THEN

1 THE AUTHORITY OF THE TRAFFIC ENGINEER SHALL BE VESTED IN THE
2 DIRECTOR OF PUBLIC SERVICE OR HIS OR HER DESIGNEE.

3 (e) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF RULE 140: THE FEE
4 FOR SUCH A PERMIT SHALL BE ESTABLISHED BY COUNCIL RESOLUTION.

5 (f) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF RULE 141: THE
6 OPERATING HOURS FOR ALL METERED PARKING IN THE LANSING MUNICIPAL
7 PARKING SYSTEM ARE 8:00 A.M. THROUGH 6:00 P.M., MONDAY THROUGH
8 FRIDAY.

9 (g) THE FOLLOWING LANGUAGE IS ADDED AFTER RULE 151:

10 (1) THE TRAFFIC ENGINEER OR HIS OR HER DESIGNEE MAY ESTABLISH TRUCK
11 ROUTES WITHIN THE CITY AND DESIGNATE WHICH OF THE TRUCK ROUTES ARE
12 SUBJECT TO SPRINGTIME RESTRICTIONS. THE TRAFFIC ENGINEER SHALL
13 MAINTAIN AND MAKE AVAILABLE, FOR A FEE ESTABLISHED BY COUNCIL
14 RESOLUTION, MAPS DISPLAYING THE TRUCK ROUTES AND INDICATING WHICH
15 OF THE TRUCK ROUTES ARE SUBJECT TO SPRINGTIME RESTRICTIONS.

16 (2) NO PERSON SHALL OPERATE A TRUCK ON A STREET NOT DESIGNATED AS
17 PART OF A TRUCK ROUTE, EXCEPT FOR EITHER OF THE FOLLOWING PURPOSES,
18 SUBJECT TO SUBSECTIONS (3) AND (4):

19 (A) TRAVELLING DIRECTLY FROM A TRUCK ROUTE TO A DESTINATION WHERE
20 FREIGHT IS BEING PICKED UP OR DELIVERED, OR

21 (B) TRAVELLING DIRECTLY TO A TRUCK ROUTE FROM A POINT OF ORIGIN.

1 (3) NO PERSON SHALL OPERATE A TRUCK WITHIN THE CENTRAL BUSINESS
2 DISTRICT TO PICK UP OR DELIVER FREIGHT BETWEEN 11:00 A.M. AND 2:00 P.M. OR
3 BETWEEN 4:00 P.M. AND 6:00 P.M. ON ANY DAY OTHER THAN SUNDAY.

4 (4) NO PERSON SHALL OPERATE A MOTOR VEHICLE, TRAILER, OR TRUCK IN A
5 MANNER REQUIRING A LICENSE UNDER CHAPTER 852 IN THE CENTRAL BUSINESS
6 DISTRICT BETWEEN 11:00 A.M. AND 6:00 P.M. ON ANY DAY OTHER THAN SUNDAY.

7 (h) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF RULE 153:

8 ALL PERMANENT TRAFFIC CONTROL ORDERS IN EFFECT ON THE EFFECTIVE
9 DATE OF THIS ORDINANCE AND NOT INCONSISTENT WITH THE PROVISIONS OF
10 THIS ORDINANCE SHALL REMAIN IN EFFECT UNTIL RESCINDED OR MODIFIED BY
11 TRAFFIC CONTROL ORDER.

12 (i) THE FOLLOWING LANGUAGE IS ADDED TO THE END OF RULES 155 AND 156:

13 THE FEES FOR THESE PERMITS SHALL BE SET BY COUNCIL RESOLUTION.

14 (j) THE FOLLOWING LANGUAGE IS ADDED AFTER RULE 618:

15 (1) THE POLICE DEPARTMENT MAY IMPOUND ANY BICYCLE FROM A PUBLIC
16 WAY OR PUBLIC PROPERTY WHEN IT IS (A) IMPROPERLY PARKED AND CREATING
17 A HAZARD OR (B) ABANDONED.

18 (2) UPON IMPOUNDING A BICYCLE, THE POLICE DEPARTMENT SHALL GIVE
19 NOTICE TO THE OWNER IN ANY MANNER REASONABLY CALCULATED TO
20 INFORM THE OWNER THAT THE BICYCLE WAS IMPOUNDED AND HOW TO
21 RETRIEVE THE BICYCLE. UNLESS A MANNER MORE LIKELY TO NOTIFY THE
22 OWNER IS AVAILABLE, NOTICE MAY BE GIVEN IN THE FORM OF A NEWSPAPER

1 ANNOUNCEMENT OR POSTING ON THE POLICE DEPARTMENT'S WEBSITE
2 DESCRIBING THE PROVISIONS OF THIS SUBSECTION.

3 (3) UPON PAYMENT OF ANY STORAGE FEES INCURRED BY THE CITY, THE
4 BICYCLE SHALL BE RETURNED TO ITS OWNER.

5 (4) ANY BICYCLE NOT CLAIMED WITHIN SIX MONTHS OF ITS IMPOUNDMENT
6 MAY BE DONATED, UPON APPROVAL BY COUNCIL, TO A STATE LICENSED
7 CHARITABLE ORGANIZATION.

8 (5) STATE LICENSED CHARITABLE ORGANIZATIONS MAY APPLY TO
9 PARTICIPATE IN THE CITY'S BICYCLE DONATION PROGRAM BY SUBMITTING THE
10 FOLLOWING TO THE CITY CLERK: (A) PROOF OF STATE LICENSURE AS A
11 CHARITABLE ORGANIZATION; (B) A MISSION STATEMENT OR OTHER
12 DESCRIPTION OF THE ORGANIZATION'S PURPOSE; (C) A DESCRIPTION OF THE
13 INTENDED USE OF THE BICYCLES, INCLUDING ANY METHOD AND ELIGIBILITY
14 CRITERIA FOR DISTRIBUTION; (D) AN AGREEMENT TO INDEMNIFY AND HOLD
15 HARMLESS THE CITY FOR ANY DAMAGES RESULTING FROM DONATION OF THE
16 BICYCLES; AND (E) AN AGREEMENT TO PROVIDE, UPON REQUEST, A LIST OF THE
17 NAMES AND ADDRESSES OF ANY RECIPIENTS OF THE BICYCLES. THE CITY
18 CLERK SHALL SUBMIT ANY SUCH APPLICATIONS TO COUNCIL FOR REFERRAL TO
19 THE APPROPRIATE COMMITTEE.

20 (6) THE CITY WILL ATTEMPT TO DONATE BICYCLES ON A ROTATING BASIS TO
21 ALL APPROVED ORGANIZATIONS IN ROUGHLY EQUAL NUMBERS. DONATED
22 BICYCLES MUST BE PICKED UP FROM THE QUARTERMASTER UNIT BY THE

1 RECIPIENT ORGANIZATION. ANY DONATED BICYCLES THAT ARE NOT PICKED UP
2 BY THE RECIPIENT ORGANIZATION MAY BE DONATED TO ANOTHER APPROVED
3 ORGANIZATION IN THE DISCRETION OF THE QUARTERMASTER UNIT.

4 (k) THE FOLLOWING LANGUAGE IS ADDED AFTER RULE 822:

5 (1) NO PERSON SHALL PARK ANY VEHICLE ON EITHER SIDE OF ANY STREET
6 BETWEEN 2:00 A.M. AND 5:00 A.M. OF ANY DAY.

7 (2) NO PERSON SHALL PARK A TRUCK ON A STREET FOR MORE THAN ONE HOUR
8 AT A TIME.

9 404.02. SPECIAL EVENT PARKING

10 (a) THE LANSING MUNICIPAL PARKING SYSTEM MAY IMPOSE SPECIAL EVENT
11 FEES FOR PARKING IN CITY PARKING FACILITIES DURING SPECIAL EVENTS. TWO
12 TIERS OF SPECIAL EVENT FEES SHALL BE SET BY COUNCIL RESOLUTION: A
13 PREMIUM SPECIAL EVENT PARKING FEE SHALL BE SET AT DOUBLE THE AMOUNT
14 OF THE STANDARD SPECIAL EVENT PARKING FEE. FOR ALL SPECIAL EVENTS
15 NOT OTHERWISE COVERED BY THIS SECTION, STANDARD SPECIAL EVENT
16 PARKING FEES SHALL APPLY UNLESS THE LANSING MUNICIPAL PARKING
17 SYSTEM, IN CONSULTATION WITH THE SPONSOR OF THE SPECIAL EVENT,
18 DETERMINES THAT PREMIUM PARKING RATES SHALL APPLY DUE TO (1)
19 ANTICIPATED COSTS TO THE CITY FOR PARKING ENFORCEMENT RESOURCES IN
20 EXCESS OF THOSE AVAILABLE TO THE CITY IN THE NORMAL COURSE OF
21 BUSINESS OR (2) THE ANTICIPATED NEED TO ALLOCATE PARKING AMONG AN
22 UNUSUALLY HIGH NUMBER OF EXPECTED ATTENDEES.

1 (b) FEES FOR PARKING IN THE STADIUM PLAZA LOT AND THE LANSING CENTER
2 LOT AT TIMES OTHER THAN THEIR NORMAL OPERATING HOURS WHEN
3 BASEBALL GAMES ARE HELD AT THE LANSING BASEBALL STADIUM SHALL BE
4 SET BY COUNCIL RESOLUTION, IN ACCORDANCE WITH ANY GOVERNING
5 AGREEMENT BETWEEN THE CITY AND THE LESSEE OF THE LANSING BASEBALL
6 STADIUM.

7 (c) IN ACCORDANCE WITH ANY GOVERNING AGREEMENT BETWEEN THE CITY
8 AND THE LESSEE OF THE LANSING BASEBALL STADIUM, SPACES IN CITY
9 PARKING FACILITIES MAY BE DESIGNATED FOR USE DURING A BASEBALL
10 SEASON BY PERSONS WHO HAVE PURCHASED SEASON PARKING PASSES FOR A
11 FEE SET BY COUNCIL RESOLUTION.

12 (d) EVENTS HELD AT THE LANSING CENTER SHALL BE GIVEN PRIORITY IN
13 RESERVING THE LANSING CENTER PARKING LOTS AT STANDARD SPECIAL
14 EVENT PARKING FEES. OTHERWISE, ON DAYS ON WHICH BASEBALL GAMES ARE
15 HELD AT THE LANSING BASEBALL STADIUM, THE PARKING FEE SHALL BE AN
16 AMOUNT SET BY COUNCIL RESOLUTION IN ACCORDANCE WITH ANY
17 GOVERNING AGREEMENT BETWEEN THE CITY AND THE LESSEE OF THE LANSING
18 BASEBALL STADIUM.

19 (e) THE LANSING MUNICIPAL PARKING SYSTEM IS HEREBY AUTHORIZED TO
20 CONTRACT WITH NONPROFIT ORGANIZATIONS FOR THE OPERATION OF CITY
21 PARKING FACILITIES OUTSIDE OF THE NORMAL OPERATING HOURS OF THOSE
22 PARKING FACILITIES, AT TIMES WHEN THE NONPROFIT ORGANIZATION IS

1 HOLDING A SPECIAL EVENT IN THE CITY THAT OFFERS RECREATION,
2 ENTERTAINMENT, ENRICHMENT, OR CULTURAL ACTIVITIES TO THE GENERAL
3 PUBLIC.

4 (1) ANY PERSON PARKING IN A CITY PARKING FACILITY OPERATED PURSUANT
5 TO THIS SUBSECTION WHOSE PARKING IS NOT OTHERWISE AUTHORIZED BY A
6 MONTHLY PARKING PERMIT SHALL BE CHARGED A FEE CONSISTENT WITH THIS
7 SECTION. A CONTRACT ENTERED INTO PURSUANT TO THIS SUBSECTION MAY
8 PROVIDE THAT THE NONPROFIT CORPORATION IS ENTITLED TO ANY AMOUNT
9 COLLECTED AFTER DEDUCTING BOTH (A) THE CITY'S COST OF OPERATING ITS
10 PARKING FACILITIES, INCLUDING THE EMPLOYEE WAGES AND BENEFITS
11 ATTRIBUTABLE TO THE CITY'S OPERATION OF THE PARKING FACILITIES AND (B)
12 10% OF THE FEES COLLECTED.

13 (2) ANY CONTRACT ENTERED INTO PURSUANT TO THIS SUBSECTION SHALL
14 REQUIRE THE NONPROFIT ORGANIZATION TO (A) INDEMNIFY AND HOLD
15 HARMLESS THE CITY FOR ANY DAMAGES INCURRED AS A RESULT OF THE
16 CITY'S OPERATION OF CITY PARKING FACILITIES OUTSIDE OF THEIR NORMAL
17 OPERATING HOURS AND (B) FILE WITH THE CITY CLERK PROOF OF AN
18 INSURANCE POLICY NAMING THE CITY AS AN ADDITIONAL INSURED PARTY,
19 APPROVED BY THE CITY ATTORNEY, AND PROVIDING LIABILITY COVERAGE IN
20 AN AMOUNT ESTABLISHED BY THE FINANCE DEPARTMENT.

21 404.03. FINES FOR PARKING VIOLATIONS

1 (a) SUBJECT TO SUBSECTIONS (b), (c), AND (d), FINES FOR PARKING VIOLATIONS
2 SHALL BE SET BY COUNCIL RESOLUTION. THE FINES SET BY COUNCIL
3 RESOLUTION SHALL INCLUDE A RATE FOR FINES PAID WITHIN 14 DAYS OF
4 ISSUANCE OF THE CITATION, AN INCREASED RATE FOR FINES PAID WITHIN 28
5 DAYS OF THE ISSUANCE OF THE CITATION, AND AN ADDITIONALLY INCREASED
6 RATE FOR FINES PAID WITHIN 42 DAYS OF ISSUANCE OF THE CITATION.

7 (b) ANY PERSON PAYING A FINE FOR AN EXPIRED METER VIOLATION IN PERSON
8 AT THE PARKING VIOLATIONS BUREAU SHALL PAY A REDUCED RATE SET BY
9 COUNCIL RESOLUTION DURING THE FIRST TWO HOURS AFTER THE TICKET WAS
10 ISSUED.

11 (c) FAILURE TO PAY THE PRESCRIBED FEE FOR PARKING IN A CITY PARKING
12 FACILITY UPON EXITING THE PARKING FACILITY SHALL CARRY A FINE SET BY
13 COUNCIL RESOLUTION IN ADDITION TO THE UNPAID PARKING FEE.

14 (d) ANY PERSON WHO FAILS TO PAY A FINE SET PURSUANT TO THIS SECTION
15 WITHIN FORTY-TWO DAYS FROM THE DATE OF ISSUANCE OF THE TICKET SHALL
16 BE RESPONSIBLE FOR A CIVIL INFRACTION PUNISHABLE AS PROVIDED BY LAW.

17 404.04. PARKING ENFORCEMENT WORKERS

18 PARKING ENFORCEMENT WORKERS ARE HEREBY AUTHORIZED TO ISSUE
19 PARKING VIOLATION TICKETS AND AFFIX COPIES TO ANY VEHICLE FOUND
20 PARKED IN VIOLATION OF THIS CHAPTER.

21 404.05. PARKING VIOLATIONS BUREAU

1 PURSUANT TO MCL 600.8395, A PARKING VIOLATIONS BUREAU IS HEREBY
2 ESTABLISHED WITHIN THE PARKING SERVICES OFFICE FOR THE PURPOSE OF
3 ACCEPTING CIVIL INFRACTION ADMISSIONS IN PARKING VIOLATION CASES AND
4 COLLECTING AND RETAINING CIVIL FINES AND COSTS.

5 404.06. MISDEMEANOR VIOLATIONS OF THE UTC

6 ANY PERSON WHO VIOLATES A PROVISION OF THE UTC AS ADOPTED BY THIS
7 CHAPTER FOR WHICH THE PROVISION DESIGNATES VIOLATION AS A
8 MISDEMEANOR IS RESPONSIBLE FOR A MISDEMEANOR UNDER THIS SECTION
9 AND SUBJECT TO A FINE OF UP TO \$500 PLUS COSTS, IMPRISONMENT FOR UP TO
10 93 DAYS, OR BOTH.

11 404.07. MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE UTC

12 ANY PERSON WHO VIOLATES ANY OTHER PROVISION OF THE UTC AS ADOPTED
13 BY THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION UNDER
14 THIS SECTION AND SUBJECT TO A CIVIL FINE CONSISTENT WITH THIS CHAPTER,
15 PLUS COSTS AND OTHER PENALTIES PROVIDED BY LAW.

16 CHAPTER 406. ADOPTION OF THE MOTOR CARRIER SAFETY ACT

17
18 406.01. ADOPTION OF THE MCSA

19 FOR THE PURPOSE OF PROMOTING SAFETY UPON THE PUBLIC HIGHWAYS BY
20 REGULATING THE OPERATION OF CERTAIN VEHICLES, TO ESTABLISH THE
21 QUALIFICATIONS OF PERSONS NECESSARY FOR THE SAFE OPERATION OF SUCH
22 VEHICLES, TO LIMIT THE HOURS OF SERVICE OF PERSONS ENGAGED IN
23 OPERATING SUCH VEHICLES, TO REQUIRE THE KEEPING OF RECORDS OF SUCH

1 OPERATIONS, TO PROVIDE FOR THE ASSESSMENT OF FEES, AND TO PROVIDE
2 PENALTIES FOR VIOLATIONS OF THIS CHAPTER, PA 181 OF 1963, BEING MCL 480.11
3 *ET SEQ.*, AS AMENDED, COMMONLY REFERRED TO AS THE MOTOR CARRIER
4 SAFETY ACT ("MCSA"), COPIES OF WHICH ARE AVAILABLE IN THE CITY CLERK'S
5 OFFICE, IS ADOPTED BY REFERENCE, AS THOUGH SET FORTH HEREIN IN FULL.

6 406.02. MISDEMEANOR VIOLATIONS OF THE MCSA

7 ANY PERSON WHO VIOLATES A PROVISION OF THE MCSA AS ADOPTED BY THIS
8 CHAPTER FOR WHICH THE PROVISION DESIGNATES VIOLATION AS A
9 MISDEMEANOR IS RESPONSIBLE FOR A MISDEMEANOR UNDER THIS SECTION
10 AND SUBJECT TO A FINE OF UP TO \$500 PLUS COSTS, IMPRISONMENT FOR UP TO
11 93 DAYS, OR BOTH.

12 406.03. MUNICIPAL CIVIL INFRACTION VIOLATIONS OF THE MCSA

13 ANY PERSON WHO VIOLATES ANY OTHER PROVISION OF THE MCSA AS ADOPTED
14 BY THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION UNDER
15 THIS SECTION AND SUBJECT TO A CIVIL FINE, PLUS COSTS AND OTHER
16 PENALTIES PROVIDED BY LAW.

17 406.04. TRAINING

18 PURSUANT TO THE MCSA, IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER
19 ENFORCEMENT OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO
20 THE MINIMUM TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING
21 UPDATES, ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN
22 OFFICER OF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE

1 POLICE. IF TRAINING IN SPECIFIED CATEGORIES OF ENFORCEMENT LEGALLY
2 AUTHORIZES A POLICE OFFICER TO BE CLASSIFIED AS A MOTOR CARRIER
3 ENFORCEMENT OFFICER FOR PURPOSES OF THOSE CATEGORIES OF
4 ENFORCEMENT, THE CHIEF OF POLICE MAY DETERMINE THE CATEGORIES OF
5 ENFORCEMENT FOR WHICH TRAINING IS REQUIRED.

6 CHAPTER 408. SNOWMOBILES

7 408.01. ADOPTION OF PART 821 OF PA 451 OF 1994

8 FOR THE PURPOSE OF REGULATING THE OPERATION OF SNOWMOBILES IN THE
9 CITY, PART 821 OF PA 451 OF 1994, BEING MCL 324.82101 *ET SEQ.* ("PART 821"),
10 COPIES OF WHICH ARE AVAILABLE IN THE CITY CLERK'S OFFICE, IS ADOPTED BY
11 REFERENCE, AS THOUGH SET FORTH HEREIN IN FULL.

12 408.02. MISDEMEANOR VIOLATIONS OF PART 821

13 ANY PERSON WHO VIOLATES A PROVISION OF PART 821 AS ADOPTED BY THIS
14 CHAPTER FOR WHICH THE PROVISION DESIGNATES VIOLATION AS A
15 MISDEMEANOR IS RESPONSIBLE FOR A MISDEMEANOR UNDER THIS SECTION
16 AND SUBJECT TO A FINE OF UP TO \$500 PLUS COSTS, IMPRISONMENT FOR UP TO
17 93 DAYS, OR BOTH.

18 408.03. MUNICIPAL CIVIL INFRACTION VIOLATIONS OF PART 821

19 ANY PERSON WHO VIOLATES ANY OTHER PROVISION OF PART 821 AS ADOPTED
20 BY THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION UNDER
21 THIS SECTION AND SUBJECT TO A CIVIL FINE, PLUS COSTS AND OTHER
22 PENALTIES PROVIDED BY LAW.

1 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
2 inconsistent with the provisions hereof are hereby repealed.

3 Section 3. Should any section, clause or phrase of this ordinance be declared to be
4 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
5 other than the part so declared to be invalid.

6 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
7 immediate effect by City Council.

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Approved as to form:

City Attorney

Dated: _____



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
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Virg Bernero, Mayor

TO: City Council President A'Lynne Robinson and Council Members
FROM: Mayor Virg Bernero
DATE: April 7, 2011
RE: Resolution— Introduction of Ordinance & Setting Public Hearing—
Adopting the Most Recent Version of the Michigan Mechanical Code

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment