

**ORDINANCE NO. 22-03**

**AN ORDINANCE TO AMEND CHAPTER 261, "VEHICLES AND TRAFFIC" OF THE GROSSE ILE TOWNSHIP CODE TO ADOPT TO CURRENT VERSIONS OF THE MICHIGAN VEHICLE AND UNIFORM TRAFFIC CODES, ADD A PENALTY FOR A HIGH BLOOD ALCOHOL CONTENT TO MATCH STATE LAW, AND ADD A PROHIBITION AGAINST DISTRACTED DRIVING**

**GROSSE ILE TOWNSHIP ORDAINS:**

**SECTION 1. AMENDMENT TO CODE:**

Chapter 261, entitled "Vehicles and Traffic" is hereby revised in its entirety to read as follows:

**Article I. Uniform Traffic Code.**

**§261-1 Adoption of code by reference.**

Grosse Ile Township hereby adopts and incorporates by reference as an ordinance of the Township 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.

**§261-2 References to governmental unit.**

References to "governmental unit" and "municipality" in the Uniform Traffic Code for Cities, Townships, and Villages shall mean Grosse Ile Township.

**§ 261-3 Copies of Code.**

Printed complete copies of the October 2002 edition of the Uniform Traffic Code for Cities, Townships, and Villages shall be kept on file in the office of the township clerk and made available to the public at all times the office is open.

**Article II. Vehicle Code.**

**§261-4 Adoption of Michigan Vehicle Code.**

The Michigan Vehicle Code, being Act 300 of the Public Acts of 1949, MCL 257.1 to MCL 257.923, is hereby adopted by reference as an ordinance of the Township of Grosse Ile.

**§261-5 References in Code.**

Where necessary to the enforcement of the Michigan Vehicle Code or the collection of fines, costs and penalties for violations as a city ordinance, references in the Michigan Vehicle Code to "local authorities", "local authority" or "authority having jurisdiction" shall mean the Board of Trustees of the township; references to "municipality" shall mean Grosse Ile Township; references to "municipal charter" shall mean the Township Act; references to "local ordinances" shall mean this Code of Ordinances, and references to the "township" shall mean Grosse Ile Township.

**§261-6 Penalties.**

The penalties provided by the Michigan Vehicle Code are hereby adopted by reference. The Township may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days, except for a violation of MCL 257.625(1)(c) which is a misdemeanor punishable by one or more of the following:

- A.** Community service of not more than 360 hours.
- B.** Imprisonment for not more than 180 days.
- C.** A fine of not less than \$200.00 or more than \$700.00.

**§261-7 Distracted Driving.**

**A.** “Distracted Driving” means the following:

- (1) The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the Township. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle.
- (2) The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the Township; or
- (3) Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the Township. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.

**B.** A person shall not engage in distracted driving within the Township. A person who violates this section is responsible for a civil infraction.

**C.** This section does not apply to a person who is using an electronic communication device to do one or more of the following:

- (1) Report a traffic accident, medical emergency or serious road hazard.
- (2) Report a situation in which the person believes his or her personal safety is in jeopardy.
- (3) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
- (4) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

**§261-8 Inspection of Code.**

Printed, current copies of the Michigan Vehicle Code shall be kept on file in the office of the Township clerk and made available to the public for inspection and/or distribution at the office at all times the office is open. The Township may charge a reasonable fee to anyone requesting distribution of the Michigan Vehicle Code to cover the costs of purchasing, copying, printing or reproduction.

**SECTION 2. REPEAL OF CONFLICTING PROVISIONS**

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 3. SEVERABILITY**

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4. EFFECTIVE DATE**

This Ordinance or a summary of this Ordinance shall be published in a newspaper of general circulation in the Township of Grosse Ile within fifteen (30) days after its adoption.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect 30 days after first publication, as provided by law.

**ENACTMENT**

This ordinance is declared to have been enacted by the Board of Trustees of Grosse Ile Township at a meeting called and held on the 13<sup>th</sup> day of February, 2023.

Ayes: Clerk O'Connor, Treasurer Nadeau, Trustees Bloetscher, de Beausset, and Porcarelli

Nays: Supervisor Budny and Trustee Yager

Abstentions: None

Absent: None

