

**CITY OF IMLAY CITY
LAPEER COUNTY, MICHIGAN**

**AMENDMENT OF CITY OF IMLAY CITY
CODE OF ORDINANCES – TRAFFIC CODE
ORDINANCE NO. 2022-01**

AN ORDINANCE amending Chapter 70 (Traffic Regulations) of the City of Imlay City Code of Ordinances, to adopt by reference, the Motor Carrier Safety Act of 1963 as amended, to promote safety upon highways open to the public by regulating the operation of certain vehicles, to provide consistent regulation of these areas, to establish the qualifications of persons necessary for the safe operations of such vehicles, to establish violations of shippers offering materials for transportation, to limit the hours of service of persons engaged in operating such vehicles and to require record keeping of such operations, and repealing any and all Ordinances and/or resolutions in conflict therewith.

**THE CITY OF IMLAY CITY ORDAINS:
SECTION 1. AMENDMENTS**

Sec. 1.1. Title VII (Traffic Code), Chapter 70 (Traffic Regulations), Section 370.01 (Adoption by Reference), ¶B5 (Motor Carriers), shall be repealed.

Sec. 1.2. Title VII (Traffic Code), Chapter 70 (Traffic Regulations), Section 70.01 (Adoption by Reference) shall have the following added thereto:

- (D). Motor Carrier Safety Act Adopted.
- (1) The Motor Carrier Safety Act, being Act 81 of the Public Acts of 1963, MCL 480.11 to 480.25, as amended (“The Act”) is hereby adopted by reference, in its entirety, as an Ordinance of the City of Imlay City.
 - (2) Where necessary to the enforcement of the Act or the collection and distribution of fines, cost and penalties for violations as a City Ordinance, references in the Act to “local authorities”, “local authority” or “authority having jurisdiction” shall mean the City of Imlay City.
 - (3) Enforcement and Penalties.
 - a. Qualified officers of the City of Imlay City Police Department and/or Michigan State Police are authorized to enforce the provisions of this Article.
 - b. Any driver or operator who violates the Act or a rule or regulation adopted or created by the Act, or any owner or use of any truck, truck tractor, or trailer, or any officer or agent of any individual, partnership, company,

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LAPEER COUNTY, MICHIGAN**

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CODE OF ORDINANCES – TRAFFIC CODE
ORDINANCE NO. 2022-01**

corporation or association who requests or permits the driver or operator to operate or drive any truck, truck tractor or trailer in violation of the Act, or a rule or regulation adopted or created by the Act, is liable for the violation and corresponding penalty as set forth in the Act.

- c. Any and all penalties provided by the Act, as amended, and the provisions set forth therein are adopted by reference as the penalties for violations of the corresponding provisions of this Section.
 - d. Violation of those portions of the Act for which the maximum period of imprisonment is greater than 93 days shall not be enforced by the City as an ordinance violation, but may be enforced by the City as a violation of State Law.
- (4) Copies of The Motor Carrier Safety Act.
Printed copies of the Act shall be kept on file in the office of the City Clerk and in the City of Imlay City Police Department. The copies are available to the public for review during regular business hours.

SECTION 2. REPEAL OF CONFLICTING PROVISIONS

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance Amendment 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. PUBLICATION

This Ordinance, or a summary thereof, shall be published in a newspaper

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LAPEER COUNTY, MICHIGAN**

**AMENDMENT OF CITY OF IMLAY CITY
CODE OF ORDINANCES – TRAFFIC CODE
ORDINANCE NO. 2022-01**

of general circulation within the City of Imlay City within fifteen (15) days after adoption.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication as set forth in Section 4.

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LAPEER COUNTY, MICHIGAN**

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ORDINANCE NO. 2022-01**

CERTIFICATE OF MAYOR AND CITY CLERK

We hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Commission of the City of Imlay City, Lapeer County, Michigan, at a meeting held on the 5th day of July, 2022.


We hereby further certify that the following City Commission Members were present at the meeting: Mayor Kempf, Mayor Pro Tem Demske, Commissioner Davis, Commissioner Sadler, Commissioner Tanis and the following City Commission Members were absent: Commissioner Rowden, Commissioner Villanueva

We further certify that Commissioner Davis moved for the adoption of the Ordinance, and that motion was seconded by Commissioner Demske.

We further certify that the following City Commission Members voted for the adoption of the Ordinance: Davis, Demske, Sadler, Tanis, Kempf and that the following City Commission Members voted against adoption of the Ordinance: None



Joi Kempf, Mayor
City of Imlay City



Dawn Sawicki-Franz, Clerk
City of Imlay City


First Reading: June 21, 2022
Second Reading: July 05, 2022
Date of Publication: July 20, 2022

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CODE OF ORDINANCES - TRAFFIC CODE
ORDINANCE NO. 2022-01**

CERTIFICATE OF PUBLICATION

I, Dawn Sawicki-Franz, the Clerk of the City of Imlay City do hereby certify that this Ordinance or a summary thereof was published in the Tri-City Times on Wednesday, July 20, 2022.


Dawn Sawicki-Franz, Clerk
City of Imlay City