

# **DEXTER TOWNSHIP ORDINANCE NUMBER 15.1**

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AMENDMENT TO UNIFORM TRAFFIC CODE ORDINANCE

ADOPTED: JULY 1, 1986

EFFECTIVE: AUGUST 8, 1986

AN ORDINANCE TO AMEND TO UNIFORM TRAFFIC CODE AS PROMULGATED BY THE DIRECTOR OF THE MICHIGAN STATE POLICE UNDER THE PROVISIONS OF PUBLIC ACT 62 OF 1956, UNIFORM TRAFFIC CODE IN CITIES, TOWNSHIPS, AND VILLAGES, WHICH HAS BEEN ADOPTED BY THE TOWNSHIP OF DEXTER, AND TO ADD THERETO THE OFFENSE OF OPERATING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, OPERATING A VEHICLE WITH A BLOOD LEVEL OF ALCOHOL OF 0.10% OR MORE BY WEIGHT, AND THE PROCEDURES PROVIDED BY PUBLIC ACTS 309, 310, AND 311 OF 1982.

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THE TOWNSHIP OF DEXTER ORDAINS:

AN ORDINANCE TO AMEND ORDINANCE NO. 9, THE UNIFORM TRAFFIC CODE, BY THE ADDITION THERETO OF THE FOLLOWING PROVISIONS:

## **SECTION I**

1. A person, whether licensed or not, who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, shall not operate a vehicle upon a highway or other place opened to the general public, including an area designated for the parking of vehicles, within the Township of Dexter.

## **SECTION II**

1. A peace officer may, without a warrant, arrest a person when the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including a place designated for the parking of vehicles, in the Township of Dexter while in violation of the provisions this amending Ordinance.

## **SECTION III**

1. A person, whether licensed or not, whose blood contains 0.10% or more by weight of alcohol, shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the Township of Dexter.

## **SECTION IV**

1. The owner of a vehicle or person in charge or in control of the vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public, including an area designated for the parking of motor vehicles within the Township of Dexter by a person who is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance.

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### **SECTION V**

1. Except as herein provided, a person who is convicted of a violation of Section 1, 3, or 4 is guilty of a misdemeanor, punishable by imprisonment of not more than ninety (90) days, or a fine of not less than ONE HUNDRED (\$100) DOLLARS nor more than FIVE HUNDRED (\$500) DOLLARS, or both, together with the costs of prosecution. As part of the sentence for a violation of Section 1 or 3, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license for the person not less than six (6) months nor more than two (2) years. The Court may order the Secretary of State to issue a restricted license as provided and subject to the restrictions and conditions of Sub-section 4, Section 625, Public Act 309 of 1982, MCLA 257.625, MSA 9.2325.

### **SECTION VI**

1. A person who violates Section 1 or 3 within seven (7) years of a prior conviction may be sentenced to imprisonment of not more than one (1) year, or a fine not more than ONE THOUSAND (\$1,000) DOLLARS, or both. As part of the sentence the Court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person. For purposes of this sub-section, "prior conviction" means a conviction under Sub-sections 1 or 3, of this Ordinance, the law of another State or municipality substantially corresponding to Sections 1 or 3, or any prior statute or ordinance substantially corresponding to Sub-sections 1 or 3.

### **SECTION VII**

1. As part of the sentence for a violation of Sections 1 or 2, the court may order the person to perform service to the community, as designated by the Court, without compensation, for a period not to exceed twelve (12) days. The person so convicted shall reimburse the Township of Dexter for the cost of insurance incurred by the Township as a result of the person's activities under this sub-section.

### **SECTION IX**

1. The operator's or chauffeur's license of a person found guilty of violating Sections 1 or 3, shall be surrendered to the Court which the person was convicted, and the Court shall forward the surrendered license and an abstract of conviction to the Secretary of State. The abstract of conviction shall be in accordance with Public Act 309 of 1982.

### **SECTION X**

1. A person shall not operate a vehicle upon a highway or other place open to the general public, including an area designated for the parking of vehicles, within the Township of Dexter, when, due to the consumption of intoxicating liquor, a controlled substance, or a combination of an intoxicating liquor and a controlled substance, the person has visibly impaired his or her ability to operate the vehicle. If a person is charged with violation of Section 1 or 3 above, a finding of guilty is permissible under this section.

### **SECTION XI**

1. Except as provided herein, a person convicted of a violation of Section 10, above, is guilty of a misdemeanor, punishable by imprisonment of not more than ninety (90)

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days, or a fine of not more than THREE HUNDRED (\$300) DOLLARS, or both, together with the costs of prosecution. As part of this sentence, the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of a person for a period of not less than ninety (90) days nor more than one (1) year. The Court may order the Secretary of State to issue a restricted license as authorized by and subject to the conditions and restrictions of Section 625 (b) (2) of Public Act 309 of 1982, MCLA 257.625b, MSA 9.2325(2)(2).

### **SECTION XII**

1. A person who violates Section 10, above, or another local ordinance or statute substantially corresponding to Section 10 within seven (7) years of a prior conviction may be sentenced to imprisonment of not more than one (1) year, or a fine of not more than ONE THOUSAND (\$1,000) DOLLARS or other. As part of this sentence the Court shall order the Secretary of State to suspend the operator's or chauffeur's license of the person for a period of not less than six (6) months nor more than eighteen (18) months. The Court may order the Secretary of State to issue to a person a restricted license as authorized and subject to the restrictions of Section 625 (b) (2) of Public Act 309 of 1982, MCLA 257.625b, MSA 9.2325(2)(2). For purposes of this section "prior conviction" means a conviction under this Ordinance, Section 625(1) or (2) of Public Act 309 of 1982, a local ordinance or law of another State substantially corresponding to this section.

### **SECTION XIII**

1. A person who violates Section 10, above, or a local ordinance substantially corresponding to said Section 10, within ten (10) years of two or more prior convictions, as defined in the preceding section, may be sentenced as provided in the preceding section, except that as part of this sentence the Court shall order the Secretary of State to revoke the operator's or chauffeur's license of the person.

### **SECTION XIV**

1. As part of the sentence of a violation of this Ordinance the Court may order the person to perform the service to the Township of Dexter, to reimburse the Township of Dexter for the cost of insurance, to undergo screening and assessment by a person or agency designated by the office of Substance Abuse Service and to order the person to participate in and successfully complete one or more appropriate rehabilitative programs, and pay the costs of such screening, assessment, or rehabilitative services, as provided by Section 7 and 8, above.

### **SECTION XV**

1. Before accepting the plea of guilty to an offense under this amending Ordinance, the Court shall advise the accused of the consequences possible as a result of the plea of guilty in respect to suspension or revocation of an operator's or chauffeur's license, the penalty imposed for the violation of this Ordinance, and the limitation on the right of appeal. The operator's or chauffeur's license of a person found guilty of a violation of Section 10, or a local ordinance substantially corresponding to Section 10, shall be surrendered to the Court in which the person was convicted. The Court shall

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immediately forward the surrendered license and abstract of conviction to the Secretary of State.

### **SECTION XVI**

1. The provisions of Ordinance No. 15.1, as amended, which are not inconsistent with the within amendment are hereby ratified and reaffirmed.

### **SECTION XVII**

1. Any section or provision of this amending Ordinance which is subsequently declared to be unconstitutional and unenforceable for any reason shall be considered separate and severable from this amending Ordinance, and the remaining provisions shall not be affected by such invalidity.

### **SECTION XVIII**

1. The within amendment shall be effective thirty (30) days after adoption and publication as provided by Law.

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Township Clerk