

ORDINANCE NO. 31

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND USE OF THE STREETS AND HIGHWAYS WITHIN THE VILLAGE OF MORLEY; TO PROVIDE FOR THE REGULATION OF VEHICLES OPERATED UPON SUCH STREETS AND HIGHWAYS; TO PROVIDE PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE; AND TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

THE VILLAGE OF MORLEY ORDAINS:

Section 1. Words and Phrases. Words and phrases used in this ordinance shall have their usual and ordinary meaning; provided, however, that the words and phrases herein defined shall have the meanings respectively ascribed to them when used in this ordinance.

(a) "Business District" shall be construed to mean Cass Street, between the North corporation boundary line and the North line of First Street.

(b) "Driver" means every person who drives or is in actual physical control of a vehicle.

(c) "Highway" or "Street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(d) "Intersection" means the area embraced within the prolongation of the lateral curb lines, or if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether such highway cross or not.

(e) "Motor Vehicle" means every vehicle which is self-propelled.

(f) "Operator" means Driver.

(g) "Owner" means any person who is the owner of a vehicle as defined by Act 300, Public Acts of Michigan of 1949, and any Acts amendatory thereto.

(h) "Parking" means standing a vehicle upon a highway, whether occupied or not.

(i) "Pedestrian" means any person on foot.

(j) "Person" means every natural person, firm, partnership, association, or corporation, and their legal successors.

(k) "Private Road" or "Driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel.

(l) "Residence District" means all of the platted territory within the corporate limits of the Village of Morley not defined in subsection (a) as "Business District".

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(m) "Right-of-way" means the privilege of the immediate use of the highway.

(n) "Sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians, whether improved, paved or otherwise.

(o) "Street" means "Highway".

(p) "Through Highway" means every highway designated by the Village Council as such a highway.

(q) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances while using any highway for the purpose of travel.

(r) "Traffic Control Devices" means all signs, signals, markings and devices placed or erected by authority of the Village Council or other public body for the purpose of regulating, controlling or guiding traffic.

(s) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

(t) The singular shall include the plural and the plural shall include the singular; and the masculine shall include the feminine and neuter, as the case may be.

(u) As used in this ordinance, "shall" is mandatory, and "may" is permissive.

Section 2. Registration. No person shall drive, move or operate, and no owner shall knowingly permit another to drive, move or operate a vehicle, or a type required to be registered by the laws of the State of Michigan, upon any highway within the Village of Morley, unless such vehicles shall be properly registered as required by the laws of the State of Michigan and the registration plates therefor securely attached thereto as required by the laws of the State of Michigan.

Section 3. Operator's or Chauffeur's license. (a) No person shall operate a motor vehicle upon any highway within the Village of Morley unless he shall be licensed as an operator or chauffeur as required by the laws of the State of Michigan.

(b) Every person shall have a valid operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle, and shall display it upon demand by any police officer.

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Section 4. Equipment. (a) No person shall drive or operate, and no owner shall knowingly permit another to drive or operate a motor vehicle upon the highways within the Village of Morley unless such vehicle shall be equipped with such lights, lamps, brakes, mirrors, signalling devices, horns or warning devices, mufflers, wipers, defrosters, and other safety equipment as may be required from time to time by the laws of the State of Michigan.

(b) No motor vehicle, except vehicles belonging to governmental agencies, shall be equipped with a whistle or siren; nor shall any such motor vehicle be equipped with lights, lamps, insignia, markings, or other devices to simulate or imitate emergency vehicles or vehicles belonging to police departments, fire departments, or other governmental agencies.

(c) No vehicle shall be equipped with a tire having on its periphery any block, stud, flange, cleat or spike, or other protuberance of any material other than rubber which projects beyond the thread of the traction surface of the tire; provided, however, that it shall be permissible to use farm machinery with tires having protuberances which will not injure the surface of the highway, and to use tire chains of reasonable proportions when required for safety, because of snow, ice, or other conditions tending to cause a vehicle to skid.

Section 5. Through Highways. The following Streets are hereby designated as through highways, viz; Cass Street; Third Street; Fourth Street east of Cass Street; East Street north of Fourth Street.

Section 6. Speed Regulations. (a) Any person driving a vehicle on a highway within the Village of Morley shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to traffic, condition of the highway, and any other condition then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured, clear distance ahead.

(b) Subject to the provisions of paragraph (a) of this Section, it shall be prima facie lawful for a person to drive a vehicle at a speed not exceeding the following:

Forty-five (45) miles per hour on Third Street between the West corporation lines and the West line of Talcott Street; on Fourth Street between the East corporation line and the East line of Block 8, E. W. Gerrish Addition; and on Cass Street between the South corporation line and the South side of the bridge over the Little Muskegan River.

Thirty-five (35) miles per hour on Third Street between the West line of Talcott Street and the West line of Williams Street; on Fourth Street between the East line of Block 8, E. W. Gerrish Addition and the East line of Webster Street; on Cass Street from the South side of the bridge over the Little Muskegan River to the South line of First Street.

Fifteen (15) miles per hour on any street in the Village Park.

Twenty-five (25) miles per hour on every other highway within the Village of Morley.

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(c) The speed limitations set forth in this Section shall not apply to vehicles when operated with due regard for safety under the direction of the police in chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when travelling in response to a fire alarm, nor to public or private ambulances when travelling in emergencies; provided, however, that this exemption shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

Section 7. Stopping. (a) Every vehicle shall be brought to a full stop before entering or crossing a through highway from any other highway, except as otherwise provided herein.

(b) Every vehicle shall be brought to a full stop before entering or crossing any highway from a private drive.

(c) Every vehicle shall be brought to a full stop at any intersection where a traffic control device has been erected requiring such a stop.

(d) Every vehicle travelling on East Street shall be brought to a full stop before entering or crossing Fourth Street, and every vehicle travelling on Fourth Street shall be brought to a full stop before entering or crossing Cass Street.

(e) Every vehicle approaching the Village Fire Hall at a time when the traffic control devices indicate the immediate departure of any fire apparatus shall be driven immediately to a position parallel to and as close as possible to the right-hand edge or curb of the highway, clear of any intersection, and shall stop and remain standing in such position until such fire apparatus has departed, unless otherwise ordered by a police officer.

Section 8. Right-Of-Way. (a) When 2 vehicles enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except as otherwise provided in this Section.

(b) Vehicles travelling along through highways, designated as such by the Village Council, shall have the right-of-way over vehicles approaching on intersecting highways.

(c) Vehicles approaching an intersection to another highway, the entrance to which is protected by a stop sign, or other traffic control device requiring such vehicle to stop, shall yield the right-of-way to vehicles travelling upon the protected highway.

(d) Vehicles about to enter upon or cross a highway from a private drive shall yield the right-of-way to vehicles travelling upon such highway.

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(e) Every other vehicle shall yield the right-of-way to an authorized emergency vehicle which is marked and equipped as required by the laws of the State of Michigan, and upon the immediate approach of such emergency vehicle, every other vehicle shall be driven immediately to a position parallel to and as close as possible to the righthand edge or curb of such highway, clear of any intersection, and shall stop and remain standing in such position until such emergency vehicle has passed, unless otherwise ordered by a police officer.

Section 9. Parking. (a) Except when necessary to avoid confliction with other traffic, or in compliance with law, or the directions of a police officer or traffic control device, it shall be unlawful for any person to park a vehicle in any of the following places;

- (1) On a sidewalk;
- (2) In front of a private drive;
- (3) Within, or within 15 feet of an intersection;
- (4) Upon, or within 20 feet of a crosswalk;
- (5) Within 15 feet of a fire hydrant;
- (6) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance within 75 feet of such entrance when properly posted;
- (7) On the highway side of any other vehicle properly parked;
- (8) At any other place where such parked vehicles may interfere with traffic lawfully moving upon the highway.
- (9) On the South side of Seventh Street between Cass Street and East Street.

(b) Every vehicle parked upon any highway within the Village of Morley shall be parked with its wheels parallel to the highway, and the right hand wheels shall be within 12 inches of the right hand curb, or if there is no curb, then as near the right hand boundary line of such highway as is practicable.

(c) No vehicle shall be parked continuously for over 2 hours on Cass Street, between Second Street and Fifth Street; or on Fourth Street within $\frac{1}{2}$ block of Cass Street.

(d) Whenever any police officer shall find any vehicle parked in violation of this section, such police officer may require the person in charge of such vehicle to move the same, or if such vehicle is unattended, such police officer may cause such vehicle to be removed.

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(e) The costs of removing a vehicle as provided in paragraph (d) of this Section shall be a lien upon such vehicle and the person in whose custody the vehicle is given may retain it until such expenses are paid.

Section 10. Miscellaneous Rules.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No driver except a member of the Village Fire Department on official business, shall follow any fire apparatus travelling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within 500 feet of any fire apparatus when stopped in answer to a fire alarm.

(c) No vehicle shall be driven over any unprotected hose of the fire department when laid down on any highway or private drive without the consent of a member of the Fire Department.

(d) No person shall intentionally throw, deposit, drop or leave any rubbish, junk, garbage or trash upon any highway within the Village of Morley.

(e) Every vehicle overtaking or meeting any school bus which has stopped for the purpose of receiving or discharging passengers shall be brought to a full stop at least 15 feet from such school bus, and such vehicle shall not proceed until such passengers are safely upon such school bus, if receiving or if discharging, until such passengers are safely off the highway.

(f) It shall be unlawful for any driver of a motor vehicle to make an U-turn on any through highway.

(g) No person shall drive or ride upon a bicycle, motorcycle or motor scooter unless he shall be seated upon or astride a permanent and regular seat attached thereto.

(h) No driver of a bicycle, motorcycle or motor scooter shall carry or attempt to carry upon such vehicle more persons at one time than the number for which it was designed and equipped.

Section 11. Penalties. It shall be a misdemeanor for any person to violate any of the provisions of this ordinance, and upon conviction thereof, such person shall be punished by a fine of not more than One Hundred (\$100.00) Dollars, or by imprisonment in the Mecosta County jail for not more than 90 days, or by both such fine and imprisonment, in the discretion of the Court.

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Section 12. Driving under the influence of intoxicants or Drugs.

(a) It shall be unlawful and punishable as provided in paragraph (c) of this section for any person whether licensed or not who is an habitual user of narcotic drugs, barbitol or any derivative of barbitol, or any person who is under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol, to drive any vehicle upon any highway.

(b) It shall also be unlawful and punishable as provided in paragraph (c) of this section for the owner of any vehicle or any person having such in charge or in control thereto to knowingly permit the same to be driven or operated upon any highway by any person prohibited from driving by paragraph (a) of this section.

(c) Any person convicted of a violation of paragraph (a) or (b) of this section shall be punished by imprisonment in the Mecosta County jail for not more than 90 days, or by a fine of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, or by both such fine and imprisonment in the discretion of the Court, together with costs of prosecution.

Section 13. Reckless driving. (a) It shall be unlawful and punishable as provided in paragraph (b) of this section for any person to drive any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(b) Every person convicted of reckless driving under paragraph (a) of this section shall be punished by imprisonment in the Mecosta County jail for a period of not less than 5 days nor more than 90 days, or by a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, or by both such fine and imprisonment, in the discretion of the Court, together with the costs of prosecution.

Section 14. Ordinance Number 23, entitled "An Ordinance Relating to Automobiles and Motorcycles," and Ordinance Number 27, entitled "An Ordinance for the Regulation of Street Traffic in the Village of Morley, Michigan, and to repeal all ordinances inconsistent therewith," and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 15. This ordinance shall take effect on the first day of May, 1958.

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The undersigned, being respectively the President and Clerk of the Village of Morley, hereby certify that the foregoing ordinance was duly passed and enacted at a regular meeting of the Village Council on the 2nd., day of April, 1958.

(SEAL)

a/..Kenneth.W..Turner.....
Village President

a/...Margaret B. Buckley.....
Village Clerk

I, Margaret B. Buckley, Village Clerk of the Village of Morley, hereby certify that on April 4th, 1958, I posted copies of the foregoing ordinance in 3 of the most public places in the Village of Morley, to-wit:

THE MORLEY STATE BANK
THE MORLEY POST OFFICE
THE VILLAGE FIRE HALL

In Witness Whereof, I have hereunto set my hand and the seal of the Village of Morley this 4th day of April, 1958.

(SEAL)

a/...Margaret B. Buckley.....
Village Clerk

AMENDMENT

TO SECTION 6 (b) AND 11 (1) OF ORDINANCE 31 OF THE VILLAGE OF MORLEY

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND USE OF THE STREETS AND HIGHWAYS WITHIN THE VILLAGE OF MORLEY; TO PROVIDE FOR THE REGULATION OF VEHICLES OPERATED UPON SUCH STREETS AND HIGHWAYS; TO PROVIDE PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE; AND TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith.

THE VILLAGE OF MORLEY ORDAINS:

Section 6 (b) of said Ordinance entitled above shall hereafter read as follows:

Subject to the provisions of paragraph (a) of this Section, it shall be prima facie lawful for a person to drive a vehicle at a speed not exceeding the following:

Forty-five miles per hour on Third Street between the West corporation lines and the West line of Talcott Street; on Fourth Street between the East corporation line and the East line of Block 8, E. W. Gerrish Addition; and on Cass Street between the South corporation line and the South side of the bridge over the Little Muskegon River, and on Cass Street from the North line of Eighth Street to the North corporation line.

Thirty-five (35) miles per hour on Third Street between the West line of Talcott Street and the West line of Williams Street; on Fourth Street between the East line of Block 8, E. W. Gerrish Addition and the East line of Webster Street; on Cass Street from the South side of the bridge over the Little Muskegon River to the North line of Eighth Street.

Ten (10) miles per hour on any street in the Village Park.

Twenty Five (25) miles per hour on every other highway or portion of every other highway not mentioned above, within the Village of Morley.

And in addition said ordinance is hereby amended to add paragraph 11 (1):

No vehicle shall pass another going in the same direction on any curve or hill where full view of the highway ahead is obscured, and no person shall drive to the left of any NO PASSING marker line placed or painted upon the highway.

THIS AMENDMENT TO ORDINANCE SHALL TAKE EFFECT September 26, 1962.

a/ Frank Deyo
Frank Deyo, Village President

(SEAL)

a/ Margaret B. Buckley
Margaret B. Buckley, Clerk