

**CITY OF LUNA PIER
ORDINANCE NO. 199**

CITY OF LUNA PIER MOTOR CARRIER SAFETY ORDINANCE

An Ordinance enacted pursuant to MCL 257.951-257-965 and MCL 41.181 to adopt by reference certain parts of the Motor Carrier Safety Act of 1963 (as amended), and to repeal all ordinances or parts of ordinances in conflict herewith

THE CITY OF LUNA PIER ORDAINS:

SECTION 1 TITLE

The provisions of the Motor Carrier Safety Act and state laws adopted by reference herein shall be collectively known and may be cited as the City of Luna Pier Motor Carrier Safety Ordinance.

SECTION 2 ADOPTION OF SECTION 7 OF THE MOTOR CARRIER SAFETY ACT BY REFERENCE

The Motor Carrier Safety Act 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 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 2005, is hereby adopted by reference. All references to a "governmental unit" shall mean the City of Luna Pier.

SECTION 3 ADOPTION OF PROVISIONS OF MICHIGAN VEHICLE CODE BY REFERENCE

The following provision of the Motor Carrier Safety Act, 1963 Public Act 181, as amended (MCL 480.11 et seq.) is hereby adopted by reference, excluding the following sections:

MCL 480.17c. Requiring or permitting operation of a motor vehicle transporting package required to be labeled under federal regulations in violation of act or rule; transportation of hazardous materials for which placard required under federal regulations by person not having hazardous material endorsement on operator's or chauffeur's license; violation of requirements of act or rule relating to transportation of hazardous materials by owner, etc., of motor vehicle inspection or repair facility.

MCL 480.17d. Compliance and shut down orders; issuance, contents; vehicles in transit; penalties; impoundment of vehicles.

In addition the following provision of the Motor Carrier Safety Act, 1963 Public Act 181, as amended (MCL 480.11 et seq.) is hereby adopted by reference:

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Section 7 Violation of Act or Rules: Penalty: MCL 480.17

SECTION 4 PENALTIES

The penalties provided by the Motor Carrier Safety Act, as amended, and the provisions of the State laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

SECTION V SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance or the Motor Carrier Safety Act or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a Court of competent jurisdiction declares a penalty provision to exceed the authority of the Village, the penalty shall be construed as the maximum penalty that is determined by the Court to be within the authority of the Village to impose.

SECTION 6 REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This ordinance shall take effective immediately to protect the public health, welfare and safety. All ordinances or part of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed: provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

P. Michelle Cureton, Clerk
City of Luna Pier

I, Michelle Cureton, Clerk of the City of Luna Pier hereby certify that this ordinance or a summary of this Ordinance was published in the Monroe Evening News, Monroe County, Michigan, within 30 days of adoption of the Ordinance, on the 8th day of March, 2006.

P. Michelle Cureton, Clerk
City of Luna Pier

Adopted: March 8, 2007
Published: March 26, 2007
Effective: April 15, 2007