

ORDINANCE NO. 133
SOUTH HAVEN TOWNSHIP,
VAN BUREN COUNTY, MICHIGAN

TITLE

AN ORDINANCE TO AMEND ORDINANCE 109 OF SOUTH HAVEN TOWNSHIP CODE OF ORDINANCES. TO ADOPT SECTION 257.625(1)(C) OF THE MICHIGAN MOTOR VEHICLE CODE BY REFERENCE AND TO PROVIDE PENALTIES FOR A VIOLATION OF THAT SECTION

SOUTH HAVEN CHARTER TOWNSHIP ORDAINS:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as and may be cited as the "High BAC Amendment" to the Michigan Motor Vehicle Code

SECTION 2. PURPOSE AND INTENT.

This is an ordinance to amend Ordinance 109 of the South Haven Charter Township Code of Ordinances, to adopt Section 625(1)(C) of the Michigan Vehicle Code by reference and to provide penalties for a violation of that Section.

SECTION 3. AUTHORITY.

Ordinance 109 is hereby amended to adopt the following language: The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended, is hereby adopted by reference. MCL 257.625(1)(C) of the Vehicle Code is specifically adopted by reference.

SECTION 4. VIOLATIONS AND PENALTIES.

The following language of Ordinance 109 Section 4 is hereby added to read as follows:

Section § Violations and Penalties.

The penalties provided by the Michigan Motor Vehicle Code are adopted by reference provided however 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 and provided, however, that a violation of MCLA 625(1)(C) is punishable by one or more of the following and the same may be enforced by the Township:

- (i) Community service of not more than 360 hours.
- (ii) Imprisonment for not more than 180 days.
- (iii) A fine of not less than \$200.00 or more than \$700.00."

SECTION 5. SAVINGS CLAUSE; All proceedings pending and all rights and liabilities existing, acquired or incurred at the time of this ordinance takes effect are saved and may be

consummated according to the law in force when they are commenced.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS.

All Resolutions, Ordinances and parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 7. 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 8. PUBLICATION.

A true copy of this Ordinance or a summary thereof shall be published in the South Haven Tribune, a newspaper of general circulation in South Haven Township. A complete copy is available for inspection by the public at the Township Clerk's office.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption and notice of publication as required by law.

Ayes: 6

Nays: 0

Abstain: 0

CERTIFICATE OF TOWNSHIP CLERK

I certify that the foregoing constitutes a true and complete copy of an Amendment of Ordinance 109, duly adopted by the Township Board of the South Haven Charter Township, Van Buren County, Michigan, at a meeting held on the 13th day of Sept, 2017 and that a copy of the notice of adoption was published in the South Haven Tribune on the 16th day of September, 2017.

Date:

Brenda Bertorelli

BRENDA BERTORELLI

SOUTH HAVEN TOWNSHIP CLERK