



## CITY COUNCIL ACTION REPORT

July 21, 2010

TO: John Szerlag, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Chapter 106 – Traffic; “Driving While Distracted Ordinance”

### Background:

- City Council approved revisions made to Chapter 106 – Traffic; Driving While Distracted Ordinance at their July 12, 2010 Regular meeting. Following the meeting, it was discovered that the approved amendment required an additional renumbering revision. The attached text includes the corrected version of the text amendment

### Financial Considerations:

- There are no financial considerations associated with this item.

### Legal Considerations:

- There are no legal considerations associated with this item.

### Policy Considerations:

- There are no policy considerations associated with this item.

### Options:

- City Council can approve.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 106 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

**Section 1. Short Title**

This Ordinance shall be known and may be cited as an amendment to Chapter 106, Traffic, of the Code of the City of Troy.

**Section 2. Amendment**

Chapter 106 of the Code of the City of Troy is amended as follows:

**5.14ed. Drag Races Prohibited; "Drag Racing" Defined; Violation Punishable as Misdemeanor.**

- 1) A person shall not operate a vehicle on any highway or other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise, over a measured or unmeasured distance, and shall not participate in drag racing as defined in subsection (2) of this section.
- 2) "Drag racing" means the operation of 2 or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to out distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons who render assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful and shall be punished, upon conviction, as a misdemeanor.

**Section 3. Savings**

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be

instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_ day of \_\_\_\_\_ 2010,

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk