

**CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN**

PROPOSED ORDINANCE NO. 589

ADOPTED: MAY 22, 2017

EFFECTIVE: July 5, 2017

An Ordinance to amend the Township's Traffic Code Ordinance to provide for a five-foot berth for the overtaking and passing of bicycles; to provide penalties for the violation thereof; to repeal conflicting ordinance provisions; and to provide for an effective date.

**THE CHARTER TOWNSHIP OF KALAMAZOO
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION 1
AMENDMENT TO SECTION V
OF ORDINANCE NO. 506 KNOWN AS THE TOWNSHIP TRAFFIC CODE

Section V of Ordinance No. 506 "Township Traffic Code" is hereby amended to read as follows:

"V.
Overtaking and Passing of Bicycles by Driver of a Motor Vehicle

Except when overtaking and passing on the right is permitted, the following rules shall govern a driver of a motor vehicle overtaking a bicycle proceeding in the same direction:

- (1) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe;
- (2) If there is only one lane for traffic proceeding in the same direction, pass to the left of the person operating a bicycle at a safe distance, which must be not less than five feet between any portion of the vehicle and the bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken person operating a bicycle.
- (3) The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic. This subsection does not authorize driving on the left side of the center of the roadway when otherwise prohibited by local ordinance or state law."

SECTION 2
AMENDMENT TO SECTION VI OF THE TOWNSHIP TRAFFIC CODE ORDINANCE

Section VI of the Township Traffic Code Ordinance (Ordinance No. 506, as amended) is hereby amended to read as follows:

“VI
PENALTIES

“The penalties provided by the Uniform Traffic Code and the provisions of the state laws herein above adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance. The penalty for violation of Section V of this Traffic Code shall be the same as that for Improper Passing on the Left, Sections 257.638 and 257.636 of the Michigan Vehicle Code as adopted by reference herein.”

SECTION 3
AMENDMENT TO SECTION VII OF THE TOWNSHIP TRAFFIC CODE

Section VII of the Township Traffic Code Ordinance (Ordinance No. 506, as amended) is hereby amended to read as follows:

“SECTION VII
SEVERABILITY

If a court of competent jurisdiction declares and provision of this Ordinance or the Uniform Traffic Code 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 provisions; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose. “

SECTION 4
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 5
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6
EFFECTIVE DATE

This Ordinance shall take effect thirty days after approval by the Commissioner of the State Police and after publication of a summary hereon, after adoption.

KALAMAZOO CHARTER TOWNSHIP
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