

**CITY OF ALBION
ORDINANCE #2012-10**

AN ORDINANCE TO AMEND ORDINANCE 82-278 TO ALLOW FOR THE
PROSECUTION OF HIGH BAC OWIs.

Purpose and Finding:

House Bill No. 4920 was recently signed into law, amending the Home Rule City Act to allow Cities to prosecute the offense of Operating While Intoxicated with a High Blood Alcohol Content under MCL 257.625(1)(c). Prior to this legislation these offenses have been referred to the county as the maximum penalty exceeded the City's prosecutorial authority. It is in the interests of the City of Albion to have an ordinance for this offense to protect and the public at large. This ordinance would allow the City of Albion to prosecute first offenses for Operating While Intoxicated with a High Blood Alcohol Content that occur within the City of Albion.

THE CITY OF ALBION ORDAINS:

Sec. 82-278. PENALTIES

1. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days, except as provided by subsection (2).
2. The penalty for a violation of MCL 257.625(1)(c) may be punishable by one or more of the following:
 - a. Community service for not more than 360 hours;
 - b. Imprisonment for not more than 180 days;
 - c. A fine of not less than \$200.00 or more than \$700.00.

(State Law Reference: Act No. 7, Public Acts of 2012 (House Bill No. 4920)); MCL 257.1 et seq.


This Ordinance shall take on April 19, 2012 after publication.


First Reading:
March 5, 2012

Second Reading & Adoption:
March 19, 2012

Ayes 6
Nays 0
Absent 1-Krause

Ayes 6
Nays 0
Absent 1-Brown


Kerry Helmick,
Finance Director/Clerk/Treasurer


Joe Domingo
Mayor