



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Pontiac, Michigan 48342
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Dated: May 10, 2013

ORDER NO. S-268

RE: Adopt ordinance to regulate parking

TO: Sherikia Hawkins, City Clerk
Capt. Timothy Atkins, Oakland County Sheriff, Pontiac Substation

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that "[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances...."

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on May 6, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Detroit News on May 7, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on May 10, 2013 announced that he is adopting the proposed ordinance.

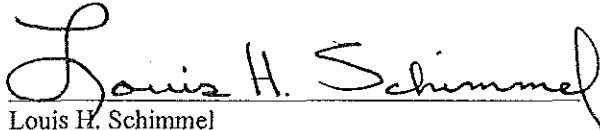
It is hereby ordered:

1. That the attached Ordinance No. 2284, an ordinance to amend Chapter 114, Article IV of the Code of Ordinances regulating parking, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style with a large initial "L".

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2284

An ordinance to amend Chapter 114, Article IV of the Code of Ordinances regulating parking.

The City of Pontiac ordains:

Section 1. Amendments.

A. Chapter 114, Article IV, Sections 114-57(a) of the Code of Ordinances, shall be amended to read as follows:

(a) No person shall park a vehicle nor allow a vehicle to remain parked on any of the following streets between the hours of 2:00 a.m. and 6:00 a.m. on any day, except physicians on emergency calls and other emergency conditions:

- (1) Saginaw Street, except between Water Street and Lafayette Street;
- (2) Huron Street;
- (3) Auburn Avenue;
- (4) Baldwin Avenue;
- (5) East Boulevard;
- (6) Oakland Avenue;
- (7) South Boulevard;
- (8) Perry Street;
- (9) State Avenue;
- (10) Elizabeth Lake Road;
- (11) Montcalm Street;
- (12) Orchard Lake Avenue; and
- (13) Lafayette Street between Saginaw Street and Perry Street.

B. Chapter 114, Article IV, Sections 114-72 shall be added to read as follows:

114-72 Limited Parking Areas.

The city council may by resolution, upon recommendation of the mayor, designate areas along certain streets in the City that border commercial uses as areas of limited parking. Such areas may limit parking from thirty

minutes to three hours, provided that adequate signage designates the restricted parking area. Vehicles in violation of the parking restriction may be ticketed or towed or both upon the direction of the Chief of Police.

C. Chapter 114, Article IV, Sections 114-104 shall be amended to read as follows:

114-104 Parking charges.

After consultation with the City and the 50th District Court, the contracted operator of the system shall determine the pricing for parking, including pricing for all meters, tickets, citations and parking passes.

Such pricing shall be competitive with that charged by communities in the same geographic territory.

D. Chapter 114, Article IV, Sections 114-108 shall be amended to read as follows:

114-108 Parking meters in specified areas.

Parking meters or other similar devices that regulate timed and charged parking may be installed on any public street identified in any contract with the contracted operator of the system.

E. Chapter 114, Article IV, Sections 114-109 shall be deleted in its entirety.

Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Publication

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date

This Ordinance shall be effective ten days after date of adoption.

