



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

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Dated: June 27, 2013

ORDER NO. S-293

RE: Adopt ordinance to amend Chapter 114 of the Code of Ordinances regulating traffic and vehicles.

TO: Sherikia Hawkins, City Clerk
Joseph M. Sobota, Director, Department of Community Development

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 June 24, 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 Oakland Press on June 25, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on June 27, 2013 announced that he is adopting the proposed ordinance.

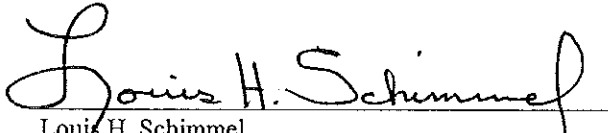
It is hereby ordered:

1. That the attached Ordinance No. 2297, an ordinance to amend Chapter 114 of the Code of Ordinances regulating traffic and vehicles, 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 cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel
City of Pontiac
Emergency Manager

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

Ordinance No. 2297

An ordinance to amend Chapter 114 of the Code of Ordinances regulating traffic and vehicles.

The City of Pontiac ordains:

Section 1. Amendments.

Section 114-1(a) shall be amended to add the following definition:

Contractor, or Parking Contractor, means an entity which holds a valid parking contract with the City of Pontiac.

Section 114-20(a) shall be amended to read as follows:

(a) Whenever any vehicle is found by a police officer, , Parking Contractor agent, or other person authorized by the chief of police, parked in violation of this article, and in violation of the terms and provisions of any parking rule or regulation of the chief of police,, which has been properly posted, such police officer, parking contractor agent, or other person authorized by the chief of police authorized enforcement officer may file a complaint in the district court against the owner or driver of such vehicle; or such vehicle may be removed to a private vehicle pound designated by the chief of police. Such vehicles shall not be discharged or removed from the pound except upon the payment by the owner of such vehicle or his duly authorized representative to the owner of the pound, the proper towing and storage fee.

Section 114-101 shall be amended to read as follows:

(a) When signs other than parking meter signs, are erected in each block giving notice thereof, no person shall park a vehicle for longer than specified on signs at any time between the hours of 8:00 a.m. to 12:00 a.m. (midnight) of any day except Sundays and public holidays within the district or upon any of the streets designated by the chief of police or valid city parking contractor in accordance with the contract with the City.

(b) Whenever the council shall designate a metered parking district, the parking of vehicles in such designated district shall be governed by and in accordance with the provisions of division 2 of this article and by any resolution of the city council pertaining thereto. In areas where the City of Pontiac has a valid city parking contractor, said contract takes precedence.

(c) In the event that any classification described in section 114-56 shall conflict with any designated metered parking district, then the regulation of the parking of vehicles in such districts shall be governed by and in accordance with the provisions of division 2 of this article and any resolution adopted by the council pursuant thereto. In areas where the City of Pontiac has a valid city parking contractor, said contract takes precedence.

Section 114-102 shall be amended to add or modify the following definitions

Contractor, or Parking Contractor means an entity which holds a valid parking contract with the City of Pontiac.

Police department means the Oakland County Sheriff or law enforcement agency operating in the city.

Section 114-103(b) shall be amended to read as follows:

(b) Whenever it comes to the attention of the mayor that conditions on or along any particular street or streets or on, in, or along any public drive are not governed as to parking by the provisions of division 1 of this article appear to require the regulation of traffic by parking meters, he shall make or cause to be made through the police department, a survey of such situation, and after consultation with valid city parking contractor in effected area, to determine the need for such regulations. If he finds a need therefore, he shall make a determination of such fact and shall cause parking meters to be installed in the streets where needed in the districts hereinafter defined. The mayor, before making such installation, shall obtain the approval of the council by resolution and an appropriate amendment shall be made to the parking contract.

Section 114-105(a) shall be amended to read as follows:

(a) In determining the number of parking spaces that shall be installed on the streets or parking lots in the city, a minimum of 23 feet in length shall be allowed for each space for parallel parking, unless otherwise defined in Section 114-72.

Section 114-106 shall be added to read as follows.

Operation of parking meters.

(a) Except in a period of emergency determined by an officer of the fire or police department, or in compliance with the directions of a

Law Enforcement officer, when any vehicle is parked in any space alongside or next to which a parking meter is located on any street or municipal parking lot, the operator of such vehicle shall, upon entering the parking meter space, immediately deposit or cause to be deposited in the meter such proper payment as is required for such parking meter and as is designated by proper directions on the meter. Failure to deposit such proper payment shall constitute a violation of this article.

(b) Upon the deposit of such payment the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the zone in which the parking space is located. Any person, placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space, shall not be required to deposit a payment so long as his occupancy of the space does not exceed the indicated unused parking time.

(c) If the vehicle remains parked in any such parking space beyond the parking time limit set for such parking space, and if the meter indicates that such time has elapsed and that such parking is illegal, then such vehicle shall be considered as parking overtime and beyond the period of legal parking time. Such overtime parking shall be deemed a violation of this article.

Section 114-111 shall be added to read as follows:

Parking meter operation; times; signals.

(a) All parking meters located on any street shall be used from 8:00 a.m. to 12:00 a.m. (midnight) on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday of each week, Sundays excepted, and the following legal holidays excepted: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, and Christmas Day.

(b) On all parking meters on any public street or any municipal parking lot now installed or hereafter installed in the future, the parking meter shall be so set as to display a signal showing the legal parking upon the deposit of the appropriate payments for the period of time prescribed and as shown on the meter. Each meter shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired. In such cases the right of such vehicle to occupy such space shall cease and the operator or owner thereof shall be subject to the penalties hereinafter provided.

(c) Each parking meter shall be placed or set in such manner as to plainly show or display, by a signal or otherwise, that the parking meter space adjacent to such meter is or is not legally in use. Each such parking meter shall also indicate by a proper legend the payment fee to be deposited; the hours during which the use of the meter is required; and the legal parking time established. When operated, each meter shall indicate visibly by a dial and pointer, or otherwise, the elapsing legal parking time, and upon the expiration of such time, shall indicate the illegal or over parking.

Section 114-112 shall be added to read as follows:

Parking time limited.

On all parking meters the time for parking shall not exceed three hours from 8:00 a.m. to 12:00 a.m. Such meters shall allow parking from one hour up to three hours and signs shall be placed on the meters showing the time allowed for such parking. The meters shall be used from 8:00 a.m. to 12:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday of each week, Sundays and the following legal holidays excepted: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

Section 114-113 shall be added to read as follows:

Violations of article.

No person shall:

- (1) Cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to be parked overtime, or beyond the period of legal parking time established and shown on a parking meter in any parking zone or municipal parking lot.
- (2) Deposit in any parking meter any payment for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone and space.
- (3) Permit any vehicle to remain in any parking space adjacent to any parking meter while the meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- (4) Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (5) Deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the

provisions of this article, except persons legally authorized to open the meter.

(6) Deposit or cause to be deposited in any parking meter any slugs, device or metal substance, or other substitute for lawful coins.

(7) Park or allow or permit to be parked any motor vehicle owned or operated by such person for a period longer than that permitted and posted on the parking meter or in the parking meter zone in which such vehicle is parked.

(8) Park any motor vehicle in a parking space on any municipal parking lot so the rear of the vehicle is facing the parking meter.

Section 114-114 shall be added to read as follows:

Deposit of payments; time limit.

The parking meters provided for in this article shall be installed in order to determine the length of time any vehicle has been parked in any metered space. The operator or driver of such vehicle using the parking space shall immediately deposit payment in such device if located in any metered zone on a public highway.

Section 114-115 shall be added to read as follows:

Overtime parking; impounding; release.

(a) Whenever any vehicle is found parked in any parking meter space over time and beyond the period of legal time established for such space, or is found parked therein during any period when parking is prohibited, or is found parked in violation of any of the provisions of this article, such vehicle may be removed by, or under the direction of any person authorized to enforce this article, by means of towing the vehicle to the automobile and vehicle pound. Such removal shall be at the risk of the owner.

(b) Before the owner or person in charge of such vehicle shall be permitted to remove the vehicle from the pound, he shall furnish evidence of his identity and ownership or right to possession, he shall sign a receipt for the vehicle, and shall pay to the police department a towage fee plus storage charges as set by resolution of the city council from time to time.

(c) Such enforcing officer may in lieu of towing such vehicle to the pound serve upon the owner or operator of such vehicle, or attach or fasten to such vehicle, a parking meter violation notice directing the owner or operator to appear at the traffic bureau within the time specified by such notice.

Section 114-116 shall be added to read as follows:

Notice of violation; contents.

(a) If any motor vehicle continues to be in violation of any provision of this parking meter division, or any rules and regulations issued in connection therewith, after having had attached thereto a notice of violation, any parking meter enforcing officer or police officer may and is authorized and directed to issue one or more additional notices of violation and attach such notices to the motor vehicle which continued in violation. It is specified that each period as determined by the particular location in which the motor vehicle continues to be parked illegally shall constitute a separate violation. One notice of violation shall be issued for each period of time in which such motor vehicle continues to be illegally parked, or such vehicle which continues to be in violation of the parking meter regulations may be towed away to the automobile pound as provided in section 114-20.

(b) Such parking meter violation notice, if given, shall state the date and location on the street of the meter adjacent to the space where such violation occurred, the time of violation, the kind of vehicle, the state license number of such vehicle, and any other facts relevant to such violation. A copy of such notice may be attached or fastened to the vehicle in a conspicuous place, which will notify such owner or operator that such vehicle was parked in violation of this article and instructing such owner or operator that such violation can be full settled and satisfied by the payment of the sum specified to the parking violations bureau, within the time prescribed.

Section 114-151 shall be amended to read as follows:

(a) The function, administration, control, and supervision of the parking violations bureau for the city are hereby transferred to the 50th District Court.

(b) The 50th District Court is authorized to establish and post a schedule of charges for the various parking infractions. In districts where a Parking Contractor contract is in place, the 50th District Court shall consult with said Contractor.

Section 114-153 shall be amended to read as follows:

All expenses of operation of the parking violations bureau shall be a part of the budget of the 50th District Court.

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.

