

CITY of NOVI CITY COUNCIL

**Agenda Item U
July 28, 2008**

SUBJECT: Consideration of Ordinance No. 08-8.02, an amendment to the Novi Code of Ordinances, Chapter 22, "Offenses", Section 22-257, "Traffic Control Devices" and Section 22-258, "Stopping, Standing, Parking Motor Vehicles" in order to update language. First Reading

SUBMITTING DEPARTMENT: Police Department *DEM*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

Attached for City Council consideration is the proposed ordinance amending Chapter 22 of the City of Novi Code in order to update language. The amendment to Chapter 22 set forth in Ordinance 08-8.02 addresses a change in terminology. The existing ordinance uses the term "handicapper" in Section 22-257(a)(2) and Section 22-258(2). The amendment replaces this term with the term "handicapped person." No other changes were made to these sections.

RECOMMENDED ACTION: Consideration of Ordinance No. 08-8.02, an amendment to the Novi Code of Ordinances, Chapter 22, "Offenses", Section 22-257, "Traffic Control Devices" and Section 22-258, "Stopping, Standing, Parking Motor Vehicles" in order to update language. First Reading

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Capello				
Council Member Crawford				
Council Member Gatt				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

Attorney's Letter



July 16, 2008

30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretswardle.com

Mayor Landry and City Council
City of Novi
45175 W. Ten Mile Road
Novi, MI 48375

Mark S. Roberts
Direct: 248-539-2815
mroberts@secretswardle.com

Re: ***Revisions to Handicapped Person Parking Regulations***
Our File No. 55142 NOV

Dear Mayor and Council:

Attached are drafts of proposed ordinances to amend the current regulations related to handicapped person parking and parking permit regulations. The City had requested the regulations be updated to more closely track the state law provisions. The attached Ordinance 08-8.02 amends Chapter 22, "Offenses", Section 22-257, "Traffic Control Devices" and section 22-258, "Stopping, Standing, Parking Motor Vehicles". Ordinance 08-81.23 amends Chapter 33, "Traffic and Motor Vehicles", Section 33-42, "Handicapped Person" and Section 33-490, "Parking Prohibited in Specified Places". Finally, Ordinance 08-90.02 amends Chapter 33, Division 3, Section 33-636, "Definitions", Section 33-637, "Spaces for Physically Limited Persons", Section 33-638, "Courtesy in the Parking of a Vehicle", Section 33-639, "Free Parking in Metered Space or in Publicly Owned Parking Structure", Section 33-640, "Display Requirements", Section 33-641, "Misuse of Handicapped Parking Privileges" and Section 33-642, "Penalties". These ordinances address the instructions from the City, as explained below.

The amendment to Chapter 22 set forth in Ordinance 08-8.02 addresses a change in terminology. The existing ordinance uses the term "handicapper" in Section 22-257(a)(2) and Section 22-258(2). The amendment replaces this term with the term "handicapped person". No other changes were made to these sections.

The amendment to Chapter 33 in Ordinance 08-81.23 is a similar terminology change. The term "handicapper" is changed to "handicapped person" in Section 33-490(a)(19). An additional change is made in Article II, Division 1, "Words and Phrases Defined", Section 33-42, "Handicapped". Rather than defining the term, the section is amended to merely adopt by reference the definition found in the state statute, MCL §257.19a.

The amendments found in Ordinance 08-90.02 are more extensive. The Ordinance amends Chapter 33, Division 3, to parallel the state regulations regarding handicapped person parking. The amendments are as follows:

Section 33-636, "Definitions", is amended to amend the definitions of "handicapped persons" to change the terminology and to adopt by reference the state law definition. The "parking area" definition is broadened to include more than just shopping centers. The definition of "special registration plates" also adopts by reference the state law definition. The definition of "shopping center" is deleted.

Section 33-637, "Spaces for Physically Limited Persons", is amended to revise the terminology.

Section 33-638, "Courtesy in the Parking of a Vehicle", adopts the state law courtesy to handicapped persons of exempting them from most parking regulations except for regulations designed to create a fire lane or to provide for traffic flow. The exemption also applies to persons transporting a handicapped person.

Section 33-639, "Free Parking in Metered Space or in Publicly Owned Parking Structure", is added to provide the free parking provisions of the state law.

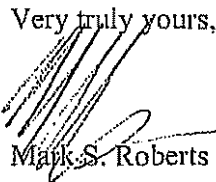
Section 33-640, "Display Requirements", is added to provide the display regulations of the state law.

Section 33-641, "Misuse of Handicapped Parking Privileges" is added to provide the misdemeanor penalties for certain violations for misusing parking privileges reserved for handicapped persons. The maximum penalty is a \$500.00 fine and/or 30 days in jail.

Section 33-642, "Penalties", is added to provide civil infraction penalties for violations and provides confiscation remedies.

With the amendments and added provisions, the City's code will now reflect the state law regulations related to handicapped person parking regulations.

We look forward to discussing the issue with Council. If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

Mark S. Roberts

MSR
Enclosure
cc: Clay Pearson, City Manager
Marianne Cornelius, City Clerk
C:\N\Port\bl\manage\ROBERTMS\1100822_2.DOC

Strike-out Version

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 08-8.02

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 22, "OFFENSES", SECTION 22-257, "TRAFFIC CONTROL DEVICES" AND SECTION 22-258, "STOPPING, STANDING, PARKING MOTOR VEHICLES" IN ORDER TO UPDATE LANGUAGE.

THE CITY OF NOVI ORDAINS:

PART I

Sec. 22-257. Traffic control devices.

(a) The school district or its duly authorized designee may with the approval of the traffic engineer place and maintain upon properties owned or controlled by the school district traffic control devices for the regulation of the movement of vehicles and pedestrians and the parking of vehicles as are needed for the safety and convenience of the public. Such traffic control devices may include but are not limited to devices to:

- (1) Designate areas for the parking of motor vehicles;
- (2) Designate areas reserved for the parking of motor vehicles by handicapped persons ~~handicappers~~ authorized and qualified pursuant to Sections 675(e) and 803d of Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.675(e), 257.803d; MSA 9.2375(e), 9.2503(4)), as amended;
- (3) Regulate the maximum speed for the operation of vehicles; and
- (4) Designate roadways or alleys for one-way vehicular traffic.

(b) At the request of the school district, or its duly authorized designee, the traffic engineer may approve traffic control devices already existing on properties owned or controlled by the school district.

(Ord. No. 84-8.01, § 4.01, 3-12-84)

Cross references: Traffic-control devices generally, § 33.216 et seq.

Sec. 22-258. Stopping, standing, parking motor vehicles.

It shall be unlawful for any person to stop, stand or park a motor vehicle in any of the following places on property owned or controlled by the school district except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or traffic control device:

- (1) On any lawn, playground, recreational field, sidewalk, walkway, or pedestrian plaza or mall;
- (2) In a parking space which is clearly identified as being reserved for use by handicapped persons ~~handicappers~~ unless the person is a handicapped person ~~handicapper~~ authorized and qualified pursuant to Sections 675(e) and 803d of Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.675(e), 257.803d; MSA 9.2375(e), 9.2503(4)), as amended;
- (3) At any place where official signs prohibit stopping, standing or parking;
- (4) In any area designated by the fire chief and conspicuously posted as a fire lane or in any area designated for the loading or discharging of pupils from school buses. This subsection shall not apply to any school bus, nor to any maintenance vehicle owned and operated by the school district and clearly marked or readily identifiable as such, nor to any fire truck or other fire apparatus or other authorized emergency vehicle on official business;
- (5) In front of a driveway;
- (6) Within an intersection or crosswalk;
- (7) Within fifteen (15) feet of a fire hydrant;

- (8) On the road side, driveway side or alley side of a vehicle stopped or parked at the edge or curb of a roadway, driveway or alley; or
(9) So as to block any emergency exit.
(Ord. No. 84-8.01, § 5.01, 3-12-84)
Cross references: Parking, stopping and standing generally, § 33-601 et seq.

PART II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV

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

PART V

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____ day of _____, 2008.

David B. Landry, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____ day of _____, 2008.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective:

Clean Version

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 08-8.02

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE
OF ORDINANCES, CHAPTER 22, "OFFENSES",
SECTION 22-257, "TRAFFIC CONTROL DEVICES" AND
SECTION 22-258, "STOPPING, STANDING, PARKING
MOTOR VEHICLES" IN ORDER TO UPDATE
LANGUAGE.

THE CITY OF NOVI ORDAINS:

PART I

Sec. 22-257. Traffic control devices.

(a) The school district or its duly authorized designee may with the approval of the traffic engineer place and maintain upon properties owned or controlled by the school district traffic control devices for the regulation of the movement of vehicles and pedestrians and the parking of vehicles as are needed for the safety and convenience of the public. Such traffic control devices may include but are not limited to devices to:

- (1) Designate areas for the parking of motor vehicles;
- (2) Designate areas reserved for the parking of motor vehicles by handicapped persons authorized and qualified pursuant to Sections 675(e) and 803d of Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.675(e), 257.803d; MSA 9.2375(e), 9.2503(4)), as amended;
- (3) Regulate the maximum speed for the operation of vehicles; and
- (4) Designate roadways or alleys for one-way vehicular traffic.

(b) At the request of the school district, or its duly authorized designee, the traffic engineer may approve traffic control devices already existing on properties owned or controlled by the school district.

(Ord. No. 84-8.01, § 4.01, 3-12-84)

Cross references: Traffic-control devices generally, § 33.216 et seq.

Sec. 22-258. Stopping, standing, parking motor vehicles.

It shall be unlawful for any person to stop, stand or park a motor vehicle in any of the following places on property owned or controlled by the school district except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or traffic control device:

- (1) On any lawn, playground, recreational field, sidewalk, walkway, or pedestrian plaza or mall;
- (2) In a parking space which is clearly identified as being reserved for use by handicapped persons unless the person is a handicapped person authorized and qualified pursuant to Sections 675(e) and 803d of Act No. 300 of the Public Acts of Michigan of 1949 (MCL 257.675(e), 257.803d; MSA 9.2375(e), 9.2503(4)), as amended;
- (3) At any place where official signs prohibit stopping, standing or parking;
- (4) In any area designated by the fire chief and conspicuously posted as a fire lane or in any area designated for the loading or discharging of pupils from school buses. This subsection shall not apply to any school bus, nor to any maintenance vehicle owned and operated by the school district and clearly marked or readily identifiable as such, nor to any fire truck or other fire apparatus or other authorized emergency vehicle on official business;
- (5) In front of a driveway;
- (6) Within an intersection or crosswalk;
- (7) Within fifteen (15) feet of a fire hydrant;

- (8) On the road side, driveway side or alley side of a vehicle stopped or parked at the edge or curb of a roadway, driveway or alley; or
(9) So as to block any emergency exit.
(Ord. No. 84-8.01, § 5.01, 3-12-84)
Cross references: Parking, stopping and standing generally, § 33-601 et seq.

PART II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV

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

PART V

Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ___ day of _____, 2008.

David B. Landry, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___ day of _____, 2008.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective: