



CITY OF DETROIT
OFFICE OF THE EMERGENCY MANAGER

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FOR PUBLICATION IN THE DETROIT LEGAL NEWS ON

TUESDAY, APRIL 8, 2014

NOTICE OF PUBLIC HEARING ON

ORDER TO AMEND CHAPTER 55 OF THE 1984 DETROIT CITY CODE

Notice is hereby given that the **PUBLIC HEARING** will be held by the Emergency Manager (or his designee) of the City of Detroit, Michigan on the 13th Floor of the Coleman A. Young Municipal Center on:

Monday, April 14, 2014

3:00 P.M.

(Erma Henderson Auditorium)

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's Office, for the record.

Please note, increased security measures for entrance into this building may cause delays. Therefore, allow sufficient time for prompt arrival.



OFFICE OF THE
DETROIT CITY CLERK
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**EMERGENCY MANAGER
CITY OF DETROIT**

ORDER No. 24

ORDER TO AMEND CHAPTER 55 OF THE 1984 DETROIT CITY CODE

BY THE AUTHORITY VESTED IN THE EMERGENCY MANAGER
FOR THE CITY OF DETROIT
PURSUANT TO MICHIGAN PUBLIC ACT 436 OF 2012,
KEVYN D. ORR, THE EMERGENCY MANAGER,
ISSUES THE FOLLOWING ORDER:

Whereas, on March 28, 2013, Michigan Public Act 436 of 2012 (“PA 436”) became effective and Kevyn D. Orr became the Emergency Manager (“EM”) for the City of Detroit (the “City”) with all the powers and duties provided under PA 436; and

Pursuant to section 9(2) of PA 436, the EM “shall act for and in the place and stead of” the Detroit Mayor (the “Mayor”) and City Council (the “Council”); and

Section 9(2) of PA 436 also grants the EM “broad powers in receivership to rectify the financial emergency and to assure the fiscal accountability of the [City] and the [City’s] capacity to provide or cause to be provided necessary governmental services essential to the public health, safety, and welfare;” and

Pursuant to section 10(1) of PA 436, the EM may “issue to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government the orders the emergency manager considers necessary to accomplish the purposes of [PA 436], including, but not limited to, orders for the timely and satisfactory implementation of a financial and operating plan” or “to take actions, or refrain from taking actions, to enable the orderly accomplishment of the financial and operating plan;” and

Section 12(1)(a) of PA 436 authorizes the EM, “notwithstanding any charter

provision to the contrary,” to “[a]nalyze the factors and circumstances contributing to the financial emergency of the local government and initiate steps to correct the condition;” and

Section 12(1)(dd) of PA 436 authorizes the EM, “notwithstanding any charter provision to the contrary,” to “[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 or resolutions of the local government” as provided in the Michigan Home Rule City Act, Act 279 of 1909, Michigan Compiled Laws (“M.C.L.”) §§ 117.1 to 117.38 (the “Home Rule Act”); and

Section 3(k) of the Home Rule Act requires that the City’s charter provide for “adopting, continuing, amending, and repealing the city ordinances and for the publication of each ordinance before it becomes operative;” and

Section 4-115 of the 2012 City of Detroit Charter (the “City Charter”) requires, among other things, that “[e]very proposed ordinance shall be in writing...[and that] [a]ny ordinance which repeals or amends an existing chapter, article, division, or section of the Detroit City Code shall set out in full the chapter, article, or division or section to be repealed or amended, and shall clearly indicate language to be omitted and language to be added;” and

Section 4-115 also requires that proposed ordinance shall be distributed to each Council member and the Mayor and that it be placed in the Office of the City Clerk (the “Clerk”), “such other public places,” and that a summary of the proposed ordinance be published “in a daily newspaper of general circulation in the City together with a notice establishing the time and place for a public hearing thereon” not earlier than five days after the publication; and

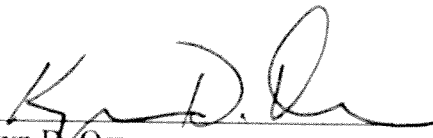
The EM has determined, at this time, it is necessary and appropriate to revise (i) Chapter 55, Article II, Section 55-2-42 of the 1984 Detroit City Code (the “Parking Fine Ordinance”) to increase parking fines to cover the necessary costs to process such fines and to increase funds available to the City (ii) Chapter 55, Article II, Sections 55-6-50 and 55-6-51 to provide that each successive period of parking longer than the permitted period constitutes a separate violation (the “Parking Meters Ordinances” together with the Parking Fine Ordinance, the “Parking Ordinances”). Further, the EM believes that such revisions are necessary to safeguard and assure the financial accountability of the City.

It is hereby ordered that:

1. In accordance with Section 4-115 the Clerk is hereby instructed to publish this Order and Exhibits A and B hereto showing the proposed amendments to the Parking Ordinances in their entirety in a daily newspaper of general circulation no later than Tuesday, April 8, 2014.

2. In accordance with Section 4-115 a public hearing regarding the amendments proposed in Exhibits A and B will take place on Monday, April 14, 2014 at the Coleman A. Young Municipal Center, 2 Woodward Ave., on the 13th floor at 3 p.m.
3. All orders of the EM, ordinances and resolutions of the City Council of the City, and all parts of orders, ordinances or resolutions in conflict with this Order are hereby repealed to the extent of such conflict.
4. Nothing in this Order shall be interpreted as contrary to Federal law.
5. This Order is effective immediately upon the date of execution below.
6. The amended Parking Ordinances, as may be amended, shall be effective on the publication by the Clerk following the public hearing described in Paragraph 1.
7. If any component of this Order is declared illegal, unenforceable, or ineffective by a court of competent jurisdiction, such component shall be deemed severable so that all other components contained in this Order shall remain valid and effective.
8. The EM may modify, amend, rescind, replace, supplement, or otherwise revise this Order at any time.
9. This Order shall be distributed to the Mayor, City Council members and all department heads.

Dated: April 3, 2014

By: 
Kevyn D. Orr
Emergency Manager
City of Detroit

cc: State of Michigan Department of Treasury
Mayor Michael Duggan
Members of Detroit City Council

EXHIBIT A

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Sec. Chapter 55 of the 1984 Detroit City Code, Traffic and Motor Vehicles, is amended by amending Article II, Administration and Enforcement, Division 5, Parking Violations Bureau, Section 55-2-42, Schedule of fines, of reductions for the prompt payment of fines, and of penalties for the late payment of fines, for parking violations, to read as follows:

Sec. 55-2-42. Schedule of fines and of penalties for the late payment of fines for parking violations.

(a) In accordance with Section 9-509 of the ~~1997~~2012 Detroit City Charter, the schedule of fines, ~~of reductions for the prompt payment of fines,~~ and of penalties for the late payment of fines, for parking violations are as follows:

Violation	Violation Code	Fine	Fine When Paid Within 10 Days for All Vehicles	Fine When Paid After 30 Days, inclusive of late penalties, for Vehicles Registered in Michigan	Fine When Paid After 30 Days, inclusive of late penalties, for Vehicles Registered in Another State or Country
Parked in prohibited area/no parking	801	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00
Improper parking	802	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00
Blocking alley	804.1	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00
Blocking driveway	804.2	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00
Blocking crosswalk	804.3	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00
Double parking	805.1	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00
Double standing	805.2	\$30.00 45.00	\$20.00	\$50.00 \$65.00	\$80.00 \$95.00

Fire hydrant parking violation	805. 3	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
No standing (anytime)	811. 1	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
Snow emergency violation	811. 2	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
Coach stop	811. 3	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
No standing (a.m.)	812	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
No standing (p.m.)	813	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
Overtime parking	814	20.00\$ 45.00	10.00	40.00\$65.00	70.00\$95.00
Parking meter violation	821	20.00\$ 45.00	10.00	40.00\$65.00	70.00\$95.00
Parking in area reserved for the handicapped	830	100.00 \$150.00	90.00	120.00\$170.00	150.00\$200.00
DPW street cleaning	835	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
Unauthorized parking—Private property	840	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
Unattended—Key in vehicle	860	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
No stopping	870	30.00\$ 45.00	20.00	50.00\$65.00	80.00\$95.00
Vehicle and		100.00			

equipment specified in section 55-6-21	880	\$150.00	90.00	120.00 \$170.00	150.00 \$200.00
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This schedule shall be posted at the Municipal Parking Department Parking Violations Bureau and, if located in a different location than the Parking Violations Bureau, at the main office of the Municipal Parking Department.

- (b) ~~As indicated in subsection (a) of this section, a parking fine that is paid to the parking violations bureau within ten (10) days of the date of issuance by accepting responsibility, or by accepting responsibility with an explanation, shall result in a ten dollar (\$10.00) reduction from the original fine as an incentive for prompt payment. In accordance with section 2-111 of the 1997 Detroit City Charter, the municipal parking department shall promulgate administrative rules for the implementation of a prompt payment incentive program within one hundred twenty (120) days after the enactment of this section.~~
- (c) ~~A parking fine shall be paid to the parking violations bureau within thirty (30) days of the date of issuance by accepting responsibility, or by accepting responsibility with an explanation, to avoid the imposition of a penalty, as indicated in subsection (a) of this section. As indicated in subsection (a) of this section, failure to pay a parking fine to the parking violations bureau within thirty (30) days of the date of issuance shall result:~~
- ~~(1) In a twenty dollar (\$20.00) penalty being added to the original fine where the vehicle is registered in this state; or~~
 - ~~(2) In a fifty dollar (\$50.00) penalty being added to the original fine where the vehicle is registered in another state or country.~~

EXHIBIT B

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Chapter 55 of the 1984 Detroit City Code, Traffic and Motor Vehicles, is amended by amending Article VI, Stopping, Standing and Parking, Division 2, Parking Meters, Section 55-6-50, Deposit of coins in meters; use of unexpired time on meters and Section 55-6-51, Parking beyond legal time; overtime parking, to read as follows:

Sec. 55-6-50. Schedule of fines and of penalties for the late payment of fines for parking violations; separate violations.

(a) When any vehicle is parked or standing in any space alongside of or next to which a parking meter is located, in accordance with the provisions of this division, the operator of such vehicle, upon entering the parking space, shall immediately deposit or cause to be deposited a coin of United States currency, as provided in section 55-6-47, in such parking meter, and shall place such meter in operation either automatically or by turning a mechanical device designated to place such meter in operation. The parking space then may be lawfully occupied by such vehicle during the period of parking or standing time which has been prescribed for the part of the street on which such parking space is located; provided, that after the expiration of the time limit, it shall be unlawful for that same vehicle to occupy that space until the lapse of one legal period of time prescribed for that space. If such vehicle shall remain parked or shall remain standing in any such parking space beyond the parking or standing time limit fixed for each parking space, the parking meter shall display a sign or signal showing illegal parking or standing, and in that event such vehicle shall be considered as parked overtime and beyond the period of legal parking or standing time; and the parking or standing of the vehicle where any such meter is located shall be a violation of this division.

(b) Any person placing a vehicle in a parking meter space, which meter indicates that unused time has been left thereon by the previous occupant of that space, shall not be required to deposit a coin for the use of such unused time; provided, that after the expiration of such unused time, it shall be unlawful to permit this same that vehicle to occupy such that space until the lapse of one legal period of time which has been prescribed for this that space.

(c) Each successive period of parking longer than the maximum time period constitutes a separate violation.

Sec. 55-6-51. Parking beyond legal time; overtime parking; separate violations.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle to stand or to be parked overtime beyond the period of legal parking or standing time established for any parking meter zone. Each successive period of parking longer than the maximum time period constitutes a separate violation.