

Councilman Kloc moved, seconded by Councilman Braddock to adopt an ordinance introduced August 13, 2012, entitled and reading as follows:

O-141

AN ORDINANCE TO AMEND § 72.55 "PARKING VIOLATIONS BUREAU," § 72.99 "PENALTIES," § 72.03 "BOAT LAUNCH PARKING AREAS," § 72.40 "CITY PARKING LOTS OR AREAS," AND § 72.41 "REDUCED GROUP RATES," OF CHAPTER 72, "PARKING REGULATIONS", OF TITLE VII "TRAFFIC REGULATIONS", OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. Section 72.55 "Parking Violations Bureau", of Chapter 72 "Parking Regulations" of Title VII "Traffic Regulations" of the Saginaw Code of Ordinances O-1 is hereby amended to read as follows:

Section 72.55. Parking Violations Bureau.

- (A) The City hereby establishes a Parking Violations Bureau (Bureau) pursuant to MCL 600.8395.
- (B) The purpose of the Bureau shall be to accept admissions in parking violation cases and to collect and retain civil fines and costs as prescribed by City ordinance.
- (C) A "parking violation notice" or "citation" means a notice directing a person to pay the fines and costs herein prescribed for the parking or standing of a motor vehicle in violation of City ordinance. The parking violation notice shall indicate the nature of the violation, the section of the ordinance violated, the contact information for the Bureau (or its authorized agent), and the amount of fine and/or penalty levied for the offense.
- (D) A parking violation notice or citation may be issued by a police officer, including a limited duty officer, or other personnel duly authorized by the City Manager.
- (E) A parking violation notice or citation may be served personally upon the operator of the vehicle, upon the registered owner of the vehicle by attaching the notice to the vehicle, or by ordinary mail addressed to the registered owner.
- (F) After receiving a parking violation notice or citation, a defendant may a) pay the applicable fine and/or penalty pursuant to the instructions on the parking violation notice or citation; or b) file a written appeal with the Bureau or its authorized agent.

- (G) If a defendant has not filed a written appeal with the Bureau or its authorized agent and has not otherwise disposed of the parking violation notice within ten (10) days after its issuance, a penalty in the amount proscribed by Section 72.99 of this Ordinance shall be levied.
- (H) If a defendant has not filed a written appeal with the Bureau or its authorized agent or has not otherwise disposed of the parking violation notice within fifteen (15) days after its issuance, then the Bureau or its authorized agent shall send a second written notice by ordinary mail to the address of the registered owner. This second written notice shall contain the same facts and information contained within the first notice, but shall also include the amount of any penalty levied.
- (I) Those defendants who have filed a written appeal with the Bureau or its authorized agent within fifteen (15) days after the issuance of the original notice shall not receive a second written notice as described in division (H).
- (J) If a defendant has not filed a written appeal with the Bureau or its authorized agent and has not otherwise disposed of the parking violation notice within 30 (thirty) days after its issuance, then the Bureau or its authorized agent shall send written notice by ordinary mail that the amount owed has been marked delinquent and the matter will proceed to collections.
- (K) The Bureau or its authorized agent is authorized to collect any penalties due hereunder in any manner allowed by law, including, but not limited to, the use of a third party or agency.
- (L) Appeal Process:
 - a. Within three (3) days of the date of receipt of a parking violation notice or citation, a defendant wishing to appeal the notice and the associated fee may do so by filing a written appeal with the Bureau or its authorized agent.
 - b. Within ten (10) days from its receipt of the appeal, the Bureau or its authorized agent shall make a determination on the appeal request and shall notify the defendant of its decision in writing.
 - c. In the event the defendant is not satisfied with the decision rendered by the Bureau or its authorized agent, within ten (10) days of the determination the defendant may appeal the determination in a court of competent jurisdiction.
 - d. In such cases, the court may order the payment of costs in addition to any authorized penalties in accordance with the Michigan Vehicle Code, MCL 257.907.

Section 1. This ordinance shall become effective September 6, 2012.
Enacted: August 27, 2012

Section 2. Section 72.99 "Penalties", of Chapter 72 "Parking Regulations" of Title VII "Traffic Regulations" of the Saginaw Code of Ordinances O-1 is hereby amended to read as follows:

Section 72.99 Penalties.

- (A) Any violation of the provisions of this chapter shall be punishable by the fines below unless otherwise provided by law.
- (B) The fines for a single parking violation are as follows:
 - (1) Overtime violations: fifteen dollars (\$15.00).
 - (2) Designated handicapped space violations: one hundred and fifty dollars (\$150.00).
 - (3) All other parking violations: twenty five dollars (\$25.00).
 - (4) If no written appeal has been filed and if the original parking violation notice has not been disposed of within ten (10) days after service of the original parking violation notice, the following penalties will be applied in addition to the original fines set forth above:
 - (a) Overtime violations: fifteen dollars (\$15.00).
 - (b) Designated handicapped space: fifty dollars (\$50.00).
 - (c) All other parking violations: twenty five dollars (\$25.00).
- (C) In addition to the fines and penalties set forth in divisions (A) and (B) any or all of the following actions may be taken in an effort to collect unpaid parking fines.
 - (1) The Bureau may forward the unpaid fines to a collection agency for action. Upon forwarding the fines to the collection agency, an administrative fee equal to thirty percent (30%) of the unpaid fine will be added to the balance due.
 - (2) If a vehicle owner has more than three (3) unpaid parking citations an immobilization device may be placed on the vehicle when found. The device will be removed only

after all unpaid fines and penalties have been satisfied, along with an immobilization device removal fee of seventy-five (\$75.00) dollars. The vehicle owner may contest the immobilization by following the procedures in Section 70.32 of this Ordinance. Failure to comply with these requirements after the passing of forty-eight (48) hours will result in the impoundment of the vehicle in accordance with the procedures in Section 70.31 of this Ordinance. An impounded vehicle may be redeemed only after all unpaid fines and penalties have been satisfied, the immobilization device removal fee has been paid, and towing and storage fees have been paid.

- (a) An immobilization device may only be removed by personnel duly authorized by the City Manager. The penalty for unauthorized removal of said device shall constitute a criminal misdemeanor punishable by up to ninety (90) days imprisonment and/or up to a five hundred (\$500.00) dollar fine and other costs as allowed by MCL 257.907, including, but not limited to costs relating to damaged immobilization devices.

Section 2. This ordinance shall become effective September 6, 2012
Enacted: August 27, 2012

Section 9. Section 70.32 “Redemption of Vehicle; Hearing”, of Chapter 70 “General Provisions” of Title VII “Traffic Regulations” of the Saginaw Code of Ordinances O-1 is hereby amended to read as follows:

Section 70.32. Redemption of Vehicle; Hearing.

(A) If the owner does not contest the immobilization or impoundment of the vehicle, the owner may obtain the release of the vehicle by paying the accrued charges to the City together with a device removal fee of seventy-five (\$75.00) dollars.

(B) If the owner contests the immobilization or impoundment of the vehicle, the matter shall be resolved after a hearing conducted in the 70th District Court. An owner who contests the immobilization or impoundment of the vehicle may obtain release of the vehicle by posting a bond or cash deposit as determined by the court. The bond or cash deposit shall not exceed five hundred dollars (\$500.00).

Section 9. This ordinance shall become effective September 6, 2012.

Enacted: August 27, 2012

Section 3. Section 72.03 “Boat Launch Parking Areas”, of Chapter 72 “Parking Regulations” of Title VII “Traffic Regulations” of the Saginaw Code of Ordinances O-1 is hereby amended to read as follows:

Section 72.03. Boat Launch Parking Areas.

(A) No person shall park a vehicle used to transport a boat in a parking lot or parking area provided for such use at a City-owned boat launch without having paid one of the following:

1. Paid the sum of seven dollars (\$7.00) to include the launching of a boat and parking of a vehicle used to transport such boat.
2. Paid the sum of two dollars (\$2.00) for the parking of a vehicle with the intention of accompanying a person or persons utilizing the City-owned boat launch.

(B) An individual may purchase from the City a seasonal permit. Said permit shall cost thirty-five dollars (\$35.00) and will allow parking at a City-owned boat launch for the calendar year (January 1 - December 31) in which purchased. Prorating of the seasonal permit fees or term shall not be permitted. Said permit shall be affixed to the lower right corner of the vehicles used to transport a boat at a City-owned boat launch during hours which the launch is open to the public.

(C) The issuance of, and fines for, a violation of this section shall be governed by § 72.99 and all other applicable parking ordinances.

Section 3. This ordinance shall become effective September 6, 2012

Enacted: August 27, 2012

Section 4. Section 72.40 “City Parking Lots or Areas”, of Chapter 72 “Parking Regulations” of Title VII “Traffic Regulations” of the Saginaw Code of Ordinances O-1 is hereby amended to read as follows:

Section 72.40. City Parking Lots or Areas.

(A) *Rates and charges for parking in City-owned or operated off-street parking lots or areas.*

(1) The number and location of the City-owned or operated off-street parking lots, ramps, and areas for which rates and charges for parking are established herein shall be as described and designated on the Parking Lot Map on file in City Clerk's File No. 348-C-7.

(2) Rates for parking motor vehicles in City-owned or City-operated off-street parking lots, ramps, and areas shall be as follows:

PARKING LOT RATES – DAYTIME MONDAY - FRIDAY				
Lot No.	Hourly Parking Rate	Maximum Period	Monthly Parking Allowed	Monthly Rate
4	none	none	yes	\$25.00
23	free parking	1 hour	yes	\$25.00
PARKING RAMP 1 (LOT 9) RATES				
Monthly parking			\$36.00	
Weekly (seven (7) consecutive days)			\$15.00	
Daily or convention pass			\$5.00	
PARKING RAMP 3 (LOT 33) RATES				
Hourly Parking	Maximum Period	Monthly and Weekly Parking	Weekly Rate (seven (7) consecutive days)	Monthly Rate
free parking	2 hours	yes	\$15.00	\$25.00
DESIGNATED SPECIAL EVENT PARKING				
Lot No.	Time		Rate	
4	Nights, Sundays, and		\$3.00	

	holidays	
23	Nights, Sundays, and holidays	\$3.00

(B) The Parking Violations Bureau or its authorized agent will invoice customers for daily, weekly, and monthly parking use on a quarterly basis. Invoices will be mailed on or about the first day of each quarter with payment due by the fifteenth day of the first month of each quarter.

(C) *Special charge for release of parked vehicle from City off-street area after hours.* Upon the release of a motor vehicle from a City-owned or operated parking lot or area at a time when it is not open for public use, a special charge of ninety-eight dollars (\$98.00) for each occurrence shall be made in lieu of the charges specified in division (A).

(D) *Special charge for reactivation and reissuance.*

(1) If payment is not received by the fifteenth day of the billing quarter, the customer's parking permit will be deactivated. The individual will be charged a fee of twenty dollars (\$20.00) to reactivate the permit.

(2) If a customer requires a replacement permit, the City will charge the customer a fee of five dollars (\$5.00) to replace the permit.

Section 4. This ordinance shall become effective September 6, 2012

Enacted: August 27, 2012

Section 5. Section 72.41 “Reduced Group Rates”, of Chapter 72 “Parking Regulations” of Title VII “Traffic Regulations” of the Saginaw Code of Ordinances O-1 is hereby amended to read as follows:

Section 72.41. Reduced Group Rates.

- (A) Reduced group rates for parking for twenty-five (25) or more spaces may be authorized by written agreement approved by the City Council.
- (B) Each agreement shall, among other things, satisfy the following conditions:
 - (1) The group shall be an established organization capable of carrying out its contractual obligations.
 - (2) The term of the contract shall be established by written agreement approved by City Council.
 - (3) The group shall not sublease any of the spaces to any person at a rate less than that charged by the City at any time during the term of the sublease for other individually leased spaces in the same parking facility.
- (C) The City or its authorized agent shall invoice such customers pursuant to the terms of the written agreement.

Section 5. This ordinance shall become effective September 6, 2012

Enacted: August 27, 2012

Yeas: Boensch, Braddock, Wendt, Coulouris, Fitzpatrick, Kloc, Mayor Pro-Tem
Browning
Nays: None
Absent: O’Neal and Mayor Branch
Abstain: None

Dennis Browning
Mayor Pro-Tem

Janet Santos, CMC/MMC
City Clerk