



CITY of NOVI CITY COUNCIL

Agenda Item G
July 22, 2019

SUBJECT: Approval of Ordinance No. 19-115.05, an ordinance to amend the City of Novi Code Of Ordinances, at Chapter 33, "Traffic And Motor Vehicles," Article III, "Parking, Stopping, and Standing," Division 5, "Snow Emergencies," in order to repeal the regulations and provisions therein in their entirety. **SECOND READING**

SUBMITTING DEPARTMENT: City Manager

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: The City Council's Ordinance Review Committee (ORC) has been evaluating, with the assistance of City administration, the City's Code of Ordinances to determine whether there are any outdated or obsolete provisions that can be simply removed from the code. This draft ordinance resulted from discussion by the ORC and City administration that acknowledged that the City has not, to the knowledge of current Committee members and staff and administration, ever used the snow emergency ordinance to tow a vehicle or issue any citation of any kind. Concern was expressed that the language of the ordinance allowing vehicles to be towed, and allowing and causing a snow emergency to be declared automatically, were overly broad and/or regulatory.

The ORC recommended adoption of the attached ordinance at its June 3, 2019, meeting.

RECOMMENDED ACTION: Approval of Ordinance No. 19-115.05, an ordinance to amend the City of Novi Code of Ordinances, at Chapter 33, "Traffic and Motor Vehicles," Article III, "Parking, Stopping, And Standing," Division 5, "Snow Emergencies," in order to repeal the regulations and provisions therein in their entirety. **SECOND READING**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 19-115.05

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 33, "TRAFFIC AND MOTOR VEHICLES," ARTICLE III, "PARKING, STOPPING, AND STANDING," DIVISION 5, "SNOW EMERGENCIES," IN ORDER TO REPEAL THE REGULATIONS AND PROVISIONS THEREIN IN THEIR ENTIRETY.

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 33, "Traffic and Motor Vehicles," Article III, "Parking, Stopping, and Standing," Division 5, Snow Emergencies," of the City of Novi Code of Ordinances is hereby repealed in its entirety.

~~DIVISION 5.—SNOW EMERGENCIES~~

~~Sec. 33-681.—Determination of snow emergency.~~

~~(a) A snow emergency shall be deemed to exist whenever:~~

~~(1) Freezing rain, sleet or four (4) or more inches of snow has been forecast for the area by a newspaper circulated in the city, or by a radio or television station with a normal operating range covering the city;~~

~~(2) Freezing rains or sleet has fallen or four (4) or more inches of snow have accumulated in the city; or~~

~~(3) The director of the department of public services, or his designee, on the basis of falling snow, sleet or freezing rains or on the basis of a forecast of snow, sleet or freezing rains, finds that it is necessary for plowing or salting purposes that parking be prohibited, and causes a declaration of such snow emergency to be publicly announced on the municipal access channel on cable television or by broadcast from a radio or television station with a normal operating range covering the city, and, if time permits, by publication within the official paper or a paper of general circulation in the city.~~

~~(b) The director of the department of public services, or his designee, shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with subsection (a)(3) of this section.~~

~~Sec. 33-682.—Parking—Restricted, exceptions.~~

- ~~(a) No person shall park a motor vehicle on a street, highway, roadway, or other public right of way under the jurisdiction of the city during a snow emergency until such time as the street, highway, roadway or public right of way shall have been plowed of snow, or until salt shall have been spread for the control of freezing rain.~~
- ~~(b) An owner of a motor vehicle who resides at a premises which does not have a driveway or other off street parking facility shall not be deemed in violation of subsection (a) of this section if such motor vehicle is parked in front of his residence, provided that the vehicle is parked as close to the curb or edge of the street as possible to make room for snow plows and other emergency vehicles.~~
- ~~(c) The parking prohibition of this section shall not apply to any street, highway, roadway or other right of way designated by the city manager, where such street, highway, roadway, or other right of way is not plowed or salted by the city and where signs are posted pursuant to section 33-683(b). The designation of such street, highway, roadway or other right of way shall be in writing with copies delivered to the superintendent of public works, the police chief and the city clerk.~~

~~**Sec. 33-683.— General notice by publication; exemptions.**~~

- ~~(a) It is hereby made the duty of the director of the department of public services to give general notice to the public that a snow emergency may be declared. Such general notice shall be made by publication in the official newspaper of general circulation in the city at least twice in each year, once during the first half of the month of October and again during the first half of January of each year, and shall read substantially as follows:~~

~~CITY OF NOVI
NOTICE OF PROVISION OF THE
SNOW EMERGENCY ORDINANCE~~

~~NOTICE IS HEREBY GIVEN that in accordance with Chapter 33, Article III, Division 5, of the Code of Ordinances, City of Novi, Michigan, a snow emergency shall be deemed to exist whenever: (1) freezing rain, sleet or four (4) or more inches of snow has been forecast for the area by a newspaper circulated in the city, or by a radio or television station with a normal operating range covering the city; or (2) freezing rains or sleet has fallen or four (4) or more inches of snow have accumulated in the city.~~

~~Whenever any vehicle without an operator is found parked or left in violation of any provision of this division, the director of the department of public services, or his designee, or the police department may immediately remove the vehicle or cause the vehicle to be removed to a place of safekeeping at the expense of the registered owner of the vehicle.~~

~~Failure to comply with the requirements set forth in Chapter 33, Article III, Division 5, of the Code of Ordinance, City of Novi, Michigan, may also result in the prosecution for same, and liability to the extent of the penalty therein provided.~~

~~_____ / _____ / _____, _____~~

~~/s/~~ ~~_____~~

~~_____~~ Director of the Department of
~~_____~~ Public Services—City of Novi

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~~(b) On any street, highway, roadway or right of way designated pursuant to subsection 33-682(c) appropriate signs shall be posted indicating that the area is exempt from the parking prohibition of subsection 33-682(a).~~

~~**Sec. 33-684.—Stalled vehicles.**~~

~~Whenever a vehicle becomes stalled or inoperable for any reason on any street, highway, roadway or other public right of way during a snow emergency, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the street, highway, roadway or right of way. No person shall abandon or leave a vehicle on any street, highway, roadway or other public right of way during a snow emergency regardless of whether the operator indicates by raising the hood or otherwise that the vehicle is stalled, except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.~~

~~**Sec. 33-685.—Vehicles in violation of division—Evidence.**~~

~~In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this division, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this division, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute *prima facie* evidence that the defendant was the person who parked or left the vehicle in violation of this division.~~

~~**Sec. 33-686.—Same—Citation.**~~

~~Whenever any motor vehicle without an operator is found parked or left in violation of any provision of this division and is not removed and impounded as provided for in this division, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix the vehicle a traffic citation for the operator to answer to the charge at a time and in a place specified in the citation.~~

~~**Sec. 33-687.—Same—Removal.**~~

~~(a) Whenever any vehicle without an operator is found parked or left in violation of any provision of this division, the director of the department of public services, or his designee, or the police department may immediately remove the vehicle or cause the vehicle to be removed to a place of safekeeping at the expense of the registered owner of the vehicle.~~

~~(b) After removing or causing the removal of a vehicle pursuant to subsection (a) of this section, the director of the department of public services, or his designee, or the police department shall proceed in a like manner and procedure as provided for in section 33-108 et seq.~~

~~Sec. 33-688.—Reserved.~~

~~Sec. 33-689.—Violation as civil infraction; enforcement.~~

~~(a)—A person who violates this division is responsible for a civil infraction as defined in Section 6a of Act No. 328 of the Public Laws of Michigan of 1978 (MCL 257.6a), as amended, and may be ordered to pay a civil fine and costs in a like amount and manner as provided for in Section 907 of Act No. 328 of the Public Acts of Michigan of 1978 (MCL 257.907), as amended.~~

~~(b)—Violations of this division shall be enforced in a like manner and procedure as provided for in sections 33-112, 33-115, 33-116, 33-117, 33-118, 33-119, 33-120, 33-121, 33-122 and 33-123 by the police department, or by a person designated by the director of the department of public services to enforce the above provisions as they relate to a declared snow emergency.~~

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 ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the __ day of _____, 2019, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Robert J. Gatt, Mayor

Cortney Hanson, 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 _____, 2019.

Cortney Hanson, City Clerk

Adopted:
Published:
Effective:

Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the __ day of _____, 2019.

1. Novi City Hall 45175 Ten Mile Road
2. Novi Library 45255 Ten Mile Road

I do further certify that on the __ day of _____, 2019 (said Ordinance Amendment _____) was published in brief in the Novi News, a newspaper published and circulated in said City.

Cortney Hanson, City Clerk