



CITY COUNCIL ACTION ITEM

Date: October 15, 2013

To: Brian M Kischnick, City Manager

From: Gary G. Mayer, Police Chief 

Subject: Amendment to Troy City Code Chapter 106, Traffic, Allowing Persons Other Than Certified Police Officers to Write Parking Tickets as Allowed by MCL 257.675d

Background

The reduction of staffing within the Police Department has caused us to evaluate alternative methods of problem solving in our community.

One such alternative method is to allow professional security departments to control parking problems on their private property. We have obtained the technology and an agreement with the management of the Somerset Collection to grant them the ability to write parking tickets on their property.

Under State Statute, MCL 257.675d allows a municipality to implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following 10 specific violations:

- (a) Parking on a sidewalk
- (b) Parking in front of a public or private driveway
- (c) Parking within 15 feet of a fire hydrant
- (d) Parking on a crosswalk
- (e) Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways
- (f) Parking at a place where an official sign prohibits stopping or parking
- (g) Parking in a space reserved for use by disabled persons
- (h) Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities
- (i) Parking in violation of an official sign restricting the period of time for or manner of parking
- (j) Parking in a space or in a manner that blocks access to a fire lane

State law requires the local police department to administer the program, and also offer at least 8 hours of training for each person before they can be authorized to issue tickets. The program cannot violate any collective bargaining agreement, and must be approved by the governing body prior to implementation.

Recommendation

City Administration recommends an amendment to Chapter 106 of the Troy City Code Chapter to allow for the Somerset Security personnel to issue parking tickets. Depending on the success of the program, the ordinance would also allow other individuals to perform this responsibility in the future.



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City Attorney's Review as to Form and Legality

A handwritten signature in blue ink, appearing to read "L. Grigg Bluhm".

Lori Grigg Bluhm, City Attorney

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 106 OF THE CODE
OF THE CITY OF TROY

THE CITY OF TROY ORDAINS:

Section 1. Short Title: That a new Section of Chapter 106, Traffic is hereby added to the Troy Code of Ordinances which would allow the Chief of Police to authorize the issuance of specific parking tickets by Persons Other than Certified Police Officers under the City of Troy Code of Ordinances is hereby amended as allowed by MCL 257.675d.

Section 2. Amendment.

Chapter 106 - Traffic of the Troy Code of Ordinances is hereby amended to amend Section 8.10 by adding subsections u, v, w, and x, and adding a new Section 8.10A, as follows:

8.10 Stopping, Standing, or Parking Vehicles; Violation as Civil Infraction.

- 1) A person shall not stop, stand, or park a vehicle in any of the following places, 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:

* * *

- u) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.
- v) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.
- w) In violation of an official sign restricting the period of time for or manner of parking.
- x) In a place or in a manner that blocks access to a space clearly designated as a fire lane.

8.10A

AUTHORITY TO AUTHORIZE ISSUANCE OF CITATIONS BY PERSONS OTHER THAN POLICE OFFICERS, AND IMPLEMENTATION, ADMINISTRATION AND TRAINING OF THE PROGRAM

- 1) The City of Troy Police Department may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following violations:
 - a) Parking on a sidewalk in violation of Section 8.10a
 - b) Parking in front of a public or private driveway in violation of Section 8.10b.
 - c) Parking within 15 feet of a fire hydrant in violation of Section 8.10d
 - d) Parking on a crosswalk in violation of Section 8.10e.
 - e) Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways in violation of Section 8.10f.
 - f) Parking at a place where an official sign prohibits stopping or parking in violation of Section 8.10r. This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in Section 8.10 except as set out in this Section.
 - g) Parking in a space reserved for use by disabled persons in violation of Section 8.10s.
 - h) Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities in violation of Section 8.10u.
 - i) Parking in violation of an official sign restricting the period of time or manner of parking in violation of Section 8.10w. This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in Section 8.10 except as set out in this Section.
 - j) Parking in a space or in a manner that blocks access to a fire lane in violation of Section 8.10x.

- 2) Before authorizing and utilizing persons other than police officers to issue citations, the Troy Police Department shall implement a program to train the persons to properly issue citations as provided in this Section, of which not less than 8 hours shall be in parking enforcement, conducted by the Troy Police Department. A person who successfully completes a program of training implemented under this Section may issue citations as provided in this Section as authorized by the Troy Chief of Police or his/her designee.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may

be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____ 2013.

Dane Slater, Mayor

M. Aileen Bittner, City Clerk