

## NO. 3035

<p><b>AN ORDINANCE AMENDING CHAPTER 48, OF TITLE 10, (RIGHT OF WAY, PRIVATE PARKING, AND PROHIBITED COMMERCIAL VEHICLE PARKING ON RESIDENTIAL STREETS) OF THE LIVONIA CODE OF ORDINANCES, AS AMENDED.</b></p>
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THE CITY OF LIVONIA ORDAINS:

Section 1. Chapter 48, of Title 10 of the Livonia Code of Ordinances, as amended, is hereby amended to read as follows:

### **RIGHT OF WAY, PRIVATE PARKING, AND PROHIBITED COMMERCIAL VEHICLE PARKING ON RESIDENTIAL STREETS**

**Sections:**

- 10.48.010     Parking on Right of Way**
- 10.48.020     Private property—Parking prohibited without consent—  
Complaints—Towing fees limited, subject to hearings—  
Booting, stickering prohibited**
- 10.48.030     Parking of commercial vehicles prohibited**

**10.48.010 - Parking on Right of Way.** It shall be unlawful for any person to park any motor vehicle in a front or side yard on any part of a residential property that is not described in an approved site plan as a driveway or approved parking area. The intent of this section is to prevent the parking of motor vehicles on unapproved areas of a residential lot as well as in areas between a sidewalk and the street.

It shall be the responsibility of both the owner of any residential property and the person in control of such property to maintain the property free of the parking of motor vehicles in violation of this section. It shall also be the responsibility of the owner of any motor vehicle to keep such motor vehicle from being parked on any residential property in violation of this section.

Any person in violation of any provision of this chapter shall be deemed to have committed a civil infraction and shall be ordered to pay a civil fine of one hundred dollars (\$100.00), plus costs which fine shall be reduced to fifty dollars (\$50.00) if it is paid within two (2) business days from issuance of the ticket.

**10.48.020 - Private property—Parking prohibited without consent—Complaints—Towing fees limited, subject to hearings—Booting, stickering prohibited.**

A. It is unlawful for any person to park any motor vehicle on any private property without the express or implied consent, authorization or approval of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of said property, and the police department of the city shall enforce this section.

B. No person may charge a fee in excess of the limitations imposed by Section 10.21.240 of this Code of Ordinances for the removal of any vehicle towed in or from the city in consequence of its having been parked on private property without permission as set forth in subsection A of this section. A violation of this subsection shall be deemed to be a misdemeanor.

C. Any person whose vehicle has been towed in consequence of an alleged violation of subsection A of this section may petition the 16th District Court for a reduction or refund of any fee collected in connection with such tow on the grounds that: (a) the petitioner did not, in fact, violate subsection A of this section, or (b) if petitioner did commit such a violation, the facts surrounding the violation mitigated the violation itself. The petitioner must provide notice of such appeal to the recipient of such fee in accordance with the provisions of the Michigan Court Rules governing notice to defendants of the commencement of a civil action, and upon the provision of such notice, proceedings shall be had pursuant to the provisions of MCL Sections 257.252d, 257.252e and 257.252f, governing appeals of tow fees imposed by police agencies. The Court may, on finding conditions set forth in subdivision (a) or (b) of this subsection, order the recipient of the tow fee to refund all or a portion of such fee.

D. No person may, in the city, place a mechanical device commonly known as a "boot" on, or otherwise disable movement of, any vehicle, nor may any person place a sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward to the driver or front passenger, in consequence of the vehicle having been parked in violation of subsection A of this section. A violation of this subsection shall be deemed to be a misdemeanor.

Section 2. Section 030 is hereby added to Title 10, Chapter 48, of the Livonia Code of Ordinances, as amended, said Section to read as follows:

10.48.030 Parking of commercial vehicles prohibited. No person shall park any truck weighing more than four thousand (4,000) pounds or measuring more than thirty (30) feet in length, or any truck having a trailer or semitrailer attached, nor permit any such truck or any trailer or semitrailer, whether coupled or not, to stand upon any residential street or near any church or school or alley of the city for a period exceeding one (1) hour, except for the purpose of loading or unloading, or while the owner or operator of the vehicle is at the premises while engaged in commercial services at that location, the making of emergency repairs

to the vehicle, or at the direction of a police officer. No such vehicle may be parked between the hours of 8 p.m. and 6 a.m. except when necessary to make emergency repairs at the premises; provided further, however, that this section does not apply to pick-up trucks and vans, utilized as family vehicles or pleasure vehicles, and which bear no commercial message, logo or any symbol relating to a commercial or business venture.

Any person in violation of this section shall be deemed to have committed a civil infraction and shall be ordered to pay a civil fine of one hundred dollars (\$100.00), plus costs. Any person in violation of this section for a second or subsequent offense, shall be guilty of a misdemeanor.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance.

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The above ordinance was passed at the regular meeting of the Council of the City of Livonia held Monday, June 19, 2017, at 7:00 p.m.

Susan M. Nash, City Clerk

The foregoing ordinance was authenticated by me on this 20<sup>th</sup> day of June, 2017.

Dennis K. Wright, Mayor

Approved as to form:

Donald L. Knapp, Jr., City Attorney  
Dated: June 20, 2017