



Legislation Details (With Text)

File #: 12-1411 **Version:** 1 **Name:** 11/19/12 Ord Am 10:138 - Traffic
Type: Ordinance **Status:** Passed
File created: 11/19/2012 **In control:** City Council
On agenda: 12/3/2012 **Final action:** 12/3/2012
Enactment date: 11/19/2012 **Enactment #:** ORD-12-34
Title: An Ordinance to Amend Sections 10:136 and 10:138 of Chapter 126, Traffic, of Title X of Code of the City of Ann Arbor (Ordinance No. ORD-12-34)
Sponsors: Stephen Kunselman, Sabra Briere, Marcia Higgins

Indexes:

Code sections:

Attachments: 1. 12-34 Briefed and Approved, 2. 12-34 Briefed, 3. Inop Vehicle Ord As Amended 111912, 4. Inop Vehicle Ord Am.pdf, 5. Inop Vehicle Ord Amended.pdf, 6. Michigan Vehicle Code (Excerpt), 7. Michigan Vehicle Code (Excerpt)2, 8. Michigan Vehicle Code (Excerpt)3

Date	Ver.	Action By	Action	Result
12/3/2012	1	City Council	Held and Closed	
12/3/2012	1	City Council	Adopted on Second Reading	Pass
11/19/2012	1	City Council	Approved on First Reading	Pass

An Ordinance to Amend Sections 10:136 and 10:138 of Chapter 126, Traffic, of Title X of Code of the City of Ann Arbor (Ordinance No. ORD-12-34)

The Community Standards division has received citizen complaints regarding certain vehicles that appear to be inoperable but are parked on City streets. Community Standards has attempted to address these complaints by affixing so-called 48 hour notices to these vehicles, which inform the owner that unless the vehicles are moved within 48 hours they may be impounded. When the vehicles are re-checked after 48 hours they have been moved a few feet, but the appearance of the vehicles gives the indication that they are simply being pushed, rather than driven, those few feet.

City Ordinance 10:138 presently addresses the issue of inoperable vehicles, but only on private property. It is proposed that Ordinance 10:138 be amended to add an additional section that also makes it a violation to store inoperable vehicle on public property. City Ordinance 10:139 would then allow the City to remove an inoperable vehicle from public property, which the City is not able to do under the present version of Ordinance 10:138.

Prepared by: Robert West, Senior Assistant City Attorney

Sponsors: Councilmembers Kunselman, Briere and Higgins
ORDINANCE NO. ORD-12-34

First Reading: November 19, 2012 Published: December 6, 2012

Public Hearing: December 3, 2012 Effective: December 16, 2012

TRAFFIC

AN ORDINANCE TO AMEND SECTIONS 10:136 AND 10:138 OF CHAPTER 126, TRAFFIC, OF TITLE X OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1: That Section 10:136 of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor be amended to read as follows:

10:136. - Abandoned STORAGE OF vehicles.

- (1) If a vehicle has remained standing or parked on public or private property for a period of time so that it appears to be abandoned, the city administrator may affix a written notice to the vehicle requiring its removal.
- (2) If a vehicle is not removed within 48 hours after the time the notice ordering its removal was affixed, the vehicle shall be deemed abandoned and the city administrator may take the vehicle into custody.
- (3) If a vehicle is taken into custody under this section, the Administrator shall act in accordance with the requirements of Section 252a of the State Motor Vehicle Code or, if the vehicle is an abandoned registered or unregistered scrap vehicle, in accordance with the requirements of Section 252b of the Motor Vehicle Code.
- (4) No person shall permit a vehicle registered to that person to remain standing or parked on public or private property more than 48 hours after the notice of subsection (1) has been affixed to the vehicle.

Section 2: That Section 10:138 of Chapter 126, Traffic, of Title X of the Code of the City of Ann Arbor be amended to read as follows:

10:138. - Vehicle repairs and inoperative or unregistered vehicles.

- (1) *Vehicle repairs.* No person shall disassemble, construct, reconstruct or conduct major repairs upon a motor vehicle on the streets, highways, or parking lots of the City of Ann Arbor, nor shall any person disassemble, construct, reconstruct, or conduct major repairs upon a motor vehicle upon any private property unless in connection with an auto maintenance or repair business or unless the vehicle is completely enclosed within a garage. A reasonable time, not to exceed 48 hours from the time of disability, shall be permitted for the removal or emergency servicing of a disabled vehicle on the streets, highways or parking lots of the city.
- (2) *Inoperative vehicles.*
 - (a) A vehicle shall be deemed inoperative if it is incapable of being propelled under its own power or lacks the necessary equipment to be legally driven on the highways of this state.
 - (b) *Private Property.* No person shall park, store, leave, or allow to be left upon private property controlled by him or her, any motor vehicle in a rusted, wrecked, junk, or partially dismantled or inoperative condition, whether attended or not, unless in connection with an auto maintenance or repair business or unless the vehicle is completely enclosed within a garage. Provided, however, that while no such vehicle is permitted in front of the setback, 1

such vehicle can be maintained in the rear yard for a period not to exceed 30 days after notice to remove the vehicle is served by the city so long as the vehicle is not within 20 feet of an abutting residential lot.

(c) *Public Property.* No person shall park, store, leave, or allow to be left upon public property any motor vehicle in an inoperative condition, whether attended or not. If a vehicle appears to be inoperative based on outward appearance or otherwise appears to not have been driven after a 48 hour notice has been affixed to the vehicle pursuant to section 10:136, the city administrator or his/her delegate may demand that the registered owner demonstrate that the vehicle is operative. Failure or refusal to demonstrate that the vehicle is operative shall be considered conclusive proof that the vehicle is inoperative.

(3) *Unregistered vehicles.* No person shall park, store, leave, or allow to be left upon the streets, highways, or parking lots of the City of Ann Arbor, any motor vehicle not displaying current license plates registered to that vehicle.

Section 3: In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 4: This Ordinance shall take effect ten days after passage and publication.

As Amended by Ann Arbor City Council on November 19, 2012.