

CALL TO ORDER

IN REGULAR SESSION, Monday, May 2, 2022 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron, Gates, Schwartz, Traver, and Underhill.

Also Present: City Manager Perry and Deputy Clerk Hall.

Absent: Members Rice and Wolfersberger.

Moved Traver, supported Schwartz, to excuse the absence of Council Member Rice and Wolfersberger. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Traver, supported Gates, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Charles Baker of 110 Highfield requested approval for the 2022 Memorial Day Parade.

CONSENT AGENDA

Moved Traver, supported Underhill, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, May 16, 2022 to hear public comment on the Fiscal Year 2023 General Fund, Special Revenue Funds, Enterprise Funds, and Internal Service Funds budgets;
- B. Approve the request for the use of the sidewalk at 105 North Jefferson for Pastrami Joes for an outdoor café for the period of May 1, 2022 through April 30, 2023;
- C. Approve the request for the use of the sidewalk at 115 South Eagle for Schuler's Restaurant for an outdoor café for the period of May 1, 2022 through April 30, 2023;
- D. Minutes of the City Council Work Session and Regular Session held on Monday, April 18, 2022;
- E. Approve city bills in the amount of \$ 224,269.78.

On a roll call vote – ayes: Gates, Schwartz, Traver, Underhill, and Mayor Caron; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

A. Farmers Market Update:

Market Manager Pam Wolfersberger provided an annual update and requested use of the parking lot for the 2022 Market.

Moved Gates, supported Traver, to approve the use of parking lot #12 located at 125 W. Green Street from May 7 through October 29, 2022 from 8:00 a.m. to 1:00 p.m. for the Marshall Farmers Market. On a voice vote – **MOTION CARRIED.**

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Amendments to Chapter 70: Vehicle and Traffic Code:

Attorney John Sullivan and Chief Josh Lankerd provided background on the proposed Chapter 70 Parking Ordinance Amendments. Overall, the changes include refining definitions, correcting contradictory language, and deleting outdated language.

Mayor Caron opened the public hearing to hear public comment regarding the amendment to Chapter 70: Vehicle and Traffic Code.

Hearing no comment, the hearing was closed.

Moved Gates, supported Traver, to approve the proposed changes to ordinance section 70.008 PARKING REGULATIONS. On a roll call vote – ayes: Schwartz, Traver, Underhill, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2022-04

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTION 70.008

WHEREAS, Marshall City Code Section 70.008 addresses the subject of parking; and

WHEREAS, the City Manager, the Chief of Police and other city officials have determined that it is in the best interests of the City to revise Section 70.008; and

WHEREAS, the health, safety and welfare of city residents and visitors to the City will be furthered by the revisions set forth herein;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 70.008 be deleted and replaced with the version set forth herein;

~~§ 70.008 PARKING REGULATIONS.~~

~~(A) — *Prohibitions.* No persons shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:~~

- ~~(1) — Within 200 feet of an accident at which police officers are in attendance;~~
- ~~(2) — On any unimproved surface within a side yard of a residential lot in a residential zoning district. An unimproved surface is one which is not surfaced with concrete, asphalt, gravel or similar material. (Prior Code, § 73.01(A))~~

~~(B) — *Prohibitions on Specific Streets.*~~

- ~~(1) — The Traffic Engineer is hereby authorized, with the consent of the City Council by motion, to prohibit or restrict the stopping, standing or parking of vehicles on any street of the city and to erect signs giving notice thereof, where, in his or her opinion, the stopping, standing or parking of vehicles interferes with the movement of traffic thereon.~~
- ~~(2) — With the consent of the City Council, the Traffic Engineer may prohibit or restrict the stopping, standing or parking of vehicles and may direct the erection of signs giving notice thereof in the following places:
 - ~~(a) — On city streets and city parking lots; and/or~~
 - ~~(b) — On public or private property when, after consultation with the Fire Chief, he or she has designated the same as a fire lane. Fire lane signs erected on private property shall be at the expense of the owners or persons in charge of the property. (Prior Code, § 73.02)~~~~

~~(C) — *Parking Limited Between 2:00 a.m. and 6:00 a.m.*~~

- ~~(1) — Except as provided in this section, It shall be unlawful for any person to park, allow to be parked or allow to remain parked, any motor vehicle on any paved surface of any public street of the city between the hours of 2:00 a.m. and 6:00 a.m.~~
- ~~(2) — The Traffic Engineer shall erect signs giving notice of the on-street parking prohibition contained in division (1).~~

- ~~(3) — Specific blocks of specific streets may be permitted as exceptions to the foregoing general provisions in division (1), when so designated by the Traffic Engineer with the consent of the City Council.~~
- ~~(4) — Parking on any public street in the City between the hours of 2:00 a.m. and 6:00 a.m. may be permitted for a period of up to three (3) days upon notification to, and approval of, the Marshall Police Department.~~
- ~~(5) — Parking between 2:00 a.m. and 6:00 a.m. may be permitted under the following circumstances:
 - ~~(a) — Two permits for parking on the street shall be issued if the Traffic Engineer finds that no vehicles may be legally parked on a lot of record, as defined by the zoning code, and that the specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of vehicles.~~
 - ~~(b) — One permit for parking on the street shall be issued if the Traffic Engineer finds that no more than one vehicle may be legally parked on a lot of record, as defined by the zoning code, and that the specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of additional vehicles.~~
 - ~~(c) — When issued, a permit for parking on the street shall be valid for a period of time not to exceed one year. Parking permits issued under this subsection shall be issued to the registered owner of a vehicle. Permits shall not be transferrable. Each permit shall be affixed to the front windshield of the vehicle in a location readily visible. There will be an annual fee in the amount established by resolution for each permit issued. All permits will expire each December 31, and must be renewed prior to such date.~~
 - ~~(d) — Permit holders parking on any public street between the hours of 2:00 a.m. and 6:00 a.m. shall park the permitted vehicle on that area of a public street within the lot lines of the lot of record for which the permit has been issued and on the same side of the street as the lot of record unless on-street parking is permitted only on the opposite side of the street.~~
 - ~~(e) — Applications for temporary permits for periods of up to 90 days may be granted for construction, medical services, or other needs, based upon a finding of the Traffic Engineer that a hardship has been sufficiently demonstrated.~~~~

- ~~(6) — Vehicles parked in violation of division (1) shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Traffic Engineer or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations.~~
- ~~(7) — Vehicle owners holding a permit issued pursuant to division (5) must, upon notice, immediately remove the vehicle from a public street if, in the opinion of the Traffic Engineer or his or her designee, the vehicle is interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations. Vehicles not removed as required in this section shall be subject to immediate impoundment.~~
- ~~(8) — The Traffic Engineer is authorized, with the consent of City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal streets.~~
- ~~(9) — The Traffic Engineer shall erect signs giving notice of the provisions of this section.~~
- ~~(10) — Specific blocks of specific streets may be permitted as exceptions to the foregoing general provisions in division (1), when so designated by the Traffic Engineer with the consent of the City Council.~~
- ~~(11) — Vehicles parked in violation of division (1) shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Director of Public Works or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to street cleaning or snow plowing operations. (Prior Code, § 73.19)~~
- ~~(D) — *Municipal Lot Parking.*~~
 - ~~(1) — Parking in municipal parking lots is hereby prohibited between the hours of 3:00 a.m. and 6:00 a.m.~~
 - ~~(2) — The Traffic Engineer is authorized, with the consent of the City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal parking lots.~~
 - ~~(3) — A person who violates subsection (1) without first obtaining a permit or permission pursuant to subsection (2) is responsible for a civil infraction. (Prior Code, § 73.19.1)~~
- ~~(E) — *Parking or Standing Between Curb or Drainage Line and Sidewalk or Grassy Parkway.* No motor vehicle shall be parked or be allowed to stand between the~~

~~curb or drainage line and the property line, unless expressly permitted by order of the Traffic Engineer, with the consent by motion of the City Council. (Prior Code, § 73.22)~~

~~(F) — *Parking of Trailers, House Cars and the Like.*~~

~~(1) — No unattached trailer or semitrailer shall be parked at any time in or upon the public streets of the city, except when it is necessary for loading or unloading.~~

~~(2) — No vehicle with a trailer, house car or mobile home attached thereto shall be parked on any public street where angle parking is allowed, nor shall it be parked for a period of more than three hours on any public street in the city.~~

~~(3) — No person shall drive upon, park or leave standing any vehicle in the front yard of a residence as defined in the zoning code or between the curb or curb line and the lot line nearest the street, whether or not any sidewalk or curb is actually installed along the street, except that this provision shall not apply to that portion of land within the front yard and/or between the curb or curb line and the lot line nearest the street upon which there is constructed an improved parking apron or driveway as permitted and provided for in the City Code of Ordinances.~~

~~(4) — It shall be unlawful for any person to park or let stand any semi-truck or semitrailer or other commercial vehicle on any private or publicly owned property zoned by these ordinances as residential, except under temporary circumstances as permitted under this chapter.~~

~~(5) — For purposes of division (2) above, a commercial vehicle is defined by reference to the Motor Vehicle Code § 257.7 and § 257.7a. (Prior Code, § 73.23)~~

~~(G) — *Parking Meters.*~~

~~(1) — The Traffic Engineer is hereby authorized, with the consent of the City Council by motion, to determine and designate metered parking zones, to establish maximum lawful time limits of parking within those zones, and to install and maintain as many parking meters as necessary in such zones, where it is determined that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles. The parking meters may be of whatever type is determined by the City Council.~~

~~(2) — When parking meters are erected adjacent to a space marked for parking, no person shall stop or park a vehicle in the space, or permit the same to remain thereon, unless the proper coin has been deposited in~~

~~the meter and the meter shows that the allotted time has not expired, except on Sundays and legal holidays.~~

- ~~(3) Where maximum lawful time limits of parking are established within metered parking zones, no person shall park a vehicle or permit the same to remain within the zone for a time period in excess of the established lawful limit between the hours of 8:00 a.m. and 6:00 p.m. daily, except on Sundays and legal holidays. Each additional expiration of the established lawful maximum time limit for a metered parking zone shall constitute a separate violation.~~
- ~~(4) Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.~~
- ~~(5) The parking system is hereby authorized to develop and install a program of special meter hoods for tradespersons performing work near metered parking spaces, which work requires that a motor vehicle be immediately available for the performance thereof, such as the delivery and removal of tools, materials and supplies, and for special events or temporary emergency needs, provided no off-street parking is conveniently available. The system is further authorized to require the deposit of \$3 per hood and to charge such fees for the use thereof as the City Council shall from time to time establish by resolution.~~
- ~~(6) No person shall place or maintain upon any street any parking meter bearing thereon any commercial advertising. (Prior Code, § 73.24)~~

~~(H) *Snow and Ice Emergencies*~~

- ~~(1) The City Manager or an authorized representative is hereby appointed as the Street Emergency Coordinator. If, in the judgment of the Street Emergency Coordinator, a snow or ice emergency exists, the parking or standing of a motor vehicle on a public street or highway in the city shall be prohibited during the term of such emergency.~~
- ~~(2) A snow or ice emergency shall be deemed to exist when snow or ice, or a combination thereof, hinders the proper removal of accumulated snow and ice from city streets or highways due to the amount of snow or ice, the number and type of storms, multiple storms in close proximity to each other, or as deemed necessary by the Street Emergency Coordinator.~~
- ~~(3) The provisions of this section shall be immediately effective upon the posting of a notice in City Hall by the Street Emergency Coordinator that such emergency is in effect, and upon the announcement of such snow or ice emergency in public media, in a newspaper, or radio station that disseminates news within the city.~~

- ~~(4) Any person who owns or is in the control of a vehicle that is in violation of this section shall be subject to fines and costs set forth in § 70.010, in accordance with this chapter, and such motor vehicle may be removed from the city street or highway by the City Police Department or its authorized designee, with the costs of such removal paid by the owner or person in control of the vehicle.~~
- ~~(5) Appropriate signs shall be posted at all entrances to the city in conformance with applicable state statutes pertaining thereto.~~

~~(Ord. passed 11-16-1992; Am. Ord. 2013-07, passed 6-17-2013; Am. Ord. 2016-01, passed 1-4-2016)~~

§ 70.008 PARKING REGULATIONS.

- (A) Prohibitions. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a police officer, fire personnel or first responder, or traffic-control device, in any of the following places:
- (1) Within 200 feet of an accident at which police officer, fire personnel or first responders are in attendance;
 - (2) A person who violates subsection (1) shall be subject to fines and costs and the vehicle may be removed by the City Police Department or its authorized designee, with the costs of removal and storage paid by the owner or person in control of the vehicle.
- (B) Prohibitions on specific streets.
- (1) Temporary Orders. The Traffic Engineer is hereby authorized, pursuant to R 28.1153 of the Uniform Traffic Code, as amended, to issue temporary traffic-control orders which permit, prohibit or restrict the stopping, standing or parking of vehicles on any city street, parking lot, or other place open to the general public or generally accessible to motor vehicles and to erect signs giving notice thereof, where, in his or her opinion, the permission, prohibition or restriction is necessary to protect person or property or is in furtherance of public health, safety and welfare. The temporary order shall be effective for a period of 90 days and shall not be renewed or extended without the approval of city council.
 - (2) Permanent Orders. The Traffic Engineer is hereby authorized, with the consent of the City Council, to permit, prohibit or restrict the stopping, standing or parking of vehicles on any city street, parking lot, or other place open to the general public or generally accessible to motor vehicles for periods which exceed 90 days, and to erect signs giving notice thereof, where, in his or her opinion, the permission, prohibition or

restriction is necessary to protect person or property or is in furtherance of public health, safety and welfare.

- (3) With the consent of the City Council, the Traffic Engineer may prohibit or restrict the stopping, standing or parking of vehicles and may direct the erection of signs giving notice thereof in the following places:
 - (a) On city streets, city parking lots or any city-owned property;
 - (b) On public or private property when, after consultation with the Fire Chief, he or she has designated the same as a fire lane. Fire lane signs erected on private property shall be at the expense of the owners or persons in charge of the property. (Prior Code, § 73.02)
- (C) Parking Limited Between 2:00 a.m. and 6:00 a.m.
- (1) Except as provided in this section, it shall be unlawful for any person to park, allow to be parked or allow to remain parked, any motor vehicle on any public street of the city between the hours of 2:00 a.m. and 6:00 a.m.
 - (2) The Traffic Engineer shall erect signs giving notice of the on-street parking prohibition contained in subsection (1).
 - (3) Specific blocks of specific streets may be permitted as exceptions to the foregoing general provisions in subsection (1), when so designated by the Traffic Engineer with the consent of the City Council.
 - (4) Parking on any public street in the City between the hours of 2:00 a.m. and 6:00 a.m., as prohibited in subsection (1), may be permitted for a period of up to three (3) days upon notification to, and approval of, the Marshall Police Department.
 - (5) Hardship Permits.
 - (a) Permits for parking on any public street in the City between 2:00 a.m. and 6:00 a.m., as prohibited in subsection (1), may be permitted if all of the following apply:
 - (i) The Traffic Engineer finds that not more than one vehicle may be legally parked on a lot of record, as defined by the zoning code;
 - (ii) The specific characteristics of the lot of record, including size, shape and placement of structures prevent any area from being reasonably adapted for the legal parking of more than one;

- (iii) Permits may only be issued for vehicles which are owned or operated by a resident of the lot of record.
 - (b) A permit for parking on the street shall be valid for a period not to exceed one year. Parking permits issued under this subsection shall be issued to the registered owner of a vehicle. Permits are not transferrable. Each permit shall be affixed to the front windshield of the vehicle in a location readily visible. There will be an annual fee in the amount established by resolution for each permit issued.
 - (c) Permit holders shall park the permitted vehicle on that area of a public street within the lot lines of the lot of record for which the permit has been issued and on the same side of the street as the lot of record unless on-street parking is permitted only on the opposite side of the street.
 - (6) Temporary Hardship Permits. Temporary hardship permits for periods of up to 30 days may be granted for construction, medical services, or other needs, based upon a finding by the Traffic Engineer that the applicant has established that a temporary hardship exists. There will be a fee in the amount established by resolution for each permit issued.
 - (7) Vehicle owners holding a permit issued pursuant to subsection (5) or subsection (6) must, upon notice, immediately remove the vehicle from a public street if, in the opinion of the Traffic Engineer or his or her designee, the vehicle is interfering or will interfere with the performance of necessary street maintenance service, including, but not limited to, street cleaning or snow plowing operations. Vehicles not removed as required in this section shall be subject to immediate impoundment.
 - (8) The Traffic Engineer is authorized, with the consent of City Council, to establish procedures for the issuance of permits for parking overnight on municipal streets.
 - (9) The Traffic Engineer shall erect signs giving notice of the provisions of this section.
 - (10) A person who violates any provision under section shall be subject to fines and costs and the vehicle may be removed by the City Police Department or its authorized designee, with the costs of removal and storage paid by the owner or person in control of the vehicle. (Prior Code, § 73.19)
- (D) Municipal Lot Parking.

- (1) Parking in municipal parking lots is hereby prohibited between the hours of 3:00 a.m. and 6:00 a.m.
 - (2) The Traffic Engineer is authorized, with the consent of the City Council by motion, to establish procedures for the issuance of permits for parking overnight on municipal parking lots.
 - (3) A person who violates subsection (1) without first obtaining a permit or permission pursuant to subsection (2) shall be subject to fines and costs and the vehicle may be removed by the City Police Department or its authorized designee, with the costs of removal and storage paid by the owner or person in control of the vehicle. (Prior Code, § 73.19.1)
- (E) Parking of Trailers.
- (1) No unattached trailer, semi-trailer, camper or any other object designed to be towed behind a vehicle shall be parked at any time in or upon the public streets of the city, except when it is necessary for loading or unloading.
 - (2) No vehicle with a trailer, semi-trailer, camper or any other object designed to be towed behind a vehicle attached thereto shall be parked on any public street where angle parking is allowed, nor shall it be parked for a period of more than three hours on any public street in the city.
 - (3) Any person who is in violation of this section shall be subject to fines and costs and the trailer, semi-trailer, camper or other object designed to be towed behind a vehicle may be removed from the street or highway by the City Police Department or its authorized designee, with the costs of removal and storage paid by the owner or person in control of the vehicle.
- (F) Snow and Ice Emergencies
- (1) If a snow or ice emergency exists, the City Manager, or his or her designee, is authorized to prohibit the parking or standing of a motor vehicle on a public street or highway for the duration of the emergency.
 - (2) A snow or ice emergency shall be deemed to exist when snow or ice, or a combination thereof, hinders the proper removal of accumulated snow and ice from city streets or highways due to the amount of snow or ice, the number and type of storms, multiple storms in close proximity to each other, or as deemed necessary by the City Manager or designee.
 - (3) The declaration of a snow or ice emergency shall be immediately effective upon the posting of a notice in City Hall that such emergency is in effect, and upon the announcement of such snow or ice emergency in

public media, including but not limited to newspaper, radio, television or electronic social media that disseminates news within the city.

- (4) Any person who owns or is in the control of a vehicle that is in violation of this section shall be subject to fines and costs and the motor vehicle may be removed from the street or highway by the City Police Department or its authorized designee, with the costs of removal and storage paid by the owner or person in control of the vehicle.
 - (5) Appropriate signs providing notice of this section shall be posted at all entrances to the city.
- (G) Marked parking. In streets and municipal parking lots where marked parking is identified, no person shall stand or park a vehicle other than within a single marked space.
- (H) Penalty. Any person who is in violation of this ordinance shall be subject to the fines and costs set forth in § 70.010 in addition to any other remedies provided herein.

(Ord. passed 11-16-1992; Am. Ord. 2013-07, passed 6-17-2013; Am. Ord. 2016-01, passed 1-4-2016; Am. Ord. 2022- 07, passed 5-2-2022)

REPEALER

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, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, and ordered to be given publication in the manner prescribed by law.

AYES: Gates, Schwartz, Traver, Underhill, and Mayor Caron.

NAYES: None.

ABSTENTIONS: None.

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, the original of which is on file in my office.

Clerk

Moved Underhill, supported Traver, to approve the proposed changes to ordinance section 70.009 STOPPING, STANDING, LOADING, BREAKDOWNS, DISMANTLED, AND INOPERABLE VEHICLES. On a roll call vote – ayes: Traver, Underhill, Mayor Caron, Gates, and Schwartz; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2022-05

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTION 70.009

WHEREAS, Marshall City Code Section 70.009 addresses the subject of the stopping standing, loading and breakdown of vehicles, and inoperable and dismantled vehicles; and

WHEREAS, the City Manager, the Chief of Police and other city officials have determined that revisions to the ordinance are necessary and in the best interests of the City; and

WHEREAS, the health, safety and welfare of city residents and visitors to the City will be furthered by the revisions set forth herein;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 70.009 be amended as set forth herein;

§ 70.009 STOPPING, STANDING, LOADING, BREAKDOWNS, DISMANTLED AND INOPERABLE VEHICLES.

- (A) Breakdowns. In case of the breakdown of a vehicle, the driver shall immediately take all reasonable precautions to prevent accidents by warning other drivers thereof by means of flares, lights or other signals. (Prior Code, § 73.25)
- (B) Establishment and Use of Curb Loading Zones. No person shall stop, stand or park a vehicle for any purpose or period of time, except for the expeditious

loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the regulations applicable to the passenger curb loading zone are effective, and then only for a period not to exceed five minutes. (Prior Code, § 73.27 (B))

(C) Loading and Unloading at an Angle to Curb. No person shall stop, stand or park any vehicle at right angles to the curb, for the purpose of loading or unloading merchandise unless signs permitting the same are posted at the place. (Prior Code, § 73.28)

(D) Dismantled or Inoperable Motor Vehicles.

(1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

MOTOR VEHICLE. Any wheeled vehicle which is self-propelled or intended to be self-propelled.

~~**DISMANTLED AND PARTIALLY DISMANTLED MOTOR VEHICLES.** Motor vehicles from which some part or parts which are ordinarily a component of the motor vehicle have been removed or are missing.~~

~~**INOPERABLE AND PARTIALLY DISMANTLED MOTOR VEHICLES.** Motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power.~~

INOPERABLE MOTOR VEHICLE. Inoperable motor vehicle means a motor vehicle which, by reason of dismantling, disrepair or other cause, is not immediately capable of being propelled under its own power, or does not have a currently valid license plate or registration tab displayed on the motor vehicle.

DISMANTLED OR PARTIALLY DISMANTLED MOTOR VEHICLE. Dismantled or partially dismantled motor vehicle means a motor vehicle from which a component part, including a component part which is ordinarily a component of such a motor vehicle to permit its self-propulsion or legal presence on a public street, has been removed, is missing, or is in disrepair.

COMPONENT PART. A component part of a motor vehicle means a major component part, as defined in MCL 257.1351, or a part which is necessary to self-propulsion, including motor, inflated tires, axles, drive train, battery, transmission, ignition system, brakes, headlamps, signal lights, intact window glass, and those parts required by the Michigan Vehicle Code, MCL 257.1 et seq.

- (2) No person shall park or store any dismantled, partially dismantled, unlicensed or inoperable motor vehicle or parts thereof on any premises in the city for a period of more than seven days continuously, and no person shall permit, any dismantled, partially dismantled or inoperable motor vehicle or parts thereof to remain on any premises in the city for a period of more than seven days continuously.
- (3) This section shall not apply to dismantled, partially dismantled, **unlicensed** or inoperable motor vehicles or parts thereof stored in a closed building. ~~or to dismantled, partially dismantled or inoperable motor vehicles or parts thereof stored on the premises of a person engaged in the used car, junk car or automobile storage business and possessing a current state license for the business.~~
- (4) Any person owning a dismantled, partially dismantled, or inoperable motor vehicle, who is repairing or who is about to have the motor vehicle repaired, may obtain a permit from the ~~Building Inspector~~ **Inspection Office** to permit the motor vehicle to remain on the premises for a period of an additional ten days. A fee of ~~\$5~~ **\$15** for each permit issued shall be collected by the ~~building inspector~~ **Inspection Office** and paid into the general fund.
- (5) The presence of any dismantled, partially dismantled, **unlicensed** or inoperable motor vehicle or parts thereof outdoors on any premises in the city is hereby declared to be a public nuisance and is hereby further declared to be offensive to the public health, welfare and safety.
- (6) Vehicles parked in violation of this section shall be subject to immediate impoundment, in addition to being ticketed, if, in the opinion of the Director of Public Works or his or her designee, the vehicle or vehicles are interfering or will interfere with the performance of necessary street or utility maintenance, including, but not limited to, street cleaning or snow plowing operations. (Prior Code, § 73.31)

(Ord. passed 11-16-1992; Am. Ord. passed 2-1-1993; Am. Ord. 2013-07, passed 6-17-2013; Am. Ord. 2022-05, passed 5-2-2022)

REPEALER

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, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section,

clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, and ordered to be given publication in the manner prescribed by law.

AYES: Mayor Caron, Gates, Schwartz, Traver, and Underhill.

NAYES: None.

ABSTENTIONS: None.

Mayor

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, the original of which is on file in my office.

Clerk

Moved Schwartz, supported Gates, to approve the proposed changes to ordinance section 70.010 PARKING VIOLATIONS. On a roll call vote – ayes: Underhill, Mayor Caron, Gates, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2022-06

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES,
SECTION 70.010

WHEREAS, Marshall City Code Section 70.010 addresses the subject of parking violations; and

WHEREAS, the City Manager, the Director of Public Safety and other city officials have determined that it is in the best interests of the City to revise Section 70.010; and

WHEREAS, the health, safety and welfare of city residents and visitors to the City will be furthered by the revisions set forth herein;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 70.010 be amended as set forth herein;

§ 70.010 PARKING VIOLATIONS.

(A) Parking Ticket or Notice of Violation.

- (1) Whenever a motor vehicle ~~without driver is found~~ is parked or stopped in violation of any of the provisions of this chapter **or any order promulgated under this chapter**, or in violation of state law, the police officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a parking ticket or notice of violation. The City Manager may delegate to other persons the power to issue and affix the tickets or notices for parking violations, but no other power normally exercised by a police officer in the exercise of his or her normal duties **may be delegated pursuant to this section**.
- (2) The issuance of a parking ticket or notice of violation by a police officer or other authorized person shall be deemed an allegation of a parking violation. The parking ticket or notice of violation shall indicate the length of time in which the person to whom the ticket was issued must respond before the Parking Violations Bureau **and the alternative methods by which the violator may respond**. It shall also indicate the address of the Bureau, the hours during which the Bureau is open, the amount of the penalty scheduled for the offense of the person to whom the ticket was issued and advise that a municipal civil infraction citation will be sought if the person fails to respond within the prescribed time. (Prior Code, § 73.45)

(B) Parking Violations Bureau Generally.

- (1) Pursuant to § 8395 of the Revised Judicature Act, State of Michigan, as amended, being M.C.L.A. § 600.8395, the Parking Violations Bureau is hereby established for the purpose of handling alleged parking violations within the city and to collect and retain civil fines and costs prescribed in this chapter.
- (2) The Parking Violations Bureau shall be under the supervision and control of the City Manager.
- (3) The City Manager shall, subject to the approval of the City Council, establish a convenient location for the Parking Violations Bureau, and the City Manager shall appoint qualified city employees to administer the Bureau and adopt rules and regulations for the operation thereof.

~~(4) No violation not scheduled in subsection (C) below shall be disposed of by the Parking Violations Bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the Bureau, and in any case, the person in charge of the Bureau may refuse to dispose of the violation, in which case, any person having knowledge of the facts may, make a sworn complaint before any court having jurisdiction of the offense as provided by law.~~

(4) The Bureau may only dispose of violations in cases where a fine is set forth in subsection (C) below and the recipient of the ticket admits responsibility. The Bureau shall not accept payment of a fine from anyone who denies having committed the offense and, in no event shall the Bureau determine or attempt to determine the truth or falsity of any fact or matter relating to the alleged violation.

~~(5) No violation may be settled at the Parking Violations Bureau, except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense, and in no case shall the person who is in charge of the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation. No person shall be required to dispose of a parking violation at the Parking Violations Bureau, and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof, if he or she so desires. The unwillingness of any person to dispose of any violation at the Parking Violations Bureau shall not prejudice him or her or in any way diminish the rights, privileges and protection accorded to him or her by law.~~

(5) If the fine for the violation is not paid at the Bureau, the Bureau shall notify the issuing official that the alleged violator has not admitted responsibility and/or has not paid the fines and costs. A municipal civil infraction citation may be filed with the District Court and a copy of the citation may be served by first class mail upon the alleged violator at his or her last known address.

(C) Schedule of Fines Payable to Parking Violations Bureau. The schedule of fines payable to the City of Marshall Parking Violations Bureau shall be as follows:

Violation	Fine		
	Paid in Seven Days or Less	Paid After Seven Days	Paid after 30 Days
Loading Zone	\$5	\$7	\$20
15 feet of fire hydrant	\$10	\$12	\$20
Parked in alley	\$5	\$7	\$20
Over one foot from	\$5	\$7	\$20

curb			
General Sign Violations			
Parking against traffic	\$10	\$12	\$20
No parking here to corner	\$10	\$12	\$20
No parking anytime	\$10	\$12	\$20
No parking between drives	\$10	\$12	\$20
No parking 2:00 a.m. to 6:00 a.m. street	\$10	\$12	\$20
No parking 3:00 a.m. to 6:00 a.m. municipal lot	\$10	\$12	\$20
No stopping or standing	\$10	\$12	\$20
No parking between signs	\$10	\$12	\$20
Improper parking of trailers and other towed objects	\$10	\$12	\$20
Bus stop	\$10	\$12	\$20
Taxi zone	\$10	\$12	\$20
Double park	\$10	\$12	\$20
Parked on sidewalk	\$10	\$12	\$20
Parked on crosswalk	\$10	\$12	\$20
Blocking drive	\$10	\$12	\$20
Obstructing traffic	\$10	\$12	\$20
Not parked within space	\$5	\$7	\$20
Angle parking violation	\$5	\$7	\$20
Parking within intersections	\$10	\$12	\$20
Blocking emergency exit	\$10	\$12	\$20
Blocking fire escape	\$10	\$12	\$20
Taking two spaces	\$10	\$12	\$20
Beside street excavation when traffic obstructed	\$10	\$12	\$20
Within 25 feet of	\$10	\$12	\$20

Marshall City Council, Regular Session
Monday, May 2, 2022

corner lot lines			
Within 50 feet of railroad crossing	\$10	\$12	\$20
Within 20 feet of fire station entrance	\$10	\$12	\$20
Within 75 feet of fire station entrance on opposite side of the street	\$10	\$12	\$20
Within 20 feet of a crosswalk	\$10	\$12	\$20
Within 15 feet of an intersection	\$10	\$12	\$20
Alternate side of street parking	\$10	\$12	\$20
City vehicle only	\$10	\$12	\$20
No parking, except Sunday	\$10	\$12	\$20
Front yard parking	\$50	\$60	\$75
Other, as described	\$10	\$12	\$20
Handicapped vehicle only	\$50	\$52	\$100
Hotel and center-vehicles only	\$25	\$35	\$50
Overnight street-parking without a valid permit	\$25	\$30	\$50
Overnight City Lot-parking without a valid permit	\$100	\$110	\$125
Expired meter (paid-in 48 hours or less	-	-	\$1
Expired meter (paid-after 48 hours to 17-days)	-	-	\$5
Expired meter (paid-after 17 days up to and until 30 days)	-	-	\$10
Expired meter (paid-after 30 days)	-	-	-
Vehicle standing or parking on city street during declared snow or ice emergency	\$25	\$30	\$50
Parking in	\$50	\$60	\$60

Temporary No Parking Zone			
------------------------------	--	--	--

(Prior Code, §73.48) (Ord. passed 11-16-1992; Am. Ord. passed 2-1-1993; Am. Ord. 01-11, passed 7- 16-2000; Am. Ord. 03-01, passed 3-17-2003; Am. Ord. 2013-07, passed 6-17-2013; Am. Ord. 2016-02, passed 1-4-2016 Am. Ord. 2022-06, passed 5-2-2022)

REPEALER

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, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, and ordered to be given publication in the manner prescribed by law.

AYES: Underhill, Mayor Caron, Gates, Schwartz, and Traver.

NAYES: None.

ABSTENTIONS: None.

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, the original of which is on file in my office.

Clerk

Moved Schwartz, supported Underhill, to approve the proposed changes to ordinance section 70.011 PARKING AND STORAGE OF MOTOR VEHICLES. On a roll call vote – ayes: Mayor Caron, Gates, Schwartz, Traver, and Underhill; nays: none. **MOTION CARRIED.**

City of Marshall, Michigan
Ordinance #2022-07

AN ORDINANCE AMENDING CITY OF MARSHALL CODE OF ORDINANCES, SECTION 70.011-

WHEREAS, Marshall City Code Section 70.011 addresses the subject of parking and storage of motor vehicles; and

WHEREAS, the City Manager, the Chief of Police and other city officials have determined that it is in the best interests of the City to revise Section 70.011; and

WHEREAS, the health, safety and welfare of city residents and visitors to the City will be furthered by the revisions set forth herein;

NOW, THEREFORE, THE CITY OF MARSHALL ORDAINS that the current version of Section 70.011 be amended as set forth herein;

§ 70.011 PARKING OR STORAGE OF MOTOR VEHICLES IN ~~REQUIRED FRONT~~ YARD IN RESIDENTIAL DISTRICT.

(A) For the purposes of protecting the public health, safety and general welfare, for the enhancement of the visual environment of the city and for the purpose of preserving residential neighborhoods, the parking, storage or leaving unattended of any motor vehicle in any ~~required~~ front yard, **rear yard or side yard** in any residential district in the city is hereby declared to be a public nuisance and is hereby prohibited.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

~~**FRONT YARD.** The area measured by the full width of the front lot line to a depth measured from such front lot line to the first supporting member of a structure. In the case of corner lots, the front yard shall be the area measured by the lot lines on each street to a depth measured from the lot lines to the first supporting member of the structure.~~

FRONT YARD. That yard extending the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building line.

REAR YARD. That yard extending the full width of the lot, the depth of which is the least distance between the rear lot line and the rear of the main building.

SIDE YARD. That yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard is measured horizontally at 90-degree angles with the side lot line from the nearest point of the side lot line to the drip line of the structure.

- (C) Nothing in this section shall prohibit the parking of a motor vehicle upon driveways. A driveway, for this purpose, shall be surfaced with concrete, asphalt, gravel or similar material and shall lead, from an authorized curb cut to a garage, carport or required parking space.
- (D) A surfaced turnabout area, a circular driveway from an authorized curb cut to another authorized curb cut and auxiliary parking spaces above those required by ordinance shall be permitted under the following conditions.
 - (1) The areas and driveway shall not occupy in excess of 50% of the area of the front yard.
 - (2) The areas shall be surfaced with concrete, asphalt, brick or four-inch solid concrete blocks. Where the brick or solid concrete block surface is to be used, the sod and topsoil shall be removed and a sand subbase shall be provided. (Prior Code, § 73.49)

(Ord. passed 11-16-1992; Am. Ord. 2013-07, passed 6-17-2013)

REPEALER

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, and the City of Marshall City Code shall remain in full force and effect, amended only as specified above.

SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void or illegal by any Court of competent jurisdiction, such section, clause or provision shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, and ordered to be given publication in the manner prescribed by law.

AYES: Gates, Schwartz, Traver, Underhill, and Mayor Caron.

NAYES: None.

ABSTENTIONS: None.

Mayor
STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 2nd day of May, 2022, the original of which is on file in my office.

Clerk

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Special Event Request- Bayberry House Interiors:

Moved Traver, supported Schwartz, to approve the Bayberry House Interiors Market Special Event Request subject to coordination with City staff assigned to the Special Event, approval of a State of Michigan MDOT Street Closure and Detour Permit and implementation of a Temporary Traffic Control Order to restrict parking on Michigan Avenue. On a voice vote – **MOTION CARRIED.**

B. Special Event Request – Memorial Day Parade:

Moved Gates, supported Underhill, to approve the 2022 Memorial Day Parade Special Event Application subject to coordination with City staff assigned to the Special Event and the completion of the Special Event Liability Waiver. On a voice vote – **MOTION CARRIED.**

C. PA 152 of 2011 Hard Cap Exemption:

Moved Traver, supported Schwartz, to approve the resolution to exempt the City from the requirements of PA 152 of 2011 for the benefit year July 1, 2022 – June 30, 2023. On a roll call vote – ayes: Gates, Schwartz, Traver, Underhill, and Mayor Caron; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2022-15**

**RESOLUTION TO ADOPT THE ANNUAL EXEMPTION OPTION AS SET FORTH IN 2011
PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT**

WHEREAS, 2011 Public Act 152 (the “Act”) was passed by the State Legislature and signed by the Governor on September 24, 2011;

WHEREAS, the Act contains three options for complying with the requirements of the Act;

WHEREAS, the three options are as follows:

Section 3 - “Hard Caps” Option - limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;

Section 4 - “80%/20%” Option - limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;

Section 8 - “Exemption” Option - a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Marshall City Council has decided to adopt the annual Public Exemption option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Marshall elects to comply with the requirements of 2011 Public Act 152, the Health Insurance Contribution Act, by adopting the annual Exemption option for the medical benefit plan coverage year July 1, 2022 through June 30, 2023.

Upon a call of the roll, the vote was as follows:

Ayes: Gates, Schwartz, Traver, Underhill, and Mayor Caron.

Nays: None.

Absent: Rice and Wolfersberger.

RESOLUTION DECLARED Adopted.

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 2nd day of May, 2022, the original of which resolution is on file in my office.

Trisha Nelson, City Clerk

D. Marshall House PSA Amendment:

Moved Traver, supported Underhill, to approve the Second Amendment of the Marshall House PSA and authorize the City Clerk to sign the agreement. On a roll call vote – ayes: Gates, Schwartz, Traver, Underhill, and Mayor Caron; nays: none.
MOTION CARRIED.

E. Prospect Street Construction Engineering:

Moved Gates, supported Underhill, to approve the contract with consulting engineer firm ENG, Inc in the amount of \$104,629.88 with a contingency of \$15,370.12 for a total funded amount of \$120,000. On a roll call vote – ayes: Traver, Underhill, Mayor Caron, Gates, and Schwartz; nays: none. **MOTION CARRIED.**

F. Chapter 70, Section 70.008 Parking Fee Resolution:

Moved Schwartz, supported Underhill, to adopt the Section 70.008 Parking Regulations Fee Resolution as presented, setting the Annual Hardship Parking Permit Fee at \$25 and the 30-Day Temporary Hardship Parking Permit Fees at \$10. On a roll call vote – ayes: Underhill, Mayor Caron, Gates, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2022-16**

**MARSHALL CITY CODE
SECTION 70.008 – PARKING REGULATIONS
FEE RESOLUTION**

WHEREAS, Section 70.008 of the Marshall City Code provides authority for the City of Marshall to issue annual hardship parking permits for on-street parking between the hours of 2:00 a.m. and 6:00 a.m.; and

WHEREAS, Section 70.008 provides authority for the City of Marshall to issue 30-day temporary hardship parking permits for on-street parking between the hours of 2:00 a.m. and 6:00 a.m.; and

WHEREAS, Section 70.008 provides authority for the City of Marshall to establish fees for the issuance of annual hardship parking permits and 30-day temporary hardship parking permits;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Marshall hereby adopts the following fee schedule:

Annual Hardship Parking Permit Fee	\$25.00
30-Day Temporary Hardship Parking Permit Fee	\$10.00

AYES: Gates, Schwartz, Traver, Underhill, and Mayor Caron.

NAYES: None.

ABSTAINED: None.

RESOLUTION DECLARED ADOPTED.

I, the undersigned, the fully qualified Clerk of the City of Marshall, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution

adopted by the City Council of the City of Marshall at a regular meeting held on the 2nd day of May, 2022, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this 2nd day of May, 2022.

Trisha Nelson, City Clerk

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Lyn Hankey of 9740 14 ½ Mile Road, announced his candidacy for Calhoun County Commissioner, District #6.

COUNCIL AND MANAGER COMMUNICATIONS

CLOSED SESSION

Moved Traver, supported Underhill, to enter into Closed Session under section 8 (c) of the Open Meeting Act, to discuss strategy for negotiating a collective bargaining agreement. On a roll call vote – ayes: Gates, Schwartz, Traver, Underhill, and Mayor Caron.; nays: none. **MOTION CARRIED.**

Enter into Closed Session at 7:48 p.m.

Return to Open Session at 8:15 p.m.

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk