

**MORGAN & MEYERS, PLC**

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May 27, 2016

Debra A. Walling, Esq.  
Corporation Counsel  
Department of Law  
City of Dearborn  
16901 Michigan Avenue  
Dearborn, MI 48126

**Re: City of Dearborn Ordinance 16-1529, Section 18-356  
Mario Bouchard Petition(s)  
City Council Meeting of March 1, 2016, Resolution 30**

Dear Ms. Walling,

Please be advised that the undersigned forwards this communication on behalf of 34-year resident and homeowner Mr. Paul Sheridan. I write specifically to request that your office provide an update to the Dearborn Police Department. Previous information had curtailed the latter from enforcing the referenced ordinance as written, and specifically as it pertains to Mr. Mario Bouchard of 22351 Columbia Street.

According to information I received through a FOIA request, in December 2015, Mr. and Mrs. Bouchard submitted a completed petition to the Dearborn Police Traffic Safety Bureau (TSB), seeking an exemption from the above ordinance's requirement that marked commercial vehicles not be parked on any Dearborn residential driveway or street, after regular business hours, and while not providing service. On January 13, 2016 the TSB correctly denied the original Bouchard petition.

The Bouchard petition appeared to be focused on Subsection (f) of the ordinance which permitted the otherwise prohibited parking, but only to persons who had documented that their employment required them to be on call twenty-four hours a day.

A copy of the Bouchard petition is included for reference. Completed in his own handwriting, when Bouchard answers the question "Are you on call twenty-four hours per day?" he states:

***"No."***

In answer to a directly related question on that same form: "How many calls do you take per month from home?" Bouchard answers:

***"None."***

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Thus, by his own admission and in his own handwriting, Mr. Bouchard cannot qualify for the narrow exemption that the ordinance provides. I do not see how these handwritten admissions could be clearer to conclusively establish the lack of merit in Bouchard's petition.

As you know, the ordinance also requires an affidavit from the petitioner's employer, verifying the on-call status and indicating the times per month the employee will be called in to work.

The petition filed by Mr. Bouchard containing the above-mentioned admissions is also signed by his employer, Mr. Mike Pavelka. Thus, it is documented that Mr. Pavelka agrees that Bouchard is NOT on twenty-four-hour call, nor has he taken any work assignments from home. I note that no sworn affidavit of any kind was submitted by either Bouchard or Pavelka. I assume, however, the petition has been accepted as such and for purposes of this correspondence only, so does Mr. Sheridan.

Mr. Pavelka also submitted a second unsworn document wherein he affirms that, although Bouchard is an employee, the company van is merely part of a "compensation package" for Bouchard and not a work necessity. No parking exemption is provided by ordinance in these circumstances. In fact, nowhere does Mr. Pavelka affirm under oath and in writing that Bouchard is on twenty-four-hour call or that he has EVER been called out to work at any time from home. If anything, this signed writing would seem to contradict any such assertions by the Bouchards or Pavelka, either verbally or in writing.

The Dearborn Police Traffic Safety Bureau (TSB) also sensibly requires the signatures of the five household heads on either side of the petitioner, although this is not strictly required by ordinance. At 4:15 pm on January 14, 2016, Mrs. Nancy Bouchard had stated that the "*neighbors have signed a petition to allow the van to be parked there.*"

If you were unaware of the misleading nature of that statement, please let me assure you now:

**The signature of Mr. Sheridan, the person that has used the affected easement alley longer than any other person (34 years), the only other person that uses said easement, and Bouchard's neighbor was never solicited and said signature does not appear on any petition.**

On this basis and the above handwritten responses, the decision of the TSB to deny the Bouchard petition was very straightforward, and was supported not only by the evidence submitted by Bouchard himself, but by long-standing policy. Bouchard is not, per his admission, on twenty-

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four-hour call, and takes no calls from his home. Therefore, there is no basis under the ordinance to grant a parking exception, regardless of Bouchard's alleged "economic hardship".

Nevertheless, Bouchard then submitted an additional writing, this time to "City Council Member Board" on January 20, 2016. I enclose a copy herewith for review.

Nowhere in this letter does Bouchard aver that he is on twenty-four-hour call or that he has ever taken a work assignment from home. The only potential reference to "on call" is the following:

*"Without the twenty-four-hour availability of this vehicle I would no longer have transportation to and from Madison Heights where I work. It is impossible to predict how often I get emergency calls or when."*

Firstly, the notion proposed by Bouchard that, without availability of a commercial van he "would no longer have transportation to and from Madison Heights," even if true, is not relevant. Bouchard already owns a personal vehicle. There is no reason he can't drive it to and from work. The purpose of the ordinance is the recognized necessity that some workers legitimately are on twenty-four-hour emergency call, and the safety and security of their employer's customers may be in jeopardy. Thus the need for the exception to the ordinance. The personal economic well-being of one citizen is no reason to burden another citizen's use and enjoyment of his property, and the ordinance clearly strikes that balance.

Please also note that if, in-fact, these statements are an allegation that Bouchard is on twenty-four-hour call and he actually does get "emergency calls", they are flatly contradicted by his own handwritten petition, which, again, states he is NOT on call twenty-four hours a day, and has never taken an emergency call from his house at any time during the fifteen years that he alleges he has been a licensed electrician. Certainly if he had EVER been called out from home to assist in addressing an emergency, he could have said so, his employer would have said so, and both could have provided proper documentation of such as required by the TSB. The fact that Bouchard instead chose to obfuscate the issue in his unsigned January 20, 2016 writing is telling.

You should also be aware that in-fact Bouchard is NOT a licensed electrician. He is merely registered as an apprentice electrician, beginning February 2003. One does not need a license *per se* to be an apprentice electrician. I enclose herewith records of Bouchard's most recent filing with the State of Michigan. As you can see, he is registered as an apprentice, which expires August 2016. Two successive license levels are available for electricians: journeyman and master. One must have years of training and experience, AND pass written exams in order to acquire these licenses. Bouchard is not a journeyman electrician or a master electrician. It appears Bouchard

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has made a misrepresentation, regarding his license status, in an effort to bolster support of his petition. ( <https://aca3.accela.com/lara/> )

Despite all the foregoing, and no doubt due to more pressing matters before you, on February 25, 2016, you represented to the Dearborn City Council that Mr. Bouchard is a “licensed electrician” and “on call 24 hours a day.” You recommended that he be given a permit to park his employer’s commercial vehicle in the alley at the rear of his home, and you further affirmed, “The permit will be valid only while Mr. Bouchard’s on-call 24 hours a day.” To the best of our knowledge, at this point, no direct contact had been made by you or your staff with either Bouchard or his employer.

You were present at the referenced City Council meeting of March 1, 2016. Based upon your prior written factual assertions and recommendation, City Council conditionally approved Bouchard’s request, but again specifically linking its validity to his 24 hour on-call status, and subject to all ordinances. As a result of these combined events, Bouchard now regularly parks his vehicle in the alley, even though, by his own written admission, he is NOT on twenty-four-hour call, and never has been.

I’m sure by now you can see the problem: Bouchard does NOT maintain twenty-four-hour on-call employment, and he never has. Therefore, the March 1, 2016, Council resolution is meaningless, and Bouchard’s actions are not legal; but rather, constitute a clear violation of your City ordinance. Bouchard is exercising “rights” he simply does not have.

Subsequent to the March 1 approval by City Council, Mr. Sheridan contacted all Family Electric locations. All affirmed, without hesitation, that they have never, do not currently, and have no plans to offer 24-hour emergency service, and their employees are NOT on-call 24 hours a day. This information was presented to Mr. William Irving, Assistant City Attorney by Sheridan. Thereafter, I understand you then directed that a member of your staff make telephone contact with someone at Family Electric. I understand when challenged about the Bouchard status versus the requirement of being on-call 24 hours a day, this unnamed Family Electric representative made claims about Bouchard being “on call 24 hours for large clients.” However, I further understand no documentation for this claim was sought or received.

Of course, this alleged verbal assertion falls far short of the ordinance’s requirements, and is flatly contradicted by Bouchard’s own petition. Yet it is apparently on the strength of this verbal, unsupported, unidentified and factually dubious assertion, which in no way complies with the dictates of the city ordinance, Mr. Bouchard is now being permitted to park a large commercial vehicle overnight in the City of Dearborn in direct violation of both the ordinance and the city council resolution of exception.

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As I read the ordinance in question and TSB's application of it, in order for the "large clients" notion to have any validity, it must be supported by:

A signed and sworn affidavit submitted by Bouchard.

A signed and sworn affidavit submitted by Bouchard's employer legally affirming the following:

Proof of 24 hour on-call status including but not limited to time-stamped work orders, receipts, dispatch logs, driver logs, etc. (At this time no proof has even been submitted, let alone reviewed.)

Verifiable data regarding the number of times per month the employee will be called in to work.


Signature of Mr. Paul V. Sheridan approving waiver of ordinance.

I enclose herewith a copy of a "screen shot" taken from Bouchard's employer's website. You will note it does NOT advertise the availability of twenty-four-hour emergency call services. Review of their Yellow Pages telephone advertisement reveals the same. I think you can infer from this that representations to the contrary, ad hoc and otherwise, are not credible. If, in fact, such valuable services are available, why is there no advertisement of same?

We make a simple request: Please update the Dearborn Police Department and City Council regarding the facts presented above. Please enforce the City ordinance in question as written, and as to Mr. Bouchard. Not only does his improper use of the alley violate the ordinance with impunity, it encourages others to behave similarly, thus undermining the laudable intention of the ordinance, as well as the enforcement ability of the Dearborn Police Department.

I appreciate your taking the time to read this, and look forward to your written reply.

Sincerely,



Courtney E. Morgan, Jr.

CEM/alw  
Enclosures

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cc: Mayor John O'Reilly  
Chief Ronald Haddad  
William H. Irving, Esq.  
Dearborn City Council President, Susan Dabaja  
Dearborn City Council  
Thomas P. Tafelski  
Michael T. Sareini  
Brian C. O'Donnell  
David Bazy  
Robert A. Abraham  
Mark Shooshanian  
Robert D. Kaplow, Esq.

# Petition For Commercial Vehicle Parking Permit Dearborn Police Traffic Safety Bureau

What is your occupation? Electrician

Are you on call 24 hours per day? No

How many days per week are you on call? Emergency

How many weeks per year are you on call? Basis only

How many calls per month do you take from home? None

Do you work exclusively out of your home? No

What is the name, address and telephone number of your employer and immediate supervisor?

Family Heating, Cooling and Electrical

26324 John R. Rd. Madison Heights, Mi. 48071

Sup. Mike Pavelka

What type of commercial vehicle do you propose to park at your house, and how is this vehicle used in the course of your employment?  
(Include a photograph)

My Company Electrical Van. Back + Forth to work (Madison Heights)

Do you propose to park the vehicle in the street or driveway?

ally/driveway END OF Ally

Do you have a garage? YES

If you have a garage, what are the dimensions of the door opening?  
(Include height and width in feet and inches)

Height: 6'11" Width 16ft.

Truck Height 8'6"

The undersigned is aware that any individual, employee or employer who provides false information to the Traffic Safety Commission for the purpose of obtaining a 24-hour Commercial Vehicle Parking Permit shall be guilty of a misdemeanor.

MARIE BEUCHARD  
Name of Petitioner (Print)

  
Signature

22351 Columbia, Dearborn  
Address

MMBeuch@yahoo.com  
email address

\_\_\_\_\_  
Daytime and Evening Phone Numbers

MIKE PAVELKA  
Name of Employer (Print)

  
Signature

26324 JOHN R  
Address

\_\_\_\_\_  
Daytime and Evening Phone Numbers

Documents necessary to forward petition to the Traffic Safety Commission:

- Completed and signed petition form to include signatures of the five heads of household on each side of petitioner's house as well as 10 heads of household for residences directly across the street from petitioner's house.
- Photograph of Commercial Vehicle
- Affidavit from Employer verifying on-call status and indicating approximate number of times per month the employee will be called in to work.
- Any other proof of on-call status and typical work assignments that may assist the Traffic Safety Commission in determining the on-call status of the petitioner. For example: Time-stamped work orders, receipts, dispatch logs, driver logs, etc.
- Receipt that indicates payment \$50.00 processing fee (payable at Dearborn Police Records Bureau)



COUNCIL OFC, 25JAN2016 4:12:58

*Family*

HEATING, COOLING & ELECTRICAL, INC.  
26324 JOHN R RD  
MADISON HEIGHTS, MI 48071  
(248)548-9565 FAX (248)398-2686

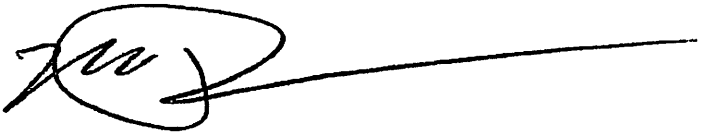
NOVEMBER 24, 2015

TO WHOM IT MAY CONCERN:

MARIO BOUCHARD IS AN EMPLOYEE OF FAMILY HEATING,  
COOLING, AND ELECTRICAL.

PART OF HIS COMPENSATION PACKAGE IS A COMPANY  
TRUCK TO DRIVE TO AND FROM HIS HOME.

MIKE PAVELKA, MANAGER

A handwritten signature in black ink, appearing to read "MP", with a long horizontal line extending to the right.

PETITION

TO: City Council  
City of Dearborn  
Dearborn, MI

Representative: Mario Bouchard

Address: 22351 Columbia St.

Phone Number: \_\_\_\_\_

We the undersigned property owners respectfully petition your Honorable Body as follows:

To allow Mario Bouchard to park his work van in the alley behind his garage.

Reason for Request: parking exemption permit

Name	Address	Date
Darren Berry	22343 Columbia St.	12-3-2015
HENRY KIBIT	22329 Columbia St.	12-3-2015
Tanice Kibit	22329 Columbia	12-3-2015
JERRY A. OLSON	22325 COLUMBIA	12-3-2015
Maryl Olson	22325 Columbia	12-3-2015
Kyle CARUSO	22372 OXFORD ST.	12-3-2015
Rhonda Huer	22340 Oxford St	12-3-2015
Jane Voss	22332 Oxford St.	12-3-15
Brenda Buterik	22341 OXFORD	12-3-15
John M. C.	22347 OXFORD ST	12-3-15
Monica R. John	22347 Oxford	12-3-15



**Mario Bouchard**  
**22351 Columbia Street**  
**Dearborn, MI 48124**  
**313-274-3979**  
**313-657-2064**

City Council Member Board  
16901 Michigan Ave. Suite 10  
Dearborn, Michigan 48126

January 20, 2016

Re: Appeal for alley parking exemption request/possible amendment for city ordinance sec. 18-356

Members of city council;

I am respectfully requesting to appear before the board and appeal a recent decision by Traffic /Safety Commission to deny a 24 hour parking permit for my work van to be parked in the alley behind my garage.

We have lived at this address since 1988, 15 years of which I have worked as a licensed electrician. For much of this time I have parked either a company van or a company step van in this exact spot without issue. This vehicle is absolutely critical to my livelihood and a highly valued compensation from my employer. It is a new 2015 van that is not unsightly in any way. Without the 24 hour availability of this vehicle I would no longer have transportation to and from Madison Heights, where I work. It is impossible to predict how often I get emergency calls or when. Having my work vehicle located miles away would hinder my response time to those who need these services.

Losing this vehicle will also cause me and my family financial hardship. We are not in a position to afford any additional vehicles and this company van also allows me to carry the necessary tools, equipment and bulky supplies required to perform my trade. Losing the van could potentially mean losing my job. The van is parked at the inside dead end of the alley directly behind my property and has never been in the way of alley maintenance nor has it ever prevented my neighbor from accessing his driveway.

We have always been very diligent on keeping the alley clear of leaves, cutting the grass and picking up trash that is dropped from time to time and packing down the snow. Although we live at the inside dead end of the alley, we maintain the entire alley as none of the other neighbors that boarder it take care of it. We care for it as we do our own property.

In 2004-5 my wife spoke with then Mayor Guido who assured us that our vehicles both personal and work related would be allowed to park in the alley without offence. Well, that was obviously years ago yet we have never had an issue until recently.

We just want to continue living and working as usual. We've received several warnings and a couple of tickets prior to finding a very temporary place to relocate the work van and we don't see a permanent solution other than receiving the variance being requested by this letter.

Every officer that came out to mention the ordinance agreed it was outdated and many of the neighbors that signed my petition were also surprised how much effort the city was putting into removing my van which was not at issue with any of them. After being told by officers that came out that there were several complaints, we find it difficult to understand this since every one of our neighbors wasn't bothered by the van being in the alley and they understood its presence there.

We do however; have a neighbor that we believe may be the one reporting the complaints. He has a history of having issues with the neighbors around him for years and he is the neighbor we share the alley with. We have tried to be friendly and on many occasions were, as was he. In the past he and we have even considered buying the alley from the city and we have shared common ground on a few other issues as well. But over the years our relationships has been a bumpy road of sorts. On public service days, when we have to park our vehicles in the alley behind our property overnight, he has mentioned being temporarily inconvenienced, although he can still come and go with ease. We are certainly not sure of this and don't want to be the cause of any insult or slander but it just seems oddly coincidental and as a result did not ask his signature on the petition because we didn't want to take a chance and upset him further.

We were eventually referred to Sgt. Steve White who told us "to do what we had to do and if we had any trouble to see him", but we hate to continue to involve him as we are sure he has many more important things to do. We tried covering the van with a tarp to hide the work related writing but were still asked to remove it from the alley.

Since our house and garage were built in 1942, the dimensions of the garage door will not allow for me to park my work van inside.

Please look into my request and find it in your heart to allow the permanent exemption for parking my work van in the alley. I have included all the required documentation to support my request and look forward to attending a hearing or providing whatever is additionally required regarding this matter.

Thank you for your time and consideration.

Respectfully,

Mario Bouchard



## Department of Licensing and Regulatory Affairs

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The license information listed on the LARA website <https://aca3.accela.com/lara> may be recognized as a license and all the authority granted with that specific license. Enforcing agencies should rely on this information to issue permits.



[Home](#) [Licenses](#) [Permits](#) [Boiler](#) [Plan Review](#)

Advanced Search ▼

### License Information: Electrical Apprentice MI-6413356

#### Licensee Detail

**License Type:** Electrical Apprentice

**License Number:** 6413356

**License State:** MI

**Business Type:**

**Business Name:**

**Business License Number:**

**Business License Expiration Date:**

**License Issue Date:** 02/05/2003

**License Expiration Date:** 08/31/2016

**License Status:** Issued

**Insurance Company:**

**Insurance Policy:**

**Type:** Individual

**Name:** MARIO G BOUCHARD

**Title:**

**Address:** 22351 COLUMBIA  
DEARBORN MI 48124

**Phone 1:** 3132743979

**Phone 2:**

**FAX:**

**E-mail:**

# Application for Journeyman or Master Electrician Examination or Re-examination

Michigan Department of Licensing and Regulatory Affairs

Bureau of Construction Codes / Electrical Division

P.O. Box 30254, Lansing, MI 48909

Phone: 517-241-9320

www.michigan.gov/bcc

Agency Use Only

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Authority: 1956 PA 217 Penalty: Failure to provide the information requested may result in denial of your request.	LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.
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Note: In accordance with 2012 PA 313, any veteran providing satisfactory proof of separation from the armed forces of the United States under "honorable" or "general under honorable conditions" is exempt from registration, licensing and examination fees. For consideration, please attach a copy of either a DD-214, and/or DD-215 to your application. You may email your application and documentation to [bccelec@michigan.gov](mailto:bccelec@michigan.gov) if you are requesting a veterans exemption only.

**NOTICE: ONCE YOUR APPLICATION IS APPROVED YOU WILL BE NOTIFIED BY A THIRD PARTY TESTING AGENCY (PSI) WITH INSTRUCTIONS ON HOW TO SCHEDULE YOUR EXAMINATION. ALL EXAMINATION FEES WILL BE PAID TO PSI AT THAT TIME. PLEASE DO NOT SEND PAYMENT TO THE STATE OF MICHIGAN.**

### General Instructions

- Mail completed application and required documents to the address listed above.

### Important Information

Upon achieving a minimum passing score of 75% or higher, the applicant will be billed \$40.00 for the journeyman electrician license or \$50.00 for the master electrician license prior to issuance of the license. Failure of examination 2 times within 2 years requires a 1 year waiting period from the date of the second failure and proof of successful completion of a course on code, electrical fundamentals or theory to be eligible for reexamination.

<input type="checkbox"/> Request for veterans exemption (Copy of DD-214 or DD-215 enclosed)
Please Check One: <input type="checkbox"/> <b>Journeyman Electrician Examination</b> <input type="checkbox"/> <b>Master Electrician Examination</b>

### Applicant Information

NAME (Last Name, First Name, Middle Initial)		LAST 4 DIGITS OF SOCIAL SECURITY NUMBER	
		XXX-XX-	
ADDRESS	CITY	APPRENTICE REGISTRATION OR JOURNEYMAN LICENSE NUMBER IF APPLICABLE	
COUNTY	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code)
E-MAIL ADDRESS			

By checking this box you are certifying that you are at least 20 years of age for the journeyman exam or 22 years of age for the master exam. <input type="checkbox"/>
--

<b>Have you previously taken this examination?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No                      If yes, when? _____.
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If you have a disability and require an accommodation to take the examination, please submit written documentation from a professional (education professional, doctor, psychologist, psychiatrist) to certify that your disabling condition requires the requested test accommodation.
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**Examination Eligibility of Applicants From Other States or Countries**

A person who is licensed as a journeyman or master electrician in another state or country may qualify for examination upon determination by the department that the license was obtained by the person through substantially the same or equal requirements as those of the state of Michigan.

**JOURNEYMAN ELECTRICIAN EXAMINATION REQUIREMENTS**

- Applicant must not be less than 20 years of age.
- Applicant must provide notarized documentation from present and former employers verifying the applicant has not less than 8,000 hours of practical experience obtained over a period of not less than 4 years related to electrical construction or electrical maintenance of buildings under the direct supervision of a person licensed pursuant to the act. Documentation must include the beginning (month, day, year) to the ending (month, day, year) dates of employment and signed by the qualified master electrician.

**Note: The 8,000 hours of practical work experience over 4 years must be attained prior to submitting the examination application.**

**MASTER ELECTRICIAN EXAMINATION REQUIREMENTS**

- Applicant must not be less than 22 years of age.
- Applicant must provide notarized documentation from present and former employers verifying the attainment of 4,000 hours in not less than 2 years of practical experience under the direct supervision of a master electrician, subsequent to initial journeyman issue date.
- If the journeyman license was not issued by the State of Michigan, provide a copy of the license that was issued by the municipality providing the licensing pursuant to the provisions of Section 6 of the act or a statement from the licensing authority that verifies the license issued date.

**Note: A separate license is required for an electrical contractor.**

**Certification and Signature**

I certify the information provided is true and accurate to the best of my ability. I further understand falsification of any statement is cause for rejection of application or revocation of license, if issued.

APPLICANT'S SIGNATURE

DATE



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## CITY COUNCIL OFFICE

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**To:** Legal via City Clerk  
**From:** Council Office  
**Date:** Jan. 27, 2016  
**Subject:** Requests for work van parking permits

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The City Council has received two requests from parties who were turned down when they went before the Traffic commission to ask for permits to park their work vans on their residential property. They were advised that their only recourse was to seek permission from the City Council and they have done so.

**Mario Bouchard, 22351 Columbia Street, Dearborn,** submitted a letter, petition and photos on Jan. 20, 2016-see attached.

**Francis Maroeusz, 3067 Pardee, Dearborn,** came to the City Council Meeting of Jan. 26<sup>th</sup> and was told his request would be referred to legal. See attached for the information he provided at that time. I have asked Sgt. Tim Stacy to provide the paperwork Mr. Maroeusz submitted to the Traffic Commission.

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**DEPARTMENT OF LAW**

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**TO:** CITY COUNCIL  
**FROM:** CORPORATION COUNSEL  
**VIA:** MAYOR JOHN B. O'REILLY, JR.  
**SUBJECT:** CODE AMENDMENT; CHAPTER 18  
PARKING OF COMMERCIAL VEHICLES; EXCEPTION  
C.R. 1-52-16  
C.W. 2-8-16  
**DATE:** FEBRUARY 25, 2016

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Currently, the City Code makes it unlawful "for any person to park any commercial vehicle ... on any street within the city or upon private property within a residential area of the city." (Sec. 18-356.) The same Code section includes an exception for individuals who are required, due to their employment, to be on-call 24-hours a day, with a commercial vehicle (e.g., a plumber). This Code section establishes a procedure for these individuals to present proof of their on-call employment status to the Traffic Commission and gives the Traffic Commission the authority to issue permits allowing such commercial vehicles to be parked in residential neighborhoods. However, Sec. 18-356 clearly states that "no such permit shall be issued to an individual who proposes to park a commercial vehicle on property where a garage exists." The Traffic Commission does not have the discretion to waive this portion, or any portion of the Code.

Recently, the Traffic Commission has received two petitions for commercial vehicle parking permits from individuals who have otherwise complied with Sec. 18-356 (proof of on-call employment) and have provided supporting petitions signed by neighbors. However, because garages are located on the petitioners' property, the Traffic Commission is required to deny the request for a permit. Unfortunately, the commercial vehicles used by the petitioners are too tall to fit into the existing garages.

After review, it is recommended that the Council take the following action:

1. MARIO BOUCHARD, 22351 COLUMBIA (C.W. 2-8-16): Mr. Bouchard is a licensed electrician and is on-call 24 hours a day. Mr. Bouchard's garage door opening is 6'11" and the height of his truck is 8'6". There is no driveway at 22351 Columbia; the garage is accessed from a rear alley. The alley

dead ends at 22351 Columbia (photographs are attached) – there is no through traffic. Therefore, it is recommended that Mr. Bouchard be issued a permit to park his commercial vehicle adjacent to his garage in the alley at the rear of his home. The permit will be valid only while Mr. Bouchard's on-call 24 hours a day employment exists.

2. FRANCIS MARDEUSZ, 3067 PARDEE (C.R. 1-52-16): Mr. Mardeusz works for Home Repair Remodeling and is on-call 24 hours a day to provide board-up services, emergency plumbing and/or electrical repair, etc. The height of Mr. Mardeusz's commercial vehicle exceeds the height of his garage door opening. There is a driveway at 3067 Pardee. Therefore, it is recommended that Mr. Mardeusz be issued a permit to park his commercial vehicle at the back of his driveway (furthest from the street). The permit will be valid only while Mr. Mardeusz's on-call 24 hours a day employment exists.

3. It is recommended that Sec. 18-356 of the Code be amended to give the Traffic Commission some discretion to issue permits where there is a garage on the petitioner's property, but the commercial vehicle does not fit in the garage. In this situation, the attached proposed amendment to the Code indicates that a permit may be issued restricting parking to a driveway (where a driveway exists) or to the public street (where is there no driveway).

Recommendation is made for adoption.

Respectfully submitted,



LAURIE M. ELLERBRAKE  
Deputy Corporation Counsel

APPROVED:



DEBRA A. WALLING  
Corporation Counsel

# Family

# HEATING, COOLING & ELECTRICAL, INC.

Family... not just the name of our company, but the way we do business

West & Downriver

734-422-8080

East & North Woodward

248-548-9565

North Oakland County

248-886-8626

Serving Metropolitan Detroit and Surrounding Areas

Home

Heating, Cooling

Parts and Filters

Generators, Electrical

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### Business Hours:

Monday - Friday  
7:00 am - 6:00 pm  
Saturday  
7:00 am - 4:00 pm

### Phone:

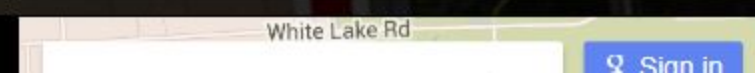
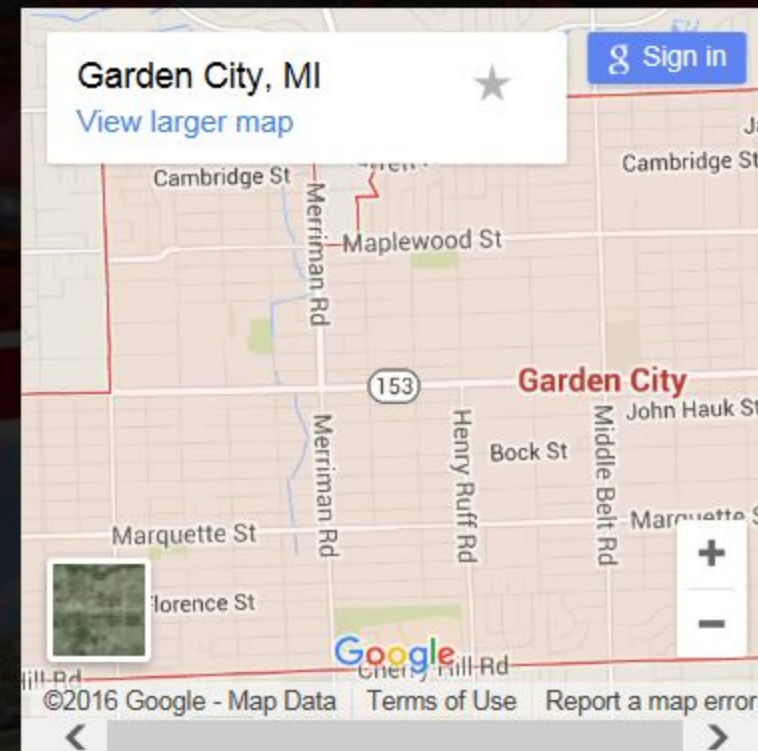
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**ORDINANCE NO. 16 – 1529**

**AN ORDINANCE TO AMEND THE TRAFFIC AND MOTOR VEHICLE CHAPTER (CHAPTER 18) OF THE CODE OF THE CITY OF DEARBORN BY AMENDING SECTION 18-356, ENTITLED “ALL NIGHT PARKING OF COMMERCIAL VEHICLES PROHIBITED.”**

**THE CITY OF DEARBORN ORDAINS TO:**

**Amend Chapter 18 of the Code of the City of Dearborn by amending section 18-356, to read as follows:**

**Sec. 18-356. - Parking of commercial vehicles.**

- (a) It shall be unlawful for any person to park any commercial vehicle as defined in section 18-63 or any commercial motor vehicle as defined in section 18-63.1 on any street within the city or upon private property within a residential area of the city.
- (b) This section shall not apply to commercial vehicles or commercial motor vehicles when the operation of such is necessary for the purpose of making deliveries, picking up persons, materials, goods or merchandise, or providing service.
- (c) If a breakdown of a commercial vehicle or commercial motor vehicle prevents its removal from any street, that vehicle shall display warning devices as set forth in section 18-440.
- (d) For the purpose of this section, the term "commercial vehicle" shall also include a trailer used as, or customarily attached to, a commercial vehicle.
- (e) This section shall not apply to pick-up trucks and vans utilized as family vehicles and which bear no commercial message, logo, symbol or equipment.
- (f) Exception: An individual whose employment requires him/her to be on call 24 hours a day, and whose employment requires the use of a commercial vehicle, may present proof of such employment to the traffic commission. The proof presented must include an affidavit from the employer verifying the on-call status and indicating the approximate number of times per month the employee will be called in to work. Upon review of the proof presented, the traffic commission may issue a permit allowing the commercial vehicle to be parked in a residential neighborhood contrary to this section, **subject to the following conditions:** ~~However, no such permit shall be issued to an individual who proposes to park a commercial vehicle on property where a garage exists.~~

**1. Conditions:**

- a. **If the individual has a garage on the residential property identified on the petition for a permit, and the dimensions of the garage door**

opening would allow the vehicle to be parked fully inside the garage, the commercial vehicle shall be parked within that garage.

- b. If the commercial vehicle does not fit through the door opening of the garage on the residential property identified in the petition for a permit, or if no garage exists, the vehicle shall be parked in the driveway for that property and not on the residential street. When possible, the commercial vehicle shall be parked at the back of the driveway, furthest from the street.
- c. If the commercial vehicle does not fit through the door opening of the garage and there is no driveway on the residential property identified in the petition for a permit, a permit may be issued to allow the commercial vehicle to be parked on the residential street. A permit to park on a residential street shall not be issued if there is a driveway on the residential property identified in the petition for a permit.
- d. Only one commercial vehicle shall be permitted on the residential property identified in the petition for a permit if a permit is granted by the Traffic Commission or City Council. If it is determined that the permit-holder has more than one commercial vehicle on the residential property identified in the petition for a permit, or if it is determined that the permit-holder has obtained additional permits for other residential property within the City of Dearborn, all permits shall be revoked.