

City of Dearborn Ordinance 16-1529 Section 18-356

Dearborn City Council Meeting of March 1, 2016 – Resolution 30

By Shooshanian supported by Sareini.

3-101-16. RESOLVED: That Mario Bouchard, 22351 Columbia, be and is hereby granted permission to park his commercial vehicle adjacent to his garage in the alley at the rear of his home valid only while his on-call 24 hours a day employment exists subject to all applicable ordinances and the rules and regulations of the Police Department.

The resolution was adopted as follows: Yes: Abraham, Bazy, Dabaja, Sareini, Shooshanian and Tafelski (6). No: None. Absent: O'Donnell (1).

DEPARTMENT OF LAW



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

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.

I. Investigation Questions relative to Corporation Counsel
Recommendation Basis:

“Mr. Bouchard is a licensed electrician and is on-call 24 hours a day.”

A. *Has Family Electric offered 24 hour service, emergency or otherwise, at any time in its history?*

Family office location 1: “Never”
Family office location 2: “No, I’m sorry, we don’t.”
Family office location 3: “No”

B. *Does Family Electric offer 24 hour service, emergency or otherwise, at the current time?*

Family office location 1: “No”
Family office location 2: “No”
Family office location 3: “No, not this company”

C. *Does Family Electric plan to offer 24 hour service, emergency or otherwise, at the current time? **

Family office location 1: “No, not that I’m aware of.”
Family office location 2: “No”
Family office location 3: “No”

D. *Does Family Electric offer 24 hour service, emergency or otherwise, solely to “**large clients**” ? ***

Family office location 1: “No, we’ve never had that.”
Family office location 2: “No”
Family office location 3: “No. Absolutely not”

* In reference to conversation of Officer Brian Fehan with long – standing personal friend/employee of Family Electric.

** In reference to telephone conversation of Paul Sheridan with Corporation Counsel Debra Walling of 22 April 2016, and email of that same date documenting conversation, et al.

I. Investigation Questions relative to Corporation Counsel Recommendation Basis: *con't*

“If someone is registered only as an electrician apprentice, are they considered by the electrical industry or their co-workers to be a ‘LICENSED ELECTRICIAN’?”

- a. Michigan Department of Licensing and Regulatory Affairs (EAB) ***“No.”***
- b. Various internet Code Class and licensing instruction sites ***“No.”***
- c. Family office location 2: ***“No. No. A journeyman or a master is a licensed electrician.”***

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II. Question relative to Corporation Counsel Recommendation Basis and Dearborn City Council Approval of Waiver:

By Shooshanian supported by Sareini.

3-101-16. RESOLVED: That Mario Bouchard, 22351 Columbia, be and is hereby granted permission to park his commercial vehicle adjacent to his garage in the alley at the rear of his home valid only while his on-call 24 hours a day employment exists subject to all applicable ordinances and the rules and regulations of the Police Department.

The resolution was adopted as follows: Yes:
Abraham, Bazy, Dabaja, Sareini, Shooshanian and Tafelski (6).
No: None. Absent: O'Donnell (1).

In the following context:

- (1) *“all applicable ordinances and the rules and regulations of the Police Department” . . .*
- (2) As the longest user of the Oxford-Pardee-Columbia city easement (34 years),
- (3) As the ONLY other user of that easement, and as the ‘adjacent neighbor’ . . .

Why was the waiver issued without the consent/approval of Paul V. Sheridan of 22357 Columbia Street?



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7:00 am - 4:00 pm

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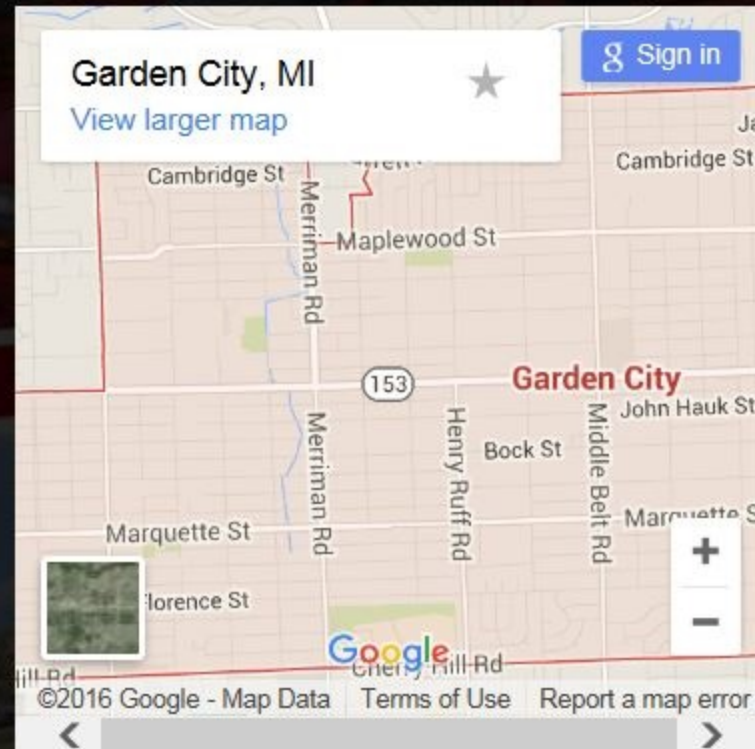
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3



Angie's List Super Service Award 2007, 2008, 2009, 2010, 2011, 2012, 2013 & 2014



Paul V. Sheridan

From: Paul V. Sheridan <pvsheridan@wowway.com>
Sent: Friday, April 22, 2016 4:27 PM
To: birving@ci.dearborn.mi.us
Cc: 'dwalling@ci.dearborn.mi.us'
Subject: City, the Police and your Office good faith blatantly abused
Attachments: Irving-1.pdf; 00045651.pdf; ORD_NO_16-1529.pdf

Mr. Irving:

Please review the three attachments:

Letter to you of 22 April

FOIA documents relating to Subject (for reference)

Recent 18-356 revision of 15 March 2016.

Paul Sheridan
313-277-5095

cc D. Walling

Mr. Irving:

I just spoke with Debra Walling, at some length, about the 22351 Columbia commercial vehicle (parked in the alley, not a private driveway), and the related waiver/permit.

What is clear is the following . . . the sequencing is important:

1. The original request by Bouchard to the Traffic Commission of last year never claims that he is “on-call 24 hours a day.”

**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

2. His original request was turned down, and he subsequently petitioned CC:

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.

It was **AFTER** his being informed by the T/SC about the “on-call 24 hours a day” requirement that the following occurs.

3. The Bouchard letter of January 20, 2016 never makes any claim that he is “on-call 24 hours a day.” It merely states that he wants 24 hour access, and makes a fraudulent allusion to “emergency calls”:

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.

Certainly since parking in the alley (of-late or ever) he can provide all the details about the “emergency calls” he has gone to, say, at 4am?

Then he makes utterly irrelevant claims about “financial hardship”

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

His tugging-at-the-heart-strings claim about “losing my job” is absurd.

4. The employer letter of November 24, 2015 from Family Heating never states that Bouchard is “on-call 24 hours a day.” His employer merely states that the van is part of a “compensation package.”

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

5. The City Council of March 1, 2016 never approved anything related to “financial hardship” or “compensation packages.” The minutes and the video of CC, regarding the Bouchard petition, show that in order for the permit to be issued, the only period when it is valid is when Bouchard is “on-call 24 hours a day.”

Now the following takes place . . .

6. As you know, I checked with Family at all three locations after March 1, 2016, and all three confirmed, what I have always experienced since Bouchard began working for Family: **That they have never, do not, and have no plans to offer 24 hour service.**
7. As you know, a short time afterwards, it was Dearborn Police Officer Fehan that also confirmed this non-24-hour-service offering status at Family Heating.

The following is clear (to me) . . .

AFTER these two confirmations (6 and 7 above) the question of validity, of Bouchard being “on-call 24 hours a day,” is asked by your office (by Laurie Sabon-Ellebrake?) . . .

NOW, out of nowhere, your office is being told fairy tales about “large clients.”

Who are they?

When has Bouchard serviced those “large clients”? After hours?!

Why weren’t these “large clients” specified in all the letters and petitions mentioned above over a period of almost two years? **Why now, and only after 6 and 7 above?**

And in **what capacity** does Bouchard service these “large clients”?

In his letter of January 20, 2016, Bouchard makes the following “15 years” false claim :

~~We have lived at this address since 1988, 15 years of which I have worked as a licensed electrician.~~

I was flabbergasted with that claim. I called the EAB at :

Michigan Department of Labor
Bureau of Construction Codes
Electrical Administrative Board
7150 Harris Drive
P.O. Box 30255
Lansing, MI 48909
(517) 241-9320

The EAB provided me with the following details:

February 2003: Apprentice Registration expired

2005 to 2007: Apprentice Registration, Electrical Administrative Board (Lansing, MI)

2007 to 2011: Apprentice Registration expired

2011 to present: Apprentice Registration, Electrical Administrative Board (Lansing, MI)

As Bouchard is fully aware, **he is not, and has never been a “licensed electrician.”** He is merely a registered electric apprentice, Registration #6413356.

Again, in what capacity does Bouchard service these “large clients”? And who are these?

As you are aware, it is unlawful to submit materials to the City that are KNOWN to be false.

The City, the Police and your Office have characteristically been acting in good faith . . . but I believe, from the above and more, that such has been blatantly abused.

I will telephone you next week regarding the above, etc.

Paul V. Sheridan
22 April 2016
313-277-5095

DEPARTMENT OF LAW



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

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).

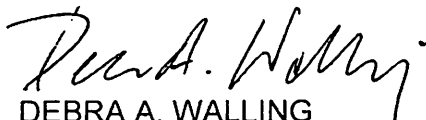
Recommendation is made for adoption.

Respectfully submitted,



LAURIE M. ELLERBRAKE
Deputy Corporation Counsel

APPROVED:



DEBRA A. WALLING
Corporation Counsel

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.

Application for Electrical Apprentice or Fire Alarm Specialty Technician Apprentice

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Michigan Department of Licensing and Regulatory Affairs
 Bureau of Construction Codes
 P.O. Box 30255, Lansing, MI 48909
 517-241-9316

www.michigan.gov/bcc

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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 lara-bcc-licensing@michigan.gov if you are requesting a veterans exemption only.

General Instructions:

- Enclose a check made payable to the **State of Michigan**.
- Mail completed application and payment to the address listed above.

<input type="checkbox"/> \$15.00 Fee Enclosed	<input type="checkbox"/> No Fee - Request for veterans exemption (Copy of DD-214 or DD-215 enclosed)
Please Check One: <input type="checkbox"/> Electrical Apprentice <input type="checkbox"/> Fire Alarm Specialty Technician Apprentice	

Applicant Information

NAME (Last Name, First Name, Middle Initial)			SOCIAL SECURITY NUMBER	
ADDRESS		CITY		TOWNSHIP
COUNTY	STATE	ZIP CODE	TELEPHONE NUMBER (Include Area Code)	
E-MAIL ADDRESS				

Sponsoring Employer Information - Locally licensed contractors must provide a copy of current license with this application

SPONSORING EMPLOYER		CONTRACTOR'S LICENSE NUMBER
HIRE DATE OF APPLICANT		QUALIFYING INDIVIDUALS LICENSE NUMBER

Certification and Signature of Sponsoring Employer

Electrical Apprentice: For an electrical apprentice, the sponsoring employer's signature must be either the contractor of record or qualifying master.

Fire Alarm Specialty Technician Apprentice: For a fire alarm specialty technician apprentice, the sponsoring employer's signature must be either the contractor of record or qualifying fire alarm specialty technician.

I certify the information is true and accurate to the best of my knowledge.

PRINTED NAME OF SPONSORING EMPLOYER

SIGNATURE OF SPONSORING EMPLOYER

Certification and Signature of Approved Related Technical Instruction Provider

I certify that _____ is currently participating in an electrical or fire alarm
(Printed Name of Applicant)

training program approved by the Electrical Administrative Board.

RELATED TECHNICAL INSTRUCTION PROVIDER (e.g. college, trade, labor organization etc.)

PHONE NUMBER

PRINTED NAME OF AUTHORIZED REPRESENTATIVE

SIGNATURE OF AUTHORIZED REPRESENTATIVE

DATE

I understand that I am responsible for maintaining a chronological record of my employment as an electrical apprentice or fire alarm specialty technician apprentice and that I must submit proof of my employment when requested by the licensing authority.

Certification and Signature of Applicant

I certify the information provided is true and accurate to the best of my ability. I further understand fraud or deceit in obtaining registration is grounds for administrative action in accordance with the act.

APPLICANT'S SIGNATURE

DATE



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**
- BCC Licenses
- BCC Permits
- Plan Review

License Information: Electrical Apprentice MI-6413356

Licensee Detail

License Type: Electrical Apprentice	Type: Individual
License Number: 6413356	Name: MARIO G BOUCHARD
License State: MI	Title:
Business Type: Electrical Apprentice	Address: 22351 COLUMBIA DEARBORN MI 48124
Business Name:	Phone 1: 3132743979
Business License Number:	Phone 2:
Business License Expiration Date:	FAX:
License Issue Date: 02/05/2003	E-mail:
License Expiration Date: 08/31/2017	
License Status: Issued	
Insurance Company:	
Insurance Policy:	

▶ Related Records

▶ Public Documents