

Detroit Green Task Force Meeting

January 28, 2010

-Minutes-

Meeting was called to order at 3:05 p.m. by Ken Cockrel, followed by introductions.

Presentations:

GreeningDetroit.com

GreeningDetroit.com is a comprehensive Green website focused on Metropolitan Detroit. The website primarily serves two purposes:

- Provides a directory of companies supplying green products and services.
- Provides useful information to people in our communities that are working toward a better future.

Information and tips on green technology can be found in the site for commercial, industrial, and residential applications. The website also provides details on non-profit organizations, schools that incorporate green curriculum, government involvement, green news, and lifestyle topics surrounding healthy, eco-friendly ideas.

Events taking place in our communities pertaining to green efforts will also be listed on the site. Please visit GreeningDetroit.com ... your input is welcome.

Deconstruction Workgroup – Beverly Manick, Young Detroit Builders

A steering group is being assembled to promote policies and legislation concerning deconstruction as an alternative to demolition. The object of the deconstruction program is to reuse, salvage, and recycle materials to reduce land fill and support future building.

This is a tremendous opportunity for job creation. Demolition typically calls for two employees, while deconstruction uses six to eight people plus supervisors per home. This can help the economy as well as the environment.

Deconstruction will cost more than demolition in the short picture but in the larger picture the gain is considerable: The economic redevelopment in the City of Detroit as well as the improvement for our environment. This process also promotes industries that use the salvaged material. An outreach and education committee is available to train young Detroiters in deconstruction.

WARM Training Center – Jacob Corvidea

Federal dollars will be coming into Detroit via the Pathways out of Poverty program.

WARM is launching a pilot program to provide energy audits for non- profit organizations.

WARM's wind turbine was showcased in the cable show, "Renovation Nation".

Energy education work has been expanded to include Flint and Pontiac.

The City of Detroit, State of Michigan, and City of Grand Rapids will receive sizable grants – grant details will be available in March.

Michigan Rails to Trails - Todd Scott

The organization's goal is to build trails for biking, walking, and horseback riding through an interconnected greenway in our area. Several greenways are currently being developed in our area.

DDOT is working to add bike racks to the busses this year.

Bike parking is an issue that needs some attention and an underground bike park is being planned – this would be similar to an interstate system for bikes.

Upcoming events: Bike the Bridge (Ambassador Bridge) – June.

 Detroit Bike Week – looking at putting together for this year - possibly 3000 bikers.

Grass roots advocacy and a website are currently being developed.

Urban Agriculture – Kathryn Underwood, CPC

Kathryn is working on writing codes for urban agriculture to define urban gardens and market gardens, deal with green houses, water catching systems, zoning, and farms. There are no models for this ... Detroit is a leader in urban agriculture. The goal is to present a draft of the codes for the Green Task Force within the next month. Zoning codes will be addressed as well, and there may be a need to develop ordinances for regulation. We may need to check intent of corporate involvement. Currently, there are close to 1000 community gardens.

The whole world is looking at Detroit for the concept of urban gardening. This is an area with great potential ... presently, three major projects are in the works and chickens and bee keeping may be next on the agenda once agriculture is properly structured.

Greening of Detroit – Naomi Ruth

This spring, 1000 trees will be planted as part of the tree planting program. Anyone interested in volunteer partnerships, please call (313) 237-8733.

The Garden Resource Program had over 900 gardeners last year and expects 1300 this year. Interested volunteers should call (313) 285-1249.

The Workforce Development Program involves pruning, cutting grass, etc.

There are youth employment opportunities for ages 15 – 18. More information will be available in March. Contact (313) 237-8733 or LinseyB@GreeningofDetroit.com for immediate information.

Regarding the Vacant Lot Reclamation Program, the City of Detroit has 50,000 lots not cared for ... Greening of Detroit is working on plans for these lots as well as funding ideas. The organization is looking for partnerships. Detroit youths are employed in this program.

Recycling Update

The east side of Detroit has the manual 18 gallon bins. The west side has an automated service. We currently have a 22% city-wide participation rate.

A community steering group is looking to partner with 10 elementary schools in pilot areas to spur participation.

A reasonable goal would be a 30% – 40 % participation rate. The program will advance regardless of the participation rate. There may be a need to extend the pilot program for a successful roll-out. A solid waste committee is anticipated to address an integrated municipal solid waste program.

There are two bills in Lansing to add money into municipal recycling programs.

To increase awareness of recycling programs, there have been community meetings, mailers, and water bill inserts. Future public relations efforts will surround Earth Day. A link on the City's website is suggested to raise awareness.

Announcements:

Please take note of an article written about Detroit and the move toward a greener future. The article was written for the French magazine, La Vie, and was handed out at the meeting.

Watch for a PBS documentary, "Blueprint America: Beyond the Motor City" on February 8 at 10:00 p.m. This focuses on Detroit and the future of its public transportation.

ASHRAE - The Coleman Young Municipal Center has received their 4th Energy Star.

The Friends of the Detroit River is sponsoring the 11th annual ecology fair, Shiver on the River. The event will take place on Saturday, February 6 from 10:00 a.m. – 3:00 p.m. at Belle Isle. For more information, contact TriciaFDR@yahoo.com.

The Michigan Good Food Summit will take place in Lansing on February 25: Register at Michiganfood.org.

Preparations for Earth Day are being discussed ... Detroit City Schools will have an event showcasing Earth Day.

Two City Council Ordinances are sponsored by Ken Cockrel and the Green Task Force and are currently being reviewed for approval: Green Purchasing Ordinance and Anti-Idling Ordinance. The ordinances have not yet been passed and, additionally, may be revised prior to approval. All present are asked to support these proposed ordinances as we move forward for approval. They are posted at the end of these minutes.



CITY OF DETROIT
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December 22, 2009

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan

RE: Proposed Ordinance to Amend Chapter 18, Article V, of the 1984 Detroit City Code, *Purchases and Supplies*, Division 1, *Generally*, By Renaming Division 1 from *Generally* to *Goods and Services*, By Creating Subdivision A, *In General*, and by Adding Subdivision B, *Environmentally-Preferable Procurement*

Honorable City Council:


The above-referenced proposed ordinance was requested by Your Honorable Body through Council President Kenneth V. Cockrel, Jr. This ordinance was transmitted to Your Honorable Body on November 13, 2008.

On March 2, 2009, the Public Health and Safety Standing Committee held a public hearing regarding the proposed ordinance, where the Interim Director of the Department of Environmental Affairs requested clarification concerning definitions for the terms "recycled oil" and "used oil." In accordance with the Committee's request, the proposed ordinance was revised, approved as to form, and discussed at the Committee's continued public hearing that was held on March 23, 2009.

Pursuant to the applicable provisions of the 1997 Detroit City Charter, the above-referenced proposed ordinance is being submitted to Your Honorable Body for consideration and passage. The proposed ordinance will amend Chapter 18 of the Detroit City Code, *Purchases and Supplies*, Division 1, *Generally*, by renaming Division 1 from *Generally* to *Goods and Services*, by creating Subdivision A, *In General*, which shall contain current Section 18-5-1 through Section 18-5-22, and by adding Subdivision B, *Environmentally-Preferable Procurement*, which shall contain Sections 18-5-23 through 18-5-30 and would require the purchase of environmentally-preferable goods by City departments and agencies.

We are available to answer any questions that you may have concerning this proposed ordinance. Thank you for your consideration.

Respectfully submitted,


Krystal A. Crittendon
Corporation Counsel

KAC: LLS
Attachment

SUMMARY

This proposed ordinance amends Chapter 18, Article V, of the 1984 Detroit City Code, *Purchases and Supplies*, Division 1, *Generally*, by renaming Division 1 from *Generally* to *Goods and Services*, by creating Subdivision A, *In General*, which shall contain current Sections 18-5-1 through 18-5-22, and by adding Subdivision B, *Environmentally-Preferable Procurement*, which shall consist of Sections 18-5-23, 18-5-24, 18-5-25, 18-5-26, 18-5-27, 18-5-28, 18-5-29, and 18-5-30:

- 1) To require that all purchases comply with Subdivision B, *Environmentally-Preferable Procurement*;
- 2) To define the terms: 'alternative environmentally-preferable paper,' 'biodegradable,' 'energy star compliant products,' 'environmentally preferable,' 'industrial oil,' 'life-cycle analysis,' 'lubricating oil,' 'post-consumer waste,' 'price-premium payback period,' 'readily biodegradable,' 'reblended latex paint,' 'recyclable product,' 'recycled latex paint,' 'recycled material,' 'recycled oil,' 'recycled content paper,' 'recycled product,' 'retreaded tire,' 'reusable product,' 'secondary waste materials,' 'used oil,' 'virgin oil,' and 'volatile organic compound (VOC);'
- 3) To require, to the maximum extent economically feasible, the purchase of environmentally-preferable products or services;
- 4) To require preference to procurement of goods manufactured from recycled materials;
- 5) To require procurement of recycled content and other environmentally-preferable paper;
- 6) To require purchase of oil products that contain recycled oil;
- 7) To require that City vehicles be equipped with retreaded tires;
- 8) To require purchase of energy-efficient products; and
- 9) To require use of low, or no, VOC, recycled or reblended paint, and recycling of surplus paint.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 18, Article V, of the 1984 Detroit City Code,
3 *Purchases and Supplies*, Division 1, *Generally*, by renaming Division 1 from *Generally* to *Goods*
4 *and Services*, by creating Subdivision A, *In General*, which shall contain current Sections 18-5-1
5 through 18-5-22, and by adding Subdivision B, *Environmentally-Preferable Procurement*, which
6 shall consist of Sections 18-5-23, 18-5-24, 18-5-25, 18-5-26, 18-5-27, 18-5-28, 18-5-29, and 18-5-
7 30 to require that all purchases comply with Subdivision B, *Environmentally-Preferable*
8 *Procurement*; to define the terms: 'alternative environmentally-preferable paper,' 'biodegradable,'
9 'energy star compliant products,' 'environmentally preferable,' 'industrial oil,' 'life-cycle analysis,'
10 'lubricating oil,' 'post-consumer waste,' 'price-premium payback period,' 'readily biodegradable,'
11 'reblended latex paint,' 'recyclable product,' 'recycled latex paint,' 'recycled material,' 'recycled
12 oil,' 'recycled content paper,' 'recycled product,' 'retreaded tire,' 'reusable product,' 'secondary
13 waste materials,' 'used oil,' 'virgin oil,' and 'volatile organic compound (VOC);' to require, to the
14 maximum extent economically feasible, the purchase of environmentally-preferable products or
15 services; to require preference to procurement of goods manufactured from recycled materials; to
16 require procurement of recycled content and other environmentally-preferable paper; to require
17 purchase of oil products that contain recycled oil; to require that City vehicles be equipped with
18 retreaded tires; to require purchase of energy-efficient products; and to require use of low, or no,
19 VOC, recycled or reblended paint, and recycling of surplus paint.

20

1 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

2 **Section 1.** Chapter 18, Article V, of the 1984 Detroit City Code, *Purchases and Supplies*,
3 Division 1, *Generally*, be amended by renaming Division 1 from *Generally* to *Goods and Services*,
4 by creating Subdivision A, *In General*, which shall contain current Section 18-5-1 through Section
5 18-5-22, and by adding Subdivision B, *Environmentally-Preferable Procurement*, which shall
6 consist of Sections 18-5-23, 18- 5-24, 18-5-25, 18-5-26, 18-5-27, 18-5-28, 18-5-29 and 18-5-30, to
7 read as follows:

8 **ARTICLE V. PURCHASES AND SUPPLIES**

9 **DIVISION 1. ~~GENERALLY~~ GOOD AND SERVICES**

10 *Subdivision A. In General*

11 **Sec. 18-5-2. Manner of purchasing.**

12 All purchases by the Purchasing Director shall be made in the following manner:

13 (1) *Major purchases.* ~~If~~ Where the purchase entails a major expenditure, the Purchasing
14 Director shall provide for the procurement of competitive bids as follows:

15 a. Prepare the invitation for bids, describing the City's requirements clearly,
16 accurately and completely, avoiding unnecessarily restrictive specifications
17 which might ~~—~~ unduly limit the number of bidders.

18 b. Publicize the invitation for bids by advertising for bids one (1) or more times
19 in the newspaper designated to print the official business of the City. Where
20 appropriate, the Purchasing Director shall include advertisements in

1 newspapers, trade journals, association postings, websites, and any other
2 appropriate media sources. In addition, the Purchasing Director may send
3 copies of such advertisement to persons and firms likely to be interested
4 therein. Such advertisement shall accurately and clearly describe or refer to
5 the subject matter of the proposed purchase and may also refer the bidder to
6 specifications on file in the Purchasing Director's office. Such advertisement
7 shall specify the time and place of submitting bids and such other information
8 from the specifications as the Purchasing Director shall deem advisable in the
9 interest of the City. After publication of one (1) advertisement, specifications
10 shall not be changed without the publication of a new advertisement calling
11 attention to such change. A reasonable time shall be allowed to enable
12 prospective bidders to prepare and submit bids before the time set for public
13 opening of bids.

14 c. Receive written bids submitted by prospective contractors.

15 d. 1. In comparing bids, the bid of any Detroit-based business or Detroit-
16 resident business shall be deemed a better bid than the bid of any
17 competing firm which is not a Detroit-based business or Detroit-
18 resident business whenever the bid of such competing firm shall be
19 equal to or higher than the bid of the Detroit-based business or
20 Detroit-resident business, after the appropriate equalization
21 percentage credit from the equalization allowance table has been
22 applied to the bid of the Detroit-based firm.

1 *Detroit-Based Business And Detroit-Resident Business Equalization Allowance Table*

<i>Contract Amount</i>	<i>Equalization Percentage</i>
Up to \$10,000.00	5%
\$10,000.01 to \$100,000.00	4%
\$100,000.01 to \$500,000.00	3%
\$500,000.01 and over	2%

7 If the bidder qualifies as both a Detroit-based business and a Detroit-resident
8 business, the equalization factor in the preceding table shall be doubled. If
9 the bidder has qualified as a Detroit-based business by virtue of being a
10 Detroit-headquartered business (D-HB), as defined in Section 18-5-1 of this
11 Code, it shall receive the equalization factor in the preceding table plus an
12 additional three percent (3%), provided that an affiliate, a subsidiary, a
13 limited-liability corporation, or other business structure shall not receive the
14 additional three percent (3%) where the Human Rights Department
15 determines that another related office outside the City of Detroit has a larger
16 presence than the Detroit office.

- 17 2. The following equalization percentage credits shall be applied to the
18 bids of the type of firms described in the equalization allowance table
19 below :

20 *Equalization Allowance Table For Joint Ventures Mentor Ventures,*
21 *and Detroit-Based Small and Micro Businesses*

Detroit-based small business	1%
Detroit-based micro business concern	2%

1	Joint venture	2%
2	Mentor venture	1%

3 (I) A bidder shall receive the equalization percentage credit for each
 4 category for which it qualifies. The firm that makes the lowest bid,
 5 as evaluated, shall be deemed the lowest bidder.

6 (ii) In the application of these equalization percentage credits, a joint
 7 venture shall not also be considered a mentor venture and a mentor
 8 venture shall not also be considered a joint venture. Unless certified
 9 before the deadline for submitting a bid, no bidder or firm shall
 10 receive an equalization credit as a Detroit-based Business. Small
 11 business or micro business concern. A joint venture or mentor
 12 venture shall not receive an equalization credit unless the Detroit-
 13 based Business in the venture has been certified as such before the
 14 deadline for submitting a bid.

15 (iii) If a bidder claims an equalization credit as a Detroit-resident
 16 business, it shall submit documentation of its eligibility with its bid.
 17 The Purchasing Division or the contracting department shall
 18 determine whether the bidder qualifies as a Detroit-resident business
 19 after the bid opening.

20 3. Any bidder who claims to be entitled to an equalization percentage credit
 21 shall agree to make the records necessary to establish eligibility available to
 22 the City.

1 4. After applying any equalization percentage credit as provided above, the
2 contract shall be awarded to the lowest responsible bidder thus evaluated.

3 5. The above requirements shall not be applicable if where any one of the
4 following conditions is found to exist.

5 (i) The expenditure involved is not "major" as defined in Section 18-5-1
6 of this Code ~~and~~.

7 (ii) Public exigencies require the immediate delivery of the articles or
8 performance of the service ~~and~~.

9 (iii) The Purchasing Director certifies that only one (1) source of supply
10 is available ~~and~~ Code ~~and~~.

11 (iv) The services to be performed are professional in nature ~~and~~ or

12 (v) The item to be acquired is rare or unique.

13 (2) *Non-major purchases.* If the purchase entails an expenditure which is not major the
14 Purchasing Director is authorized to award the contract subject to the following
15 conditions:

16 a. The practice of competitive bidding is required but formal advertising is
17 required only for contracts over ten thousand dollars (\$10,000.00). An
18 equalization percentage credit shall be allowed as provided in Subsection
19 (1)d. of this section whenever there is full and free competitive bidding ~~and~~
20 However, provided, that the Purchasing Director may limit bidding to

1 Detroit-based businesses and that no equalization percentage credit shall be
2 allowed for Detroit-based small business concerns or Detroit-based micro
3 business concerns ~~in which event no equalization percentage credit shall be~~
4 allowed .

5 b. In soliciting bids the Purchasing Director shall affirmatively seek out
6 Detroit-based business concerns.

7 c. The Purchasing Director must make a determination that the prospective
8 contractor is responsible. The Purchasing Director should utilize all available
9 information from within the division and other City departments from the
10 prospective contractor and from banks and other financial companies in
11 order to ascertain whether the prospective contractor is responsible under the
12 guidelines set forth under “lowest responsible bidder” as defined in Section
13 18-5-1 of this Code.

14 (3) *Prohibition against unapproved assignments or subcontracts.* A Detroit-resident
15 business a Detroit-based business or a mentor venture or joint venture with a
16 Detroit-resident business or Detroit-based business may not assign or subcontract its
17 City contracts to a non-Detroit-based business or a non-Detroit-resident business
18 without the approval of such assignment or subcontract by the Purchasing Director..

19 (4) *Detroit-based business, Detroit-based small business or Detroit-based micro*
20 *business concern: Limited bidding.* On his or her own initiative or at the request of
21 the contracting department, the Purchasing Director may limit the bidding for a

1 contract to Detroit-Based Businesses, Detroit-based small businesses, or Detroit-
2 based micro businesses, provided, that there are at least three (3) firms certified or
3 registered by the Human Rights Department which would be eligible to bid for the
4 contract. The equalization factors in Section 18-5-2(1)d of this Code shall not apply
5 to contracts put out for bids under this subsection in determining whether to so limit
6 the bidding, the Purchasing Director should make commercially reasonable efforts
7 to maximize the utilization of Detroit-based businesses, Detroit-based small
8 businesses, or Detroit-based micro businesses. As used in this subsection (~~18-5-~~
9 ~~2(c)(4)~~) only, *should* means a strong recommendation, but does not mandate the
10 actions described.

11 (5) All purchases shall comply with Subdivision B of this article.

12 ~~Secs. 18-5-23 -- 18-5-30. Reserved. REPEALED.~~

13 *Subdivision B. Environmentally-Preferable Procurement*

14 Sec. 18-5-23. Definitions.

15 For purposes of this subdivision, the following words and phrases shall have the meanings
16 ascribed to them by this section:

17 *Alternative environmentally-preferable paper* means paper with environmental attributes
18 beyond United States Environmental Protection Agency standards.

19 *Biodegradable* means capable of being broken down, especially into innocuous products, by
20 the action of living things such as microorganisms.

1 Energy Star[®] compliant products mean products that meet or exceed the United States
2 Environmental Protection Agency's Energy Star[®] criteria for energy efficiency.

3 Environmentally-preferable means products or services that have a lesser or reduced effect
4 on human health and the environment when compared with competing products or services that
5 serve the same purpose and such comparison may consider raw materials acquisition, production,
6 manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or
7 service.

8 Industrial oil means any compressor, turbine or bearing oil, hydraulic oil, metal- working oil
9 or refrigeration oil.

10 Life-cycle analysis means the comprehensive examination of a product's environmental and
11 economic aspects and potential impacts throughout its lifetime, including raw material extraction,
12 transportation, manufacturing, use, and disposal.

13 Lubricating oil means any oil intended for use in an internal combustion crankcase,
14 transmission, gearbox or differential, or an automobile, bus, truck, vessel, plane, train, heavy
15 equipment or machinery powered by an internal combustion engine.

16 Post-consumer waste means a finished material that would normally be disposed of as solid
17 waste, having completed its life cycle as a consumer item, but does not mean manufacturing waste.

18 Price-premium payback period means the number of years that it takes for the savings in
19 operating costs to offset any additional upfront price of the product versus a lower price, less-energy
20 efficient model, which is calculated by dividing the price premium by the annual savings in operating
21 costs.

1 Readily biodegradable means the measurement guidelines according to the Organization for
2 Economic Cooperation and Development.

3 Reblended latex paint means paint, which is also known as consolidated latex paint, that
4 contains one hundred percent (100%) post-consumer content from good-quality surplus with no
5 virgin materials such as resins and colorants added.

6 Recyclable product means a product that, after its intended end use, can demonstrably be
7 diverted from the solid waste stream for use as a raw material in the manufacture of another product,
8 preferably higher value uses.

9 Recycled latex paint, or reprocessed latex paint, means latex paint with a post-consumer
10 recycled content level that at a minimum meets the requirements specified by the United States
11 Environmental Protection Agency's Recovered Materials Advisory Notice for reprocessed latex
12 paint.

13 Recycled material means any material that would otherwise be a useless, unwanted, or
14 discarded material except for the fact that the material still has useful physical or chemical properties
15 after serving a specific purpose and can, therefore, be reused or recycled.

16 Recycled oil means used oil that has been prepared for reuse as a petroleum product by
17 refining, reclaiming, reprocessing or other means, provided, that the preparation or use is
18 operationally safe, environmentally sound, and complies with federal, state, and local laws and
19 regulations.

20 Recycled content paper means a paper product with not less than:

21 (1) Fifty percent (50%) of its fiber weight consisting of secondary waste materials; or

1 (2) Twenty-five percent (25%) of its fiber weight consisting of post-consumer waste.

2 Recycled product means all materials, goods and supplies, not less than fifty percent (50%)
3 of the total weight of which consists of secondary and post-consumer waste with not less than ten
4 percent (10%) of its total weight consisting of post-consumer waste, including any product that could
5 have been disposed of as solid waste and that completed its life cycle as a consumer item, but
6 otherwise is refurbished for reuse without substantial alteration of the product's form.

7 Retreaded tire means any tire that uses an existing casing for the purpose of vulcanizing new
8 tread to such casing that meets all performance and quality standards in the Federal Motor Vehicle
9 Safety Standards determined by the United States Department of Transportation.

10 Reusable product means a product, such as a washable food or beverage container or a
11 refillable ballpoint pen, that can be used several times for an intended use before being discarded.

12 Secondary waste materials means fragments of products or finished products of a
13 manufacturing process that has converted a virgin resource into a commodity of real economic value,
14 including post-consumer waste, but does not mean excess virgin resources of the manufacturing
15 process, including fibrous waste generated during the manufacturing process such as fibers recovered
16 from waste water or trimmings of paper-machine rolls, mill broke, wood slabs, chips, sawdust, or
17 other wood residue from a manufacturing process.

18 Used oil means a petroleum-based or synthetic oil, which through use, storage or handling
19 has become unsuitable for its original purpose due to the presence of physical or chemical impurities
20 or loss of original properties.

1 Virgin oil means oil that has been refined and formulated from crude oil, synthetic oil, or any
2 blend of synthetic oil, and that has not been used or contaminated with physical or chemical
3 impurities.

4 Volatile organic compound (VOC) means an organic compound characterized by a tendency
5 to readily evaporate into the air, contributing to both indoor and outdoor air pollution and the
6 creation of photochemical smog.

7 **Sec. 18-5-24. General Policy.**

8 In developing plans, drawings, work statements, specifications, or other product descriptions,
9 the City shall ensure, to the maximum extent economically feasible, the purchase of
10 environmentally-preferable products or services. This includes, but is not limited to, products that
11 are durable, recyclable, reusable, readily biodegradable, energy efficient, made from recycled
12 materials, and nontoxic. Furthermore, the City shall purchase products and services based on long-
13 term environmental and operating costs, and find ways to include environmental and social costs in
14 short-term prices.

15 **Sec. 18-5-25. Recycled Materials and Products Price Preference.**

16 (a) Notwithstanding any other provisions of law requiring the City to award a contract
17 to the lowest responsible bidder, and subject to Subsection (b) of this section, the City shall give
18 preference to the procurement of goods manufactured from recycled materials.

19 (b) In comparing goods from two or more bidders or proposers, if at least one bidder or
20 proposer offers goods manufactured from recycled materials, and at least one bidder or proposer does
21 not, the City shall select the bidder or proposer offering goods manufactured from recycled materials

1 where each of the following conditions exist:

- 2 (1) The recycled product is available;
- 3 (2) The recycled product meets applicable standards;
- 4 (3) The recycled product can be substituted for a comparable non-recycled product;
- 5 (4) The recycled product's costs do not exceed the costs of non-recycled products by
6 more than five percent (5%), or higher if a written determination is made by the City
7 and set forth in the Solicitation Document, provided, that for purposes of making the
8 foregoing determination, the City shall consider the costs of the goods following any
9 adjustments the City makes to the price of the goods for purposes of the reception of
10 bids pursuant to Section 18-5-2 of this Code; and
- 11 (5) Offerors, when required in the Solicitation Document, certify in their submitted
12 Offers the minimum, if not exact, percentage of post-consumer waste and total
13 recovered materials content in the products offered.

14 **Sec. 18-5-26. Purchasing Environmentally-Preferable Paper and Related Equipment.**

15 Pursuant to Section 18-5-25 of this Code, the City shall procure:

- 16 (1) Recycled content paper and other alternative environmentally-preferable paper; and
- 17 (2) Printers, copiers, and fax machines that, at a minimum, have duplex capability.

18 **Sec. 18-5-27. Purchasing Recycled Oils.**

19 (a) Preference for Oil Products with Greater Recycled Content: The City shall require
20 that purchases of lubricating oil and industrial oil be made from the vendor whose oil product

1 contains the greater percentage of recycled oil, unless a specific oil product containing recycled oil
2 is:

3 (1) Not available within a reasonable period of time or in quantities necessary to meet
4 the City's needs;

5 (2) Not able to meet the performance requirements or standard recommended by the
6 equipment or vehicle manufacturer, including any warranty requirements; or

7 (3) Available only at a cost that exceeds the price preference established in Section 18-5-
8 25 of this Code.

9 (b) The City shall ensure that its procedures and specifications for the procurement of
10 lubricating oil and industrial oil neither excludes recycled oil nor requires oil to be manufactured
11 from virgin oil.

12 **Sec. 18-5-28. Purchasing Retreaded Tires.**

13 All tires for use on the non-steering wheels of City vehicles shall be equipped with retreaded
14 tires unless one of the following exceptions applies:

15 (1) The vehicles are fire, police, emergency assistance or public utility trucks or other
16 vehicles performing emergency services;

17 (2) The vehicles are passenger-carrying vehicles with a gross weight rating of one ton or
18 more; or

19 (3) The cost per mile differential of the retreaded tires exceeds the price preference
20 established in Section 18-5-25 of this Code.

1 **Sec. 18-5-29. Purchasing Energy Efficient Products.**

2 (a) As products that meet or exceed Energy Star[®] criteria for energy efficiency become
3 available, the City shall procure the products. This applies to:

4 (1) Any equipment that uses electricity, natural gas, or fuel oil; and

5 (2) Products that indirectly impact energy use, such as, but not limited to, windows,
6 doors, and skylights.

7 (b) City procurement language for such products as delineated in Subsection (a) of this
8 section shall request from vendors:

9 (1) Evidence that the equipment meets or exceeds the Energy Star[®] criteria for energy
10 efficiency; and

11 (2) Savings analyses including: energy (kWh/yr, therms/yr, gallons of gasoline/yr, etc.),
12 operating costs (\$/yr), and the price-premium payback period.

13 (c) Price Differential and Price-premium Payback Period: While many Energy Star[®]
14 compliant products are currently available for no price premium, should a price differential exist,
15 the City shall apply a simple life-cycle analysis. Purchases where the price-premium payback period
16 is within five years or less shall be encouraged. Where the price-premium payback period is longer
17 than five years, Energy Star[®] compliant products may still be used, provided, that the City shall not
18 be obligated to purchase and use Energy Star[®] compliant products in those circumstances.

1 **Sec. 18-5-30. Purchasing Interior / Exterior Architectural Paint Products.**

2 (a) All paint procured by the City must be low, or no, VOC by complying with the
3 current standards set forth by the California South Coast Air Quality Management District Rule 1113
4 for Architectural Coatings or the VOC and chemical component limits of Green Seal's Standard GS-
5 11, Section 4.1.

6 (b) Recycled or rebleded latex paint with low, or no, VOC properties, as demonstrated
7 by periodic tests conducted by the manufacturer, shall be given preference and used whenever
8 feasible to the extent that the price differential between the recycled or rebleded and virgin latex
9 paint does not exceed five percent (5%).

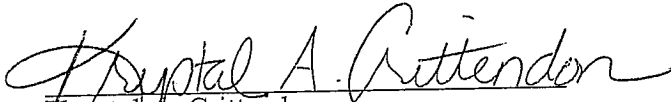
10 (c) To reduce waste and support the recycled latex paint market, all surplus latex paint
11 shall be recycled using a local latex paint recycling program, if one is reasonably available. Surplus
12 paint includes all latex paint in excess of quantities stored for touch-up purposes. Latex paint stored
13 for touch-up purposes may not exceed five percent (5%) or five (5) gallons, whichever is smaller,
14 by volume, to the nearest gallon.

15 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
16 safety, and welfare of the People of the City of Detroit.

17 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
18 repealed.
19

1 Section 4. This ordinance shall become effective sixty (60) days after the date of
2 publication.

3
4 Approved as to form:

5 
6 Krystal A. Crittendon
7 Corporation Counsel LLS
8 DAM



CITY OF DETROIT
LAW DEPARTMENT

FIRST NATIONAL BUILDING
660 WOODWARD AVENUE, SUITE 1650
DETROIT, MICHIGAN 48226-3535
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December 22, 2009

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan

RE: Proposed Ordinance to Amend Chapter 55 of the 1984 Detroit City Code, Traffic and Motor Vehicles, Article I, In General, and Article VI, Stopping, Standing and Parking, by adding Division 5, Idling Prohibition for Commercial Vehicles Exceeding Gross Vehicle Weight Rating of 8,500 Pounds

Honorable City Council:

The above-referenced proposed ordinance was requested by Your Honorable Body, through Council President Kenneth V. Cockrel, Jr., and the Police Department. Pursuant to the applicable provisions of the 1997 Detroit City Charter, the above-referenced proposed ordinance is now being submitted to Your Honorable Body for consideration and passage.

This proposed ordinance amends Chapter 55 of the 1984 Detroit City Code, *Traffic and Motor Vehicles*, Article I, *In General*, by amending Section 55-1-1, *Definitions*, to add the terms 'gross vehicle weight rating,' 'hybrid vehicle,' 'idling,' and 'on-road vehicle,' and by amending Article VI, *Stopping, Standing and Parking*, by adding Division 5, *Idling Prohibition for Commercial Vehicles Exceeding Gross Vehicle Weight Rating of 8,500 Pounds*, which shall consist of Section 55-6-91, *Applicability*, to provide that this division shall apply to all on-road, commercial vehicles propelled by diesel fueled and non-diesel fueled engines; Section 55-6-92, *Prohibition*, to prohibit idling of applicable vehicles for more than five (5) consecutive minutes per 60-minute period; Section 55-6-93, *Exceptions*; and Section 55-6-94, *Violations, penalties, and costs*, to provide for penalties for the first offense, the second offense, and the possible number of offenses. The proposed ordinance has been approved as to form.

We are available to answer any questions that you may have concerning this proposed ordinance. Thank you for your consideration.

Respectfully submitted,


Krystal A. Crittendon
Corporation Counsel

KAC:LLS
Attachment

SUMMARY

This proposed ordinance amends Chapter 55 of the 1984 Detroit City Code, *Traffic and Motor Vehicles*, Article I, *In General*, by amending Section 55-1-1, *Definitions*, to add the terms 'gross vehicle weight rating,' 'hybrid vehicle,' 'idling,' and 'on-road vehicle,' and by amending Article VI, *Stopping, Standing and Parking*, by adding Division 5, *Idling Prohibition for Commercial Vehicles Exceeding Gross Vehicle Weight Rating of 8,500 Pounds*, which shall consist of Section 55-6-91, *Applicability*, to provide that this division shall apply to all on-road, commercial vehicles propelled by diesel fueled and non-diesel fueled engines; Section 55-6-92, *Prohibition*, to prohibit idling of applicable vehicles for more than five (5) consecutive minutes per 60-minute period; Section 55-6-93, *Exceptions*; and Section 55-6-94, *Violations, penalties, and costs*, to provide for penalties for the first offense, the second offense, and the possible number of offenses.

1 BY COUNCIL MEMBER _____:

2 AN ORDINANCE to amend Chapter 55 of the 1984 Detroit City Code, *Traffic and Motor*
3 *Vehicles*, Article I, *In General*, by amending Section 55-1-1, *Definitions*, to add the terms 'gross
4 vehicle weight rating,' 'hybrid vehicle,' 'idling,' and 'on-road vehicle,' and by amending Article VI,
5 *Stopping, Standing and Parking*, by adding Division 5, *Idling Prohibition for Commercial Vehicles*
6 *Exceeding Gross Vehicle Weight Rating of 8,500 Pounds*, which shall consist of Section 55-6-91,
7 *Applicability*, to provide that this division shall apply to all on-road, commercial vehicles propelled
8 by diesel fueled and non-diesel fueled engines; Section 55-6-92, *Prohibition*, to prohibit idling of
9 applicable vehicles for more than five (5) consecutive minutes per 60-minute period; Section
10 55-6-93, *Exceptions*; and Section 55-6-94, *Violations, penalties, and costs*, to provide for penalties
11 for the first offense, the second offense, and the possible number of offenses.

12 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

13 Section 1. Chapter 55 of the 1984 Detroit City Code, *Traffic and Motor Vehicles*, Article
14 VI. *Stopping, Standing and Parking*, be amended by adding Division 5, *Idling Prohibition for*
15 *Commercial Vehicles Exceeding Gross Vehicle Weight Rating of 8,500 Pounds*, which shall consist
16 of Sections 55-6-91, 55-6-92, 55-6-93, and 55-6-94, to read as follows:

17 CHAPTER 55. TRAFFIC AND MOTOR VEHICLES

18 ARTICLE I. IN GENERAL

19 Sec. 55-1-1. Definitions.

20 For purposes of this Chapter, the following words and phrases shall have the meanings
21 respectively ascribed to them by this section:
22

1 *Alcohol* means any spirituous, vinous, malt, or fermented liquor, liquids and compounds,
2 whether or not medicated, proprietary, patented, and by whatever name called, which contain ½ or
3 1% or more of alcohol by volume, are fit for use as a beverage, and are defined and classified by the
4 Michigan Liquor Control Commission according to alcoholic content as being, beer, brandy, mixed
5 spirit drink, mixed wine drink, sacramental wine, spirits, or wine.

6 *Alley* means a public way within a block that is primarily intended for service and access to
7 abutting property.

8 *Any bodily alcohol content* means either of the following:

- 9 (1) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100
10 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine; or
11 (2) Any presence of alcohol within a person's body resulting from the consumption of
12 alcohol, other than consumption of alcohol as a part of a generally recognized
13 religious service or ceremony.

14 *Authorized emergency vehicle* means either of the following:

- 15 (1) Fire Department vehicles, Police Department vehicles, ambulances, or privately
16 owned motor vehicles of volunteer or paid fire fighters where authorized by the Fire
17 Commissioner, or privately owned motor vehicles of volunteer or paid members of
18 a life support agency that is licensed by the Michigan Department of Consumer and
19 Industry Services where authorized by the life support agency; or
20 (2) For purposes of Section 698(5)(c) of the Michigan Motor Vehicle Code, being MCL
21 257.698(5)(c), during an emergency, a vehicle owned and operated by a federally
22 recognized nonprofit charitable organization that is used exclusively for assistance

1 during such emergency.

2 *Block* means a tract of land bounded by streets or by a combination of streets, public parks,
3 cemeteries, railroad rights-of-way, harbor lines, centerlines of waterways, or corporate boundary
4 lines of the City of Detroit.

5 *Boat* means any vehicle, with or without motive power, that is designed for carrying persons
6 or property on the water.

7 *Bus* means a motor vehicle, other than a school bus, that is designed for carrying sixteen (16)
8 or more passengers, including the driver.

9 *Business district* means the territory that is contiguous to a highway where fifty percent
0 (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied
1 by buildings in use for business.

2 *Civil infraction* means an act or omission that is prohibited by this Code which is not a crime
3 as defined in Section 5 of the Michigan Penal Code, being MCL 750.5, and for which civil sanctions
4 may be ordered.

5 *Commercial street* means any portion of any street or highway that is not a residential street.

6 *Commercial vehicle* means a motor vehicle that is used for the transportation of passengers
7 for hire, or constructed or used for transportation of goods, wares, or merchandise and/or a motor
8 vehicle that is designed or constructed and used for pulling other vehicles and does not carry any part
9 of the weight of the vehicle which is being pulled, and, with reference to provisions of this Chapter
0 which govern parking enforcement, a motor vehicle without a displayed commercial license plate
1 shall not be considered a commercial vehicle.
2

1 *Controlled substance* means any drug, immediate precursor or substance, by whatever
2 official, common, usual, chemical, or trade name known, that is delineated in Schedules 1 through
3 5 of Part 72 of the Michigan Public Health Code, being MCL 333.7201 through MCL 333.7231.

4 *Crosswalk* means:

- 5 (1) The part of a roadway at an intersection included within the connections of the lateral
6 lines of the sidewalks on opposite sides of the highway measured from the curbs, or,
7 in the absence of curbs, from the edges of the traversable highway; or
- 8 (2) Any portion of a highway at an intersection or elsewhere distinctly indicated for
9 pedestrian crossing by lines or other markings on the surface.

0 *Cruising taxicab* means a taxicab in which the taxi-meter flag is in an upright position in the
1 taxicab or a taxicab unoccupied by passengers.

2 *Disabled person* means a person who is determined by a licensed physician or an optometrist
3 to have one (1) or more of the following physical characteristics:

- 4 (1) Blindness as determined by an optometrist or a physician;
- 5 (2) Inability to walk more than two hundred (200) feet without having to stop and rest;
- 6 (3) Inability to do both of the following:
- 7 (a) Use one (1) or both legs or feet;
- 8 (b) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or
9 other device, or without the assistance of another person;
- 0 (4) A lung disease from which the person's forced expiratory volume for one (1) second,
1 when measured by spirometry, is less than one (1) liter, or from which the person's
2 arterial oxygen tension is less than sixty (60) mm/hg of room air at rest;

1 (5) A cardiovascular condition that causes the person to measure between three (3) and
2 four (4) on the New York Heart Classification Scale, or that renders the person
3 incapable of meeting a minimum standard for cardiovascular health as established
4 by the American Heart Association and approved by the Michigan Department of
5 Public Health;

6 (6) An arthritic, neurological, or orthopedic condition that severely limits the person's
7 ability to walk; or

8 (7) The persistent reliance upon an oxygen source other than ordinary air.

9 *Divided roadway* means that portion of a highway improved, designed or ordinarily used for
0 vehicular travel, in two (2) or more parts, separated longitudinally by parkways, tunnel approaches,
1 canals or areas not available to immediate and continuous access to vehicular traffic from such
2 divided roadways.

3 *Double parking, double standing or double stopping* means the parking, standing or stopping
4 of a vehicle upon the roadway side of another vehicle parking, standing or stopping.

5 *Driveway* means the portions of the zoning lot that has been designated, designed, and
6 improved to afford a suitable means and a direct route for vehicular access to the private parking
7 garage or to a rear yard parking area, but does not include other portions of the zoning lot, whether
8 improved or not improved, that are not within the most direct line or route leading from the access
9 street to the private parking garage or rear yard parking area.

0 *Drug* means:

1 (1) A substance that is recognized as a drug in the official United States Pharmacopoeia,
2 official homeopathic Pharmacopoeia of the United States, or official national

1 formulary, or any supplement to any of them; or

2 (2) A substance that is intended for use in the diagnosis, cure, mitigation, treatment, or
3 prevention of disease in human beings or animals; or

4 (3) A substance, other than food, that is intended to affect the structure or function of the
5 body of human beings or animals; or

6 (4) A substance that is intended for use as a component of any substance specified within
7 this definition.

8 *Duly authorized representative* means a person or an attorney who has the permission of the
9 registered owner of a vehicle or vehicles to settle, through negotiations and/or admission(s) of
10 responsibility, and to make payment of the amount due and owing by the registered owner regarding
11 any outstanding parking violation notice(s) or citation(s).

12 *Farm tractor* means every motor vehicle that is designed and is used primarily as a farm
13 implement for drawing plows, mowing machines, and other implements of husbandry.

14 *Freeway* means a divided arterial highway for through traffic with full control of access and
15 with all crossroads separated in grade from pavements for through traffic.

16 *Gross vehicle weight rating* means the net weight of the vehicle, plus the weight of
17 passengers, fuel, cargo and any additional accessories.

18 *Highway or street* means the entire width between the boundary lines of every publicly
19 maintained way, when any part thereof is open to public use for purposes of vehicular travel.

20 *Hybrid vehicle* means a vehicle that uses an on-board Rechargeable Energy Storage System
21 (RESS) and a fuel-based power source for vehicle propulsion.

22 *Idling* means a non-moving vehicle whose engine is operating.

1 *Immobilization*, under Article II of this Chapter, means the placement of a restraint on a
2 vehicle to prevent its operation and under Article IV of this Chapter, in accordance with MCL
3 257.904e, means taking action to prevent the operation of a vehicle by the use of any available
4 technology approved by a court that locks the ignition, wheels, or steering of the vehicle or otherwise
5 prevents any person from operating the vehicle or prevents the defendant from operating the vehicle.

6 *Impoundment*, under Article II and Article IV of this Chapter, means the relocation of a
7 vehicle by towing to a pound for storage.

8 *Intersection* means:

- 9 (1) The area embraced within the prolongation or connection of the lateral curb lines, or,
10 if none, then the lateral boundary lines of the roadways of two (2) highways which
11 join one or another at, or approximately at, right angles, or the area within which
12 vehicles traveling upon different highways joining at any other angle may come in
13 conflict; or
- 14 (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every
15 crossing of each roadway of such divided highway by an intersecting highway shall
16 be regarded as a separate intersection. In the event such intersecting highway also
17 includes two (2) roadways thirty (30) feet or more apart, then every crossing of two
18 (2) roadways of such highways shall be regarded as a separate intersection.

19 *Limited access highway or freeway* means every highway, street or roadway which owners
20 or occupants of abutting lands and other persons have no legal right of vehicular access to or
21 from except at certain entry points, and in such manner, as may be determined by the public
22 authority which has jurisdiction over such highway, street or roadway.

1 *Limousine* means a chauffeur-driven motor vehicle that is designed with seating capacity for
2 fifteen (15) persons including the driver, is not equipped with a taximeter, and is operated at hourly
3 rates established in accordance with Section 58-2-6 of this Code.

4 *Loop district* means the area bounded on the south by the south line of East Jefferson Avenue
5 and West Jefferson Avenue; on the east by the east line of St. Antoine Street; on the north by the
6 north line of Columbia Street; and on the west by the west line of First Street.

7 *Major off-site parking generator* means a casino, hospital, institution, stadium, transportation
8 center, or such other facility that operates in the City and that, as a result of persons traveling to and
9 from the site in motor vehicles, creates a shortage of on-street parking in the area which prevents
10 area residents from parking at their residences.

11 *Metal tire* means every tire, with a contact surface that is made in whole or part of metal or
12 other hard, nonresilient material.

13 *Motor home* means a motor vehicle constructed or altered to provide living quarters,
14 including permanently installed cooking and sleeping facilities, that is used for recreation, camping,
15 or other noncommercial activity.

16 *Motor vehicle* means every vehicle that is self-propelled, but does not include an electric
17 patrol vehicle being operated in compliance with the Michigan Electric Patrol Vehicle Act, being
18 MCL 257.1571 *et seq.*

19 *Motorcycle* means every motor vehicle that has a saddle or seat for the use of the rider and
20 is designed to travel on not more than three (3) wheels in contact with the ground, but does not mean
21 any such vehicle as may be included within the term 'farm tractor,' as defined in this section.

1 *Motor-driven cycle* means every motorcycle with a motor that produces less than five
2 (5) gross brake horsepower, every motor scooter, and every bicycle with motor attached, except for
3 a motorized wheelchair or other similar vehicle not exceeding one thousand (1,000) pounds gross
4 weight operated by a disabled person and except for pedal bicycles with helper motors that produce
5 less than one (1) brake horsepower when used by a disabled person.

6 *Municipal civil infraction* means either:

- 7 (1) A municipal civil infraction violation notice; or
8 (2) A municipal civil infraction citation.

9 *Normal atmospheric condition* means weather without fog, rain or snow.

0 *On-road vehicle* means vehicles designed to operate on streets, highways, and interstates.

1 *Operate* or *operating* means being in actual physical control of a vehicle regardless of
2 whether or not the person is licensed as an operator or chauffeur under the Michigan Vehicle Code,
3 being MCL 257.1 *et seq.*

4 *Operator* means every person who is in actual physical control of a motor vehicle upon a
5 highway, and with reference to the provisions of this Chapter which govern parking provisions, any
6 person parking or moving a vehicle whether or not remaining in such parked vehicle.

7 *Owner* means a registered owner as defined in this section.

8 *Parking* means the standing of a vehicle, whether or not occupied, upon a highway or street,
9 except when making necessary repairs or loading or unloading.

0 *Pedestrian* means any person afoot.

1 *Pickup camper* means a non-self-propelled recreational vehicle without wheels for road use,
2 that is designed to rest all of its weight upon, and to be attached to, a motor vehicle, and is intended

1 primarily for use as temporary living quarters in connection with recreational, camping, or travel
2 purposes, but does not include truck covers or caps consisting of only walls and a roof without floors
3 or facilities for using the camper as a dwelling.

4 *Pickup truck* means a four-wheel motor vehicle having an enclosed front cab and open body
5 with low sides and a tailgate, which may have an enclosure, cap, cover, or box over the rear exterior
6 bed.

7 *Pickup zone* means that portion of the street, thoroughfare or highway adjacent to the curb
8 or carbine where motor vehicles may park for the purpose of loading or unloading merchandise or
9 materials of a heavy or bulky nature only at adjacent commercial establishments for periods not to
0 exceed fifteen (15) minutes at any one (1) time.

1 *Pneumatic tires* means all tires that are inflated with compressed air.

2 *Pole trailer* means every vehicle without motive power that is designed to be drawn by
3 another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed
4 or otherwise secured to the towing vehicle, and is ordinarily used for transporting long or irregular
5 shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves
6 as beams between the supporting connection.

7 *Private driveway* means any piece of privately owned and maintained property that is used
8 for vehicular traffic, but is not open to or normally used by the public.

9 *Private passenger vehicle* means every motor vehicle, other than a bus, commercial vehicle,
0 or taxicab, which is designed, used, or maintained primarily for the transportation of persons.

1 *Private road* means a privately owned and maintained road that allows access to more than
2 one (1) residence or place of business, which is normally open to the public and upon which persons

1 other than the owners of the residences or businesses also may travel.

2 *Railroad sign or signal* means any sign, signal, or device that is erected by authority of a
3 statute, public body or official, and is intended to give notice of the presence of railroad tracks or
4 structures, or the approach of a railroad train.

5 *Recreational equipment* means boats, snowmobiles, off-road vehicles, dune buggies, jet skis,
6 or other similar items.

7 *Registered owner* means a person who holds legal title of a vehicle as reflected in the records
8 of the Michigan Secretary of State.

9 *Residence district* means the territory contiguous to a highway, where the frontage on such
0 highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings, or by
1 dwellings and buildings, that are not in use for business.

2 *Residential parking permit area* means:

- 3 (1) An area that contains a minimum of six (6) contiguous block faces, or three (3)
4 blocks facing each other or any contiguous combination thereof, or
5 (2) An area that contains less than a minimum of six (6) contiguous block faces, or three
6 (3) blocks facing each other or any contiguous combination thereof, which has been
7 approved by the City Council as a residential parking permit area, and consists
8 primarily of residential dwellings where on-street parking is regulated, pursuant to
9 Section 55-2-10 of this Code, to provide residents of such designated areas with
0 reasonable access to on-street parking spaces at their residences.

1 *Residential street* means any portion of any street or highway that is adjacent to or abutting
2 any land that is either zoned R1, R2, R3, R4, R5, R6, or Residential P.D. in the Zoning Ordinance

1 of the City of Detroit, being Chapter 61 of this Code, or is developed with a single-family house,
2 two-family house, town house, multiple-family dwelling, or rooming house.

3 *Restraint* means a device that is used to immobilize a vehicle such as a "boot" or a "Denver
4 boot."

5 *Right-of-way* means the privilege of the immediate use of the highway.

6 *Road tractor* means every motor vehicle that is designed and used for drawing other vehicles,
7 and is not constructed so as to carry any load thereon, either independently or any part of the weight
8 of a vehicle or load so drawn.

9 *Roadway* means the portion of a highway that is improved, designed or ordinarily used for
10 vehicular travel.

11 *Safety zone* means the area or space that is officially set aside within a highway for the
12 exclusive use of pedestrians and that is plainly marked or indicated by proper signs so as to be
13 plainly visible at all times while set apart as a safety zone.

14 *Secretary of State* means the Michigan Secretary of State, acting directly or through his or
15 her duly authorized deputy, investigators, agents, and employees.

16 *Semi-trailer* means every vehicle, with or without motive power, other than a pole trailer,
17 which is designed for carrying persons or property and for being drawn by a motor vehicle and which
18 is so constructed that some part of its weight and that of its load rests upon or is carried by another
19 vehicle.

20 *Service drive* means a street or roadway having the primary function of providing access to
21 freeway entrances and exits.

22 *Solid rubber tire* means every tire that is made of rubber, other than a pneumatic tire.

1 *Standing* means the standing of a passenger vehicle upon a street with an operator in the
2 driver's seat, or the standing of a commercial vehicle upon a street without an operator in the driver's
3 seat for the purpose of loading or unloading of merchandise, material or goods of any nature, but
4 only for the reasonable length of time that is actually required to effect such loading or unloading.

5 *Stop intersection* means an intersection at one or more entrances to which vehicles are
6 required by stop signs to stop before entering.

7 *Stopping* means the stopping of a vehicle to load or unload passengers for a period not to
8 exceed three (3) minutes, with the operator remaining in the driver's seat.

9 *Street or highway* means the entire width between boundary lines of every publically
10 maintained way when any part thereof is open to public use for purposes of vehicular travel.

11 *Taxicab* means a chauffeur-driven motor vehicle that is equipped with a taximeter, a roof
12 light, and a partition between the front and back seats, and is designed to have seating capacity for
13 six (6) persons including the driver and is operated at timed rates established in accordance with
14 Section 58-2-6 of this Code.

15 *Through street* means a street or portion thereof at the entrances of which vehicles from
16 intersecting streets are required, by standing stop signs, to stop before entering or crossing.

17 *Traffic-control devices* means all signs, signals, markings and devices placed or erected by
18 authority of a public body which, or of an official who, has jurisdiction for the purpose of regulating,
19 warning, protecting, or guiding traffic.

20 *Traffic-control signal* means any device, whether manually, electrically, or mechanically
21 operated, by which traffic is directed alternately to stop and to proceed.
22

1 *Trailer* means every vehicle, with or without motive power, other than a pole-trailer, which
2 is designed for carrying property or persons and for being drawn by a motor vehicle, and is so
3 constructed that no part of its weight rests upon the towing vehicle.

4 *Trailer coach* means a vehicle designed and used primarily as temporary living quarters for
5 recreational, camping, or travel purposes, that is drawn by another vehicle.

6 *Truck* means every motor vehicle that is designed, used, or maintained primarily for the
7 transportation of property.

8 *Truck tractor* means every motor vehicle that is designed and is used primarily for drawing
9 other vehicles and is not constructed so as to carry a load other than a part of the weight of the
10 vehicle and load so drawn.

11 *Unlawful alcohol content* means any of the following, as applicable:

- 12 (1) Where the person tested is less than twenty-one (21) years of age, 0.02 grams or more
13 of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters
14 of urine; or
- 15 (2) Where the person tested was operating a commercial motor vehicle within the City
16 of Detroit, 0.04 grams or more of alcohol per 100 milliliters of blood, per 210 liters
17 of breath, or per 67 milliliters of urine; or
- 18 (3) Where the person tested is not a person described in Subsection (1) or (2), 0.08
19 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per
20 67 milliliters of urine.

21 *Van* means a multipurpose, enclosed motor vehicle, other than a delivery truck or step van,
22 that has a box-like shape, rear or side doors, and side panels, often with windows, that is used to

1 transport property or persons.

2 *Vehicle* means every device in, upon, or by which any person or property is or may be
3 transported or drawn upon a public highway, except devices exclusively moved by human power or
4 used exclusively upon stationary rails or tracks.

5 **ARTICLE VI. STOPPING, STANDING AND PARKING**

6 **DIVISION 5. IDLING PROHIBITION FOR COMMERCIAL VEHICLES**
7 **EXCEEDING GROSS VEHICLE WEIGHT RATING OF 8,500 POUNDS**

8 **Sec. 55-6-91. Applicability.**

9 This division shall apply to all on-road, commercial vehicles that are propelled by diesel
10 fueled and non-diesel fueled engines, which exceed a gross vehicle weight rating of eight-thousand
11 five hundred (8,500) pounds.

12 **Sec. 55-6-92. Prohibition.**

13 A person who, or municipality or corporate entity which, owns, operates, or leases a
14 commercial vehicle, including a bus or truck, which exceeds a gross vehicle weight rating of eight-
15 thousand five hundred (8,500) pounds, the motive power for which is provided by a diesel or
16 non-diesel fueled engine, or owns, leases, or occupies land and has the actual or apparent dominion
17 or control over the operation of a commercial vehicle, including a bus or truck present on such land,
18 the motive power for which the commercial vehicle is provided by a diesel or non-diesel fueled
19 engine, shall not allow or permit the idling, as defined in Section 55-1-1 of this Code, of said
20 vehicle's engine for more than five (5) consecutive minutes per 60-minute period, except as
21 permitted by Section 55-6-93 of this Code.
22

1 Sec. 55-6-93. Exceptions.

2 The prohibition in Section 55-6-92 of this Code shall not apply where:

- 3 (a) A diesel or non-diesel fueled commercial vehicle, including a bus or truck,
4 is forced to remain motionless because of the traffic conditions on a public
5 road over which the operator has no control;
- 6 (b) Regulations adopted by federal or state agencies that have superseding
7 jurisdiction require the maintenance of a specific temperature for passenger
8 comfort, provided, that the idling time specified in Section 55-6-92 of this
9 Code may be increased, but only to the extent necessary to comply with such
0 regulations;
- 1 (c) The idling of a diesel or non-diesel fueled primary propulsion engine is
2 necessary to power work-related mechanical or electrical operations other
3 than propulsion, for example, mixing or processing cargo or straight truck
4 refrigeration, or to perform maintenance, provided, that this exemption does
5 not apply when idling for cabin comfort or to operate non-essential on-board
6 equipment;
- 7 (d) Fire, police, and public utility trucks or other vehicles that are performing
8 emergency services;
- 9 (e) Trucks owned or operated by persons engaged in mining and quarrying are
0 used within the confines of such person's property;
- 1 (f) A diesel-fueled truck is to remain motionless for a period exceeding two (2)
2 hours and, during which period, the ambient temperature is continuously

1 below 25 degrees Fahrenheit or -3.8 Celsius;

2 (g) A commercial vehicle, as defined in Section 55-1-1 of this Code, that is
3 queued for or is undergoing a state authorized periodic or roadside emissions
4 inspection;

5 (h) A hybrid electric vehicle, as defined in Section 55-1-1 of this Code, idling for
6 the purpose of providing energy for battery power or recharging another form
7 of energy storage;

8 (i) Commercial vehicles used for agricultural purposes on a farm; or

9 (j) Electric, hydrogen, or natural gas powered vehicles.

10 **Sec. 55-6-94. Violations, penalties, and costs.**

11 (a) The operator and/or registered owner of a vehicle who is violating Section 55-6-92 of
12 this Code shall be issued a notice or civil infractions as follows:

13 (1) First violation: A written warning notice issued to the operator and/or to the
14 registered owner.

15 (2) Second and subsequent violation: A civil infraction in the amount of one hundred
16 and fifty dollars (\$150.00) issued to the operator and/or a civil infraction in the
17 amount of five hundred dollars (\$500.00) issued to the registered owner.

18 (3) Potential number of violations:

19 (a) In one 60-minute period, up to three (3) civil infractions may be issued;

20 (b) In the second continuous 60-minute period, up to four (4) civil infractions
21 may be issued; and

22 (c) In any subsequent continuous 60-minute period, up to nine (9) civil
23 infractions may be issued.

1 **(b)** A person who is found to be responsible for a civil infraction that is issued under this
2 division shall be assessed costs in accordance with Section 55-2-31(c) and (e) of this Code.

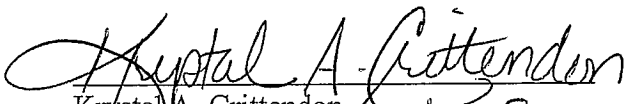
3 Secs. 55-6-95 – 55-6-100. Reserved.

4 **Section 2.** All ordinances, or parts of ordinances, that conflict with this ordinance are
5 repealed.

6 **Section 3.** This ordinance is hereby declared necessary to preserve the public peace, health,
7 safety, and welfare of the People of the City of Detroit.

8 **Section 4.** In the event that this ordinance is passed by a two-thirds (2/3) majority of the
9 City Council Members serving, it shall be given immediate effect and become effective upon
10 publication in accordance with Section 4-116 of the 1997 Detroit City Charter. Where this ordinance
11 is passed by less than two-thirds (2/3) majority of the City Council Members serving, it shall become
12 effective no later than thirty (30) days after enactment in accordance with Section 4-115 of the 1997
13 Detroit City Charter.

14
15 Approved as to form:

16
17 
18 Krystal A. Crittendon
19 Corporation Counsel
20 LLS
DAM