AN ORDINANCE

of the City Council of the City of Berkley, Michigan

to Add New Article III, Snow Emergencies, to Chapter 38, Civil Emergencies,
of the City of Berkley Code of Ordinances to
Establish Snow Emergency Procedures and Parking Prohibition.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article III shall be added to Chapter 38 of the Berkley City Code, as follows:

ARTICLE III. – SNOW EMERGENCIES

Sec. 38-1. Short title.

This article shall be known and may be cited as the “Snow Emergency Ordinance.”

Sec. 38-2. Definitions.

The following definitions apply in this article:

*Municipal Parking Lot:* Any City-owned or City-controlled public parking lot.

*Public Safety Director:* The Berkley Public Safety Department Director or the Director’s designee.

*Street:* The entire width between the boundary lines of every way, street, road, highway, or drive that is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 38-3. Parking prohibited during snow emergencies.

It shall be unlawful for a person to park or leave any vehicle on a street or municipal parking lot in the City of Berkley after a snow emergency has been declared by the Public Safety Director and publicly announced in accordance with Section 38-4 below.

Sec 38-4. Public announcement of snow emergency.

The City shall publicly announce a declaration of a snow emergency on social media, the City’s website, and by means of broadcasts and/or telecasts from stations with a normal operating range covering the City, including cable television.

Sec. 38-5. Termination of parking prohibition.

After a snow emergency has been declared, the parking prohibition under this article shall remain in effect until terminated by public announcement by the City.
Sec. 38-6.  **Stalled or disabled vehicles.**

Whenever a vehicle becomes stalled or disabled for any reason on any portion of a street or municipal parking lot to which the parking prohibition applies, the operation of the vehicle must undertake immediate actions to have the vehicle towed or removed from the street or the municipal parking lot. During a declared snow emergency, no person shall abandon or leave a vehicle in a street or municipal parking lot (regardless of whether the person indicates, by raising the hood, activating flashers, or otherwise, that the vehicle is inoperative), except for the purpose of securing assistance during the reasonable time necessary to go to a nearby telephone, automobile service station, or other place of assistance and return without delay.

Sec. 38-7.  **Violations and penalties.**

Any person who violates this article is responsible for a civil infraction, punishable by a fine not to exceed $100.

Sec. 38-8.  **Evidentiary presumption relating to parking or leaving vehicle**

In a proceeding for violation of this article relating to the parking or leaving of a vehicle, proof that the particular vehicle was parked or left in the street or municipal parking lot in violation of this article, together with proof that the person cited in the complaint was, at the time of such parking, the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that the registered owner of the vehicle was the person responsible for parking or leaving the vehicle in violation of this article.

Sec. 38-9.  **Impoundment of vehicle.**

A vehicle parked or left on any street or municipal parking lot in violation of this article constitutes a public hazard and an obstruction of traffic and may be towed and impounded immediately. No person may recover an impounded vehicle without first paying the cost of removal and storage, notwithstanding, and apart from, any fine which may also be imposed for violation of this article.

**SECTION 2:** Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

**SECTION 3:** Effective Date

This Ordinance shall become effective 30 days following the date of adoption.
SECTION 4: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on First Reading at a Regular City Council Meeting on January 6, 2020.

Passed on Second Reading at a Special City Council Meeting on January 23, 2020.

Attest:

Victoria Mitchell
City Clerk

Daniel J. Terbrack
Mayor