

CITY OF BUCHANAN

BERRIEN COUNTY, MICHIGAN

ORDINANCE 2022.03/432 AN ORDINANCE TO AMEND THE CITY OF BUCHANAN,
MICHIGAN CODE OF ORDINANCE CHAPTER 98 TRAFFIC AND VEHICLES

At a regular meeting of the City of Buchanan, Berrien County, Michigan, held at the Buchanan City Hall on April 25, 2022, at 7 P.M. Commissioner _____ moved to adopt the following Ordinance, which motion was seconded by Commissioner _____.

THE CITY OF BUCHANAN ORDAINS:

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ARTICLE III – PARKING, STOPPING, AND STANDING

DIVISION 1 – GENERALLY

Sec. 98.51.1 – “Parking” defined

"Parking" is defined as bringing a vehicle that one is driving to a halt, whether occupied or not, upon any City road, highway, alley, right-of-way, or City easement, except as necessary to obey traffic control devices or directions.

(Ord. Rev. 2022 §__)

Sec. 98.51.2 – “Parking Space” defined

“Parking space” is defined as a location that is designated for parking, either paved or unpaved. It can be in a parking lot or on a city street. The space may be delineated by road surface markings. A vehicle fits inside the space, either by parallel parking, perpendicular parking, or angled parking. The City Manager shall have authority to lay out and designate the use of parking spaces on City-owned or -operated right-of-way’s and parking lots.

(Ord. Rev. 2022 §__)

Sec. 98.51.3 – “Recreational vehicle" defined

"Recreational vehicle" means a vehicle that has its own motive power or is towed by a vehicle and is primarily designed to provide temporary living quarters for recreational,

camping, travel, or seasonal use. The term includes, but is not limited to, a motor home, travel trailer, park model trailer, or pickup camper.

(Ord. Rev. 2022 §__)

Sec. 98.51.4 – “Trailer” defined

"Trailer" means every vehicle with or without motive power designed for carrying property or persons and for being drawn by a motor vehicle.

(Ord. Rev. 2022 §__)

Sec. 98-51.5 – “Vehicle” defined

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon any roadway or highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks. A “vehicle” shall include any trailer, watercraft, recreational vehicle, or farming equipment of any type.

(Ord. Rev. 2022 §__)

98-51.6 – “Watercraft” defined

"Watercraft" means any vessel for use on water that is propelled by human power or uses a motor-driven propeller, an internal combustion engine, or a water jet pump as a source of propulsion.

DIVISION 2 – PARKING REGULATIONS

Sec. 98-52.1 – Prohibited Parking

No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device, as follows:

- (1) On the sidewalk or the space between the curb and sidewalk, whether paved or unpaved;
- (2) In front of a public or private driveway or alley or within three (3) feet of where the course of the curb line has been changed to start the driveway or alley approach;
- (3) Within an intersection;
- (4) In front of or within fifteen (15) feet of a fire hydrant.
- (5) On or partially in a crosswalk;

- (6) Within fifty (50) feet of railroad crossings.
- (7) Across or within twenty (20) feet of the driveway of any fire station or on the side of the street opposite the driveway of any fire station;
- (8) Alongside or opposite any roadway excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (9) On the roadway side of any vehicle stopped or parked at the edge or curb of the roadway (double parking);
- (10) On any private property in the City without the express consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Any complaint for violation of this Section shall be made by the owner, holder, occupant, lessee, agent, or trustee of such property;
- (11) In a space clearly designated as a fire lane or in a place or manner that blocks access to a clearly designated fire lane;
- (12) Within or on` a marked bike lane;
- (13) In any place or in any manner so as to block or partially block a bicycle lane;
- (14) In any improved or unimproved portion of a City right-of-way between the edge of the roadway and a sidewalk;
- (15) In such a manner as to straddle or overlap the limit lines of parking spaces marked upon the parking lot or street. Vehicles that are parallel parked shall be parked to the line of the roadway and with the right sidewalls of the vehicle's right-hand tires not more than twelve (12) inches from the curb or curb line;
- (16) Any truck tractor, trailer, or semi-trailer detached from its tractor on any street, alley, or public place or in any public parking lot within the City, except in cases of emergency;
- (17) In or on a front or side yard of a residence or commercial property as defined in the Zoning Ordinance, except in a driveway or designated parking area (hard surface), without a written permit from the Buchanan City Police Department;
- (18) In any way that completely or partially blocks any City driveway, road, highway, alley, right-of-way, or easement, except for vehicle loading or unloading and making necessary repairs for the period of time necessarily required, but that such City road, highway, alley, right-of-way, or easement shall not be blocked to traffic in any such place more than thirty (30) minutes;
- (19) In a parallel parking space in a direction opposite to the direction of traffic; or

- (20) Partially or completely in front of any yellow curb. A yellow curb shall mean no stopping, standing, or parking for any purpose other than the loading or unloading of passengers, provided that the loading or unloading of passengers shall not last more than three (3) minutes.

(Ord. Rev. 2022 §__)

Sec. 98.52.2 – Interference with Enforcement

No person or persons shall interfere with or hinder the enforcement of the parking, standing, or stopping ordinances and regulations of the City by removing, erasing, altering, concealing, or in any manner modifying any tags, stickers, or other items placed on a vehicle by a police officer or other designated parking enforcement official or commit any other act designed or intended to prevent enforcement of this Ordinance.

(Ord. Rev. 2022, §__)

Sec. 98.53 – Reserved

Sec. 98-54 – Reserved

Sec. 98-55 – Overnight Parking – Public Streets

No person shall park any motorized or non-motorized vehicle, trailer, recreational vehicle, or implement, or place an object of any type in any public street or alley within the city limits of Buchanan between the hours of 2:30 a.m. and 6:00 a.m. The Buchanan City Police Department may issue a temporary parking permit, not to exceed seven (7) days in duration, to any city resident upon receipt of a verbal or written request to the Buchanan City Police Department.

Sec. 98-56 – Overnight Parking – Public Parking Spaces

No person shall park any motorized or non-motorized vehicle, trailer, recreational vehicle, or implement, or place an object of any type in any public parking space within the city limits of Buchanan between the hours of 2:30 a.m. and 6:00 a.m., without first obtaining a parking permit issued by the Buchanan City Police Department.

Residential and/or rental units located in the C-3 Central Business District shall be allowed to park in a public parking lot in the C-3 Central Business District for overnight parking, which will require a parking permit per vehicle (renewable annually) issued by the Buchanan City Police Department. The permit hangtag must be visibly displayed from the rear-view mirror.

Residential and/or rental unit vehicles must park in a permitted parking space designated with permit parking signage in one of the available lots (North Parking Lot, in the alley off of S. Oak Street adjacent to the Post Office, Nelson Transfer Lot on Oak Street, the parking lot adjacent (on the west side) to the Common and Farmers

Market (also known as the City Center Parking Lot) with a Buchanan City Police Department-issued parking permit.

Those residents needing additional temporary permits for overnight parking for guests will be issued a maximum of two (2) additional permits not to exceed seven (7) days in duration and a maximum of fourteen (14) days in any of the excess municipal overflow lots per instance with a Buchanan City Police Department-issued parking permit.

Failure to remove disabled and/or abandoned vehicles that have been issued a permit will result in the permit being revoked, the vehicle cited, and towed at the owner's expense.

Roll-off or portable dumpsters and construction waste containers used for any purpose must have permission by the Buchanan City Police Department.

(Ord. No. 2008.11/377, 11-24-08)

Sec. 98-57 – Public Parking Space Use Prohibition

No resident or any other person shall store any recreational vehicle, trailer, or watercraft in any City public parking space.

(Ord. Rev. 2022 §___)

Sec. 98-58 – Reserved

Sec. 98-59 – Public Parking in the C-3 Central Business District

Parking in the C-3 Central Business District on Front Street, Main Street, Days Avenue, and Oak Street will be limited to three (3) hours between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, unless modified at the direction of the City Manager.

Boundaries of the C-3 Central Business District are as follows: Redbud Trail north to Third Street, Third Street west to Main Street, Main Street south to Dewey Street, Dewey Street west to Oak Street, Oak Street south to Roe Street, Roe Street east to Days Avenue, Days Avenue north to Central Court, and Central Court east to Redbud Trail.

(Ord. No. 2008.11/377, 11-24-08)

Sec. 98-60 – Issuance of Parking Permits – Establishment of Fees

The Buchanan City Commission shall set the costs and/or fees for the issuance of parking permits issued by the Buchanan City Police Department. The Police

Department shall not issue a parking permit for a period longer than one (1) year for residential and/or rental permits of occupants in the C-3 Central Business District.

(Ord. No. 2008.11/377, 11-24-08)

Sec. 98-61 – Violations

Violations of this Ordinance shall be handled by the Buchanan City Police Department.

Sec. 98-62 – Limitation of Parking Period

The City Manager shall have the authority to limit the period during which vehicles may be parked in any City-owned parking space and no person shall park or leave any vehicle therein for a period longer than that established by the City Manager and posted for such parking space by signs giving notice of such parking time limitations.

(Ord. Rev. 2022 §___)

Sec. 98-63 – Prohibited Space Use

No person shall use any City parking space to repair or sell any vehicle or carry on any trade or business therein. This prohibition includes mobile billboards and/or advertisements on any vehicle.

(Ord. Rev. 2022 §___)

Sec. 98-64 – Reserved

Sec. 98-65 – Reserved

Sec. 98-66 – Continuous Parking for Disabled Vehicles or Vehicle Repairs

Continuous parking of any vehicle in any parking space or in any City right-of-way for repairs or because the vehicle is disabled for a period of forty-eight (48) hours is prohibited and such vehicle may be towed. All abandoned vehicles found in any parking space or in any City right-of-way may be towed. Performing any maintenance or repairs on vehicles in the public roadway, other than emergency repairs necessary to permit immediate removal or use of the vehicle, is hereby prohibited.

(Ord. Rev. 2022 §___)

Sec. 98-67 – Snow Routes

Parking may be restricted because of the necessity to remove snow along those streets where density of traffic, protection of life and property, construction, and condition of the roadway (or any hazardous condition) make it advisable. Such

restriction shall be made by the City Manager or their designated representative. No person shall park a vehicle between the hours of 2:30 a.m. and 6:00 a.m. on any City roadway.

(Ord. Rev. 2022 §___)

Sec. 98-68 – Reserved

Sec. 98-69 – Liability

All parking shall be at the owner's risk. The City shall not be responsible or liable for the theft of, or damage to, any vehicle or the loss of any articles left in any vehicle while parked in any City-owned or -operated parking space.

(Ord. Rev. 2022 §___)

Sec. 98-70 – Registered Owner

In any proceeding relating to prosecution for the violation of this Ordinance, evidence that a particular vehicle described in a citation was parked or stored in violation of this Ordinance, together with evidence by verifying ownership with the Secretary of State, that the defendant named in the citation was on the date alleged in the citation the registered owner of the vehicle may be accepted by the court as establishing probable cause for the issuance of a citation for the registered owner of the vehicle and creates in evidence a presumption that the registered owner was the person who parked or stored the vehicle at the location where and during the time which the violation occurred.

(Ord. Rev. 2022 §___)

Sec. 98-71 – Disabled Persons Parking

The City Manager is authorized to designate certain parking spaces of the City for disabled parking and to install at such locations designated signs indicating this use. Any person in control of private property, whether normally restricted to certain persons or offered freely to the public, may designate parking spaces for disabled parking. No vehicle shall be parked in any City or private parking space designated for disabled parking, unless the same be used by a disabled person and the vehicle be identified as authorized for disabled parking by the State of Michigan.

Sec. 98-72 – Reserved

Sec. 98-73 – Reserved

Sec. 98-74 – Reserved

Sec. 98-75 – Continuance of Violation

When a traffic violation citation is placed upon any vehicle, additional citations may be placed thereon for each overtime parking violation, or fraction thereof, that said vehicle remains in such parking space; each separate overtime parking period, or fraction thereof, shall constitute a separate and distinct violation.

(Ord. Rev. 2022 §___)

Sec. 98-76 – Reserved

Sec. 98-77 – Penalties for Violations

Violations of this Ordinance shall be handled by the City of Buchanan. Whenever a police officer or city-appointed enforcement officer shall observe a violation of any ordinance pertaining to parking, the officer shall notify the owner or driver of the vehicle involved in the alleged violation by issuance of a written citation provided to the owner or driver or securely placing the citation on the vehicle. Violations shall be considered civil infractions.

Response to the citation must be made by payment of the citation within the time allowed or by requesting a court appearance within fifteen (15) calendar days of the date of issuance of the citation.

In addition, the City may have citations issued for those violations and transfer these matters to the District Court. The District Court shall then establish the civil fine for the offense, up to the maximum allowed by law.

At the discretion of the City Manager, parking violations not paid within ninety (90) days after the issuance of the notice of violation may be transferred to the District Court and administrative costs may be added. The City may extend these time limits at its discretion.

(Ord. Rev. 2020 §___).

EFFECTIVE DATE

THIS ORDINANCE SHALL BECOME EFFECTICVE JULY 1, 2022.

Proposed Commission Member:

Seconded Commission Member:

Roll Call Vote

Ayes:

Nays:
Absent:
Abstain:

MADE, PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BUCHANAN, BERRIEN COUNTY, MICHIGAN, ON THE ____ DAY OF APRIL 2022 AND IT WAS PUBLISHED IN THE BERRIEN COUNTY RECORD NEWSPAPER ON _____, 2022.

MAYOR, SEAN DENISON

CITY CLERK, KALLA LANGSTON

CERTIFICATION

I hereby certify that the above is true and complete copy of an ordinance adopted by the City Commission of the city of Buchanan, County of Berrien, State of Michigan, at a regular meeting held on ____ day of _____, 2022 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976 as required by said act.

City Clerk, Kalla Langston