

## ORDINANCE NO. 1

### AN ORDINANCE GOVERNING THE OPERATION, PARKING AND SPEED OF VEHICLES UPON THE PROPERTY OF THE BERRIEN COUNTY BUILDING AUTHORITY, INC., AND THE COUNTY OF BERRIEN, STATE OF MICHIGAN, LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. JOSEPH, MICHIGAN; AND PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF.

---

#### THE BERRIEN COUNTY BUILDING AUTHORITY, INC., AND THE COUNTY OF BERRIEN, STATE OF MICHIGAN, ORDAIN:

##### **SECTION 1. AUTHORITY FOR ADOPTION**

Public Act 31 of the Extra Session of 1948, as amended, having authorized any County of the State to incorporate an Authority for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and maintaining buildings, automobile parking lots or structures and the necessary site or sites therefore for the use of the County; the Berrien County Board of Supervisors having incorporated the Berrien County Building Authority, Inc., on January 15, 1962, for the purpose aforesaid; Article V, Section 1(g) of the Articles of Incorporation of said authority having granted the said corporation power to acquire, maintain and control parking facilities used in conjunction with the building or buildings to be purchased, constructed or leased by said Authority; the said Authority having heretofore leased to the County of Berrien a Courthouse building and adjacent parking facilities; and the County of Berrien being the owner of other parking facilities in the vicinity of the Courthouse building; the County of Berrien also having authority by virtue of Public Act 58, of 1945, as amended by Public Act 113 of 1966, to maintain and regulate parking lots and to enact such rules and regulations for the safe and proper use of said parking lots in accordance with the statute in such case made and provided; it is, therefore, determined that the public peace, health, safety and welfare require the adoption of this Ordinance.

##### **SECTION 2. DEFINITIONS**

For the purpose of this ordinance certain terms and words are herein defined as follows:

- (a) "Authority" shall mean the Berrien County Building Authority, Inc., incorporated as aforesaid. County shall mean the County of Berrien, State of Michigan.
- (b) "Property of the Authority" shall mean all property owned by or under the control of the Commission of said Authority.
- (c) "Property of the County" shall mean all property owned by or under the control of the County, whether in fee, under lease or otherwise, situated within the City of St. Joseph, Berrien County, Michigan.
- (d) "Vehicle" shall mean and include any device upon or by which any person or property may be transported, and includes bicycles as defined by the Michigan Motor Vehicle Code, and snowmobiles.
- (e) "Driver" shall mean any person who drives or is in actual physical control of a vehicle.

(f) "Control device" shall mean any sign, signal, marking and device erected upon the property of the Authority and the County by the County governing the operation, parking and speed of vehicles on said property.

(g) "Parking" shall mean standing a vehicle, whether occupied or not, when not loading or unloading, except when marking necessary repairs.

### **SECTION 3. OPERATION OF VEHICLES**

Every vehicle shall be operated upon the property of the Authority and the County in accordance with the following:

(a) No person shall operate any vehicle upon the property of the Authority or the County except upon driveways, parking areas, or other places specifically provided or designated for the operation of vehicles by control devices erected upon said property by the County.

(b) Any person operating a vehicle upon the property of the Authority or the County shall operate the same in the manner directed by any control device erected upon said property by the County.

(c) No person shall operate a vehicle upon any sidewalk or lawn located upon or adjacent to property of the Authority or the County, nor shall any person operate a vehicle upon any area or place where the operation of such vehicle is prohibited by any control device erected upon the property of the Authority or the County by the County.

### **SECTION 4. PARKING OF VEHICLES**

Every person operating a vehicle upon the property of the Authority or the County shall obey the following regulations relating to parking, to wit:

(a) No person shall park any vehicle upon the property of the Authority or the County except in or upon areas designated by control devices erected by the County as parking areas.

(b) Any vehicle parked shall be parked in or upon such parking area in the manner prescribed by any control device. No vehicle shall be parked within any such parking area in a manner so as to block or interfere with the passage or driving of other vehicles on or along driveways within such parking area.

(c) No vehicle shall be parked in any place on the property of the Authority or the County where parking is prohibited by control devices erected by the County.

(d) No person shall park any vehicle in a parking space which is in any manner expressly reserved and designated for the use of another person.

(e) No person shall park in a limited parking zone for a period longer than designated.

(f) No person, except an employee of the Authority or the County, shall park on said property between the hours of 1:00 a.m., and 6:00 a.m., local time.

### **SECTION 5. SPEED OF VEHICLES**

Every person operating a vehicle upon the property of the Authority or the County shall obey the following regulations relating to speed, to-wit:

(a) Any person driving a vehicle upon the property of the Authority or the County or upon any driveway, parking area, or place designated or provided for the operation of vehicles shall drive said vehicle at a careful and prudent speed, not greater than nor less than is reasonably proper, having due regard to the traffic, pedestrians, surface and width of the driveway and of any other conditions then

existing and no person shall drive any vehicle at a speed greater than will permit such driver to bring it to a stop within the assured clear distance ahead.

(b) Subject to the provisions of subparagraph (a) of this Section, it shall be prima facie lawful for a driver of a vehicle to drive the same upon the property of the Authority or the County on any driveway, parking area or place provided or designated for the operation of a vehicle at a speed not exceeding Ten (10) miles per hour, unless a lower speed shall be designated at any place by a control device erected by the county.

It shall be unlawful for the driver of any vehicle to exceed the speed of Ten (10) miles per hour or to exceed any lower speed designated by any control device erected by the County as aforesaid.

#### **SECTION 6. ILLEGALLY PARKED VEHICLES DECLARED A NUISANCE**

Violations of the parking regulations made in accordance with this ordinance are hereby declared to be a nuisance, which may be abated by a police officer by impoundment of the vehicle involved, by notice of violation or by removal of the vehicle involved to a designated vehicle pound to be returned only upon payment of reasonable impoundment fees.

#### **SECTION 7. COURT JURISDICTION**

The District Court of the State of Michigan in and for the County of Berrien may issue a warrant for the arrest of any person violating any rule or regulation made in this Ordinance upon complaint made by an officer or employee of the Authority or County.

#### **Section 8. PENALTIES**

Any person who shall violate any of the provisions of this Ordinance, shall, upon conviction thereof, be subject to a fine of any amount not exceeding Ten (\$10.00) Dollars or to imprisonment for a term not to exceed Ten (10) days in the County Jail for each offense or violation.

#### **SECTION 9. SEVERABILITY**

In any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be declared a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions or provisions of this Ordinance.

#### **SECTION 10. EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after Sixty (60) days of the date of its adoption.

#### **SECTION 11. PUBLICATION**

This Ordinance shall be published in the Watervliet Record, a newspaper of general circulation within the County of Berrien, State of Michigan, once before the effective date hereof.

**ADOPTED:**            November 24, 1969

**REPEALED:**        January 21, 1993