

THREE OAKS TOWNSHIP
BERRIEN COUNTY, MICHIGAN

Ordinance Number # 39

Adopted: February 14, 2005

Effective: March 23, 2005

An ordinance to prohibit and/or regulate parking, to establish methods to control parking to require compliance with this Ordinance and establish regulations to secure the public health, safety and general welfare of those persons using roads, streets and highways located in Three Oaks Township.

Three Oaks Township, Berrien County, Michigan, ORDAINS:

Section 1: Statutory Authority.

This Ordinance is adopted in accordance with Public Act 246 of 1945, as amended, being MCL 41.181, *et seq.*, and other applicable state and federal laws.

Section 2: Findings.

Three Oaks Township finds that parking upon public roads, streets and highways creates a danger to those using the public roads, streets or highways.

Section 3: Purpose.

The purpose of this Ordinance is to establish minimal controls to accomplish, among other things, the regulation and prohibition of parking of motor vehicles on all roads, streets and highways located within Three Oaks Township and to provide appropriate sanctions for failure to comply with this Ordinance.

Section 4: Definitions.

"Road, street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

"Parking" means standing a vehicle, whether occupied or not, upon a highway, when not loading or unloading, except when making necessary repairs.

Section 5: Prohibited Activities.

A vehicle shall not be stopped, parked, or left standing, attended or unattended, upon the paved or main traveled or unpaved part or shoulder or untraveled part or portion of any road, street, highway or other public thoroughfare within the boundaries of Three Oaks Township, Berrien County, Michigan.

Section 6: Exceptions.

The above prohibitions shall not apply to the stopping of school buses for the purposes of transporting pupils.

These prohibited activities shall not apply in cases of an emergency or mechanical difficulty, parking necessary for planting or harvesting agricultural products, or occasional uses such as auctions, yard sales, weddings, funerals, etc. not to exceed once per six month period.

Section 7. Sanctions for Violation.

A person who violates this Ordinance is responsible for a civil infraction. The maximum fine shall be \$100.00. The maximum court costs shall be \$100.00. In addition, all other state fees may be charged.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Three Oaks Township has been put in connection with this civil infraction.

Section 8. Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 9. Repeal.

All other ordinances, parts of ordinances, or amendments thereto, any of which are in conflict with the provisions of this Ordinance, are hereby repealed in their entirety to the extent of such conflict.

Section 10. Effective Date.

This ordinance shall become effective thirty (30) days following its publication or following the publication of a summary of its provisions in a local newspaper of general circulation.

CERTIFICATION

I, Elizabeth Cummings, the duly elected Clerk of the Township of Three Oaks, do hereby certify that the above is a true and exact copy of an ordinance passed by the Three Oaks Township Board of Trustees, on February 14, 2005, 2005, the original of which is on file at the Three Oaks Township Hall.


Elizabeth Cummings, Clerk

A motion that the foregoing Ordinance be enacted was made by Jelinek and supported by Cummings at a regular meeting of the Three Oaks Township Board of Trustees on February 14, 2005.

The names of the Township Board members and their votes are as follows:

NAME	YES	NO
Charles Sittig, Supervisor	<u>X</u>	_____
Elizabeth Cummings, Clerk	<u>X</u>	_____
Kathleen Osburn, Treasurer	<u>X</u>	_____
Diane Jelinek, Trustee	<u>X</u>	_____
James LaLone, Trustee	<u>X</u>	_____

I hereby certify that the foregoing Ordinance was published in its entirety in the South County Gazette, Three Oaks Michigan, on February 21, 2005.