

#25

# VILLAGE OF KALEVA WINTER PARKING ORDINANCE

An Ordinance to provide and foster public peace, health, safety and welfare through improved street safety and efficient administration of snow removal services by regulating the parking of motor vehicles, tractor trailers, house trailers upon the public roads, streets and rights of way within the Village of Kaleva; to provide penalties for the violation of this Ordinance; to repeal any Ordinances or parts of Ordinances in conflict therewith.

THE VILLAGE OF KALEVA, MANISTEE COUNTY, MICHIGAN, ORDAINS:

**Section 1: Name**

This Ordinance shall be known and cited as the Village of Kaleva Winter Parking Ordinance.

**Section 2: Purpose**

The purpose of this Ordinance is to limit and restrict the storage, placement and parking of vehicles, as hereinafter defined, within the corporate limits of the Village of Kaleva, Manistee County, Michigan, in order to protect and secure the health and safety of vehicular and pedestrian traffic and to facilitate the administration of snow removal during the period from November 1st of each year through April 15th of the succeeding year, inclusive.

**Section 3: Definitions**

For the purpose of this Ordinance, the following definitions shall apply:

1. An "operator" is any person who through an act is responsible for the physical placement of a vehicle on a public street, road and right of way within the corporate limits of the Village of Kaleva in a manner such that the placement thereof violates the provisions of this Ordinance.
2. An "owner" is herein defined to be any person under whose name a vehicle is titled in and upon the records of the Michigan Secretary of State or, in the case of a vehicle as to which a title transfer has not been registered with the Secretary of State, the person who is the transferee of such unregistered vehicle title.
3. A "person" is herein defined to be person, partnership, corporation and/or other legal entity.
4. A "vehicle" is herein defined as any automobile, truck, house trailer, tractor trailer, or other self-propelled wheeled piece of equipment which, when first constructed, was intended to serve as a means of conveyance on the public highways of Michigan and/or was intended to be towed on the public highways of Michigan by such a self-propelled piece of equipment.

**Section 4: Regulations**

It shall be unlawful, during the period from November 1st of each year through April 15th of the succeeding year, inclusive, for any owner or operator to store, park, place or locate any vehicle or to permit the storage, parking, placement or location of any vehicle under that person's control, on any public street, road or right of way within the corporate limits of the Village of Kaleva, between the hours of 2:30 a.m. and 7:00 a.m. of each day.

**Section 5: Nuisance**

Any parking, storage of or placement of a vehicle in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined in equity and which may subject the person thus violating this Ordinance to the fines and penalties therein provided. The Village of Kaleva may also impound any vehicle parked, stored or placed in violation of this Ordinance, may assess the charges and expenses of such impoundment to the owner of such vehicle and may continue such impoundment until the said charges and expenses are paid in full. Such charges and expenses may also be collected by a civil action instituted in a Court of competent jurisdiction and the Village of Kaleva shall have a lien on the impounded vehicle to secure payment of all such charges and expenses.

**Section 6: Saving Clause**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not effect any portion of this Ordinance other than said part or portion thereof.

**Section 7: Penalties**

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and may, upon conviction, be subjected to punishment by a fine of not more than One Hundred And NO/100 (\$100.00) Dollars, in the discretion of the Court, together with the costs of prosecution, for each violation of the Ordinance. The offender, on failing to pay such fine, and/or the costs of prosecution, may be imprisoned for any time not exceeding five days unless payment thereof is sooner made and the offender may be kept at labor during such imprisonment. Each day that a violation of this Ordinance continues or occurs shall constitute a separate offense hereunder.

**Section 8: Repealer**

Any Ordinances or parts of ordinances of the Village of Kaleva which are in conflict herewith are hereby repealed, effective on the effective date of this Ordinance.

**Section 9: Effective Date**

This Ordinance shall take effect on January 15, 1991.

ADOPTED AND APPROVED BY A MAJORITY VOTE OF ALL THE MEMBERS OF THE VILLAGE COUNCIL OF THE VILLAGE OF KALEVA, THIS 10TH DAY OF DECEMBER, 1990.

The undersigned, being the duly appointed, sworn and qualified Village Clerk for the Village of Kaleva, Manistee County, Michigan, hereby certifies that this is a true and correct copy of the Village of Kaleva Winter Parking Ordinance which was adopted and approved by the vote of a majority of all of the members of the Village