

AN  
ORDINANCE

of the City Council of the City of Berkley, Michigan to Amend Section 106-36 Damage and Obstruction Prohibited Generally, Section 122-92 Established Use of Off-Street Parking Spaces and Section 122-94 Parking in Residential Districts Between Certain Hours, and add Section 122-96 Presumption from Ownership, Section 122-97 Vehicle Abandonment and Section 122-98 On-Street Parking Prohibitions of the City of Berkley Code of Ordinances to update the policies and procedures for on-street parking and parking in municipal lots.

**THE CITY OF  
BERKLEY ORDAINS:**

**SECTION 1:** Section 106-36 of Chapter 106 of the Berkley City Code is amended, as follows:

**Sec. 106-36. – Damage and obstruction prohibited generally.**

No person shall make any excavation in, or cause any damage to any street in the city, except under the conditions and in the manner permitted in this article. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this article, but this section shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, the lawful parking of vehicles within the part of the street reserved for vehicular traffic, or the installation of traffic or directional signs by the city or other authorized governmental agency.

No person shall place any materials including but not limited to stone, mulch or any other construction material in the roadway without first obtaining a written permit in accordance with section 106-71 of the code.

**SECTION 2:** Section 122-92 of Chapter 122 of the Berkley City Code is amended, as follows:

**Sec. 122-92. Established uses of off-street parking spaces.**

Off-street parking spaces for nonresidential use shall be for the use of occupants, employees, visitors, customers, clients and patrons and shall be free of charge. Under no circumstances shall it be used for other than parking purposes, or allowed to become unusable (except for temporary repairs). Use of parking space for vehicles for sale, trucks, wrecked or junked vehicles or the repair or storage of vehicles is prohibited. No vehicle shall be parked in a required off-street parking area for a period longer than 48 hours unless the vehicle is operable and regularly employed in business activities for the business at that location, except an inoperable vehicle which is being repaired as part of the principal business of the location may park such inoperable vehicle in a required off-street parking area for not more than two (2) weeks, if it is undergoing repairs and/or servicing as part of the business activities at the location. Any vehicle parking in excess of 48 hours not related to that business must obtain approval from the zoning official. Such approval may be granted only as hardship or practical difficulties require.

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No person shall park any motor vehicle in any parking lot or structure other than within the boundaries of the space designated as allocated for the parking of a single motor vehicle, by appropriate lines or other markings. Any person parking any motor vehicle in any parking lot or structure or otherwise than as herein prescribed, shall be guilty of a violation of this section.

**SECTION 3:** Section 122-94 of Chapter 122 of the Berkley City Code is amended, as follows:

**Sec. 122-94. Parking ~~in residential districts~~ on public streets and in public parking lots between certain hours.**

1. ~~No person shall park a motor vehicle on a residential street between 2:00 a.m. and 6:00 a.m.~~ No person shall park any vehicle, trailer, boat or other conveyance on any public street, road, road shoulder, court, alley or municipal parking lot within the city between the hours of 2:00 a.m. and 5:00 a.m. This prohibition does not include a service vehicle, such as a delivery truck, van or pickup parking in front of a residence while it is providing emergency service at a residence or a temporary standing delivery vehicle making deliveries during these hours, except as provided in Section 122-94.2 and Section 122-94.3 below.
2. The City Manager or their designee is authorized to establish procedures for the issuance of permits for parking between 2:00 a.m. and 5:00 a.m. on public streets, roads, road shoulders, courts, alleys and municipal parking lots. This shall include both temporary parking on a nightly basis between 2:00 a.m. and 5:00 a.m. and annual parking permits extending for one calendar year.
3. The provisions of Section 122-94.1 shall not apply to electric vehicle charging spaces.
4. Exceptions for pods, dumpsters and similar temporary containers may be granted by the City Manager or their designee based on an identified hardship.

**SECTION 4:** Section 122-96 of Chapter 122 of the Berkley City Code is added, as follows:

**Sec. 122-96. Presumption from ownership.**

In any proceeding for violation of the provisions of this division relating to parking, proof that the particular vehicle described in the complaint was parked in violation of this division, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute a rebuttable presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

**SECTION 5:** Section 122-97 of Chapter 122 of the Berkley City Code is added, as follows:

**Sec. 122-97. Vehicle Abandonment.**

Any motor vehicle parked for over 48 consecutive hours, without moving in any parking space, lot or structure of the system, shall be deemed abandoned and may be removed by the city and impounded.

**SECTION 6:** Section 122-98 of Chapter 122 of the Berkley City Code is added, as follows:

**Sec. 122-98. On-Street Parking Prohibitions**

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No vehicle or other property may be parked on the street during a snow emergency or when posted with temporary signage or other notification at the direction of the City Manager or their designee.

**SECTION 7: 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 8: Penalty**

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

**SECTION 9: Effective Date**

This Ordinance shall become effective 30 days following the date of adoption.

**SECTION 10: 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 the First Reading at the Regular City Council Meeting on Monday, June 17, 2024.

Adopted on the Second Reading at the Regular City Council Meeting on \_\_\_\_\_ .

\_\_\_\_\_  
Bridget Dean, Mayor

Attest:

\_\_\_\_\_  
Victoria Mitchell, City Clerk

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