

ORDINANCE #55

THE CHARTER TOWNSHIP OF CHOCOLAY MARQUETTE, MICHIGAN VEHICLE AND TRAILER PARKING AND STORAGE

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Charter Township of Chocolay, Marquette County, Michigan, a municipal corporation, by the regulation of the outdoor parking, storage, and repair of vehicles and new or used parts thereof within the Charter Township of Chocolay; and to provide penalties for the violation of this amendment and to repeal Ordinance #46 or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

Section 1: **Name**

This Ordinance shall be known and cited as the Charter Township of Chocolay Vehicle and Trailer Parking and Storage Ordinance.

Section 2: **Purpose**

The Township Board finds that the types of vehicles that are parked or stored, the location on a particular site of such parking or storage, and the condition of the vehicles which are parked or stored has a direct effect on the health, safety and general welfare of the residents of the Township; and the improper or inappropriate storage or parking of vehicles can be unsafe, unsanitary, and unsightly, constituting a degradation of surrounding properties. In order to prevent such property degradation, stabilize the value of surrounding properties, prevent degradation of the environment, and minimize threats to the public safety and general welfare of the residents of the Township, it is hereby deemed necessary to regulate the manner in which vehicles, including vehicle parts, are parked or stored, the types of vehicles that are parked or stored, and the location of such parking or storage upon premises primarily used or zoned for residential occupancy. These regulations shall not apply to parking on premises where the principal use is other than residential, or when parking configuration has been approved according to the site plan review provisions of the Charter Township of Chocolay Zoning Ordinance.

Section 3: **Definitions**

For the purpose of enforcing the provisions of this Ordinance, certain terms and words herein shall have the following meaning:

- A. "Agricultural Vehicle" means a motor vehicle or conveyance, implements, or parts thereof designed and intended for agricultural Use.
- B. A vehicle is "Inoperable" when it is dismantled for the sale, salvage, repair or reclamation of parts, and does not have all of its main component parts attached; when the vehicle or parts thereof are placed upon jacks, blocks, chains or other supports; or when the vehicle, if eligible for operation upon public roads, waterways, or airways, is incapable of such operation in a lawful manner.
- C. "Front Yard" means the area between the front lot line(s) and the principal structure, extending to the side lot lines.
- D. "Front Lot Line" means the lot line dividing a lot from any road except a limited or controlled access highway to which the lot has no access. Corner lots have two front lot lines and front yards (unless one road is limited access).

- E. “Main Component Parts” means fenders, hood, wheels, tires, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment necessary for the vehicle to be lawfully operated pursuant to all applicable Vehicle Codes.
- F. “Mobile Home” means a structure as defined in Section 2 of the Mobile Home Commission Act 1987 PA 96, as amended, being MCL 125.2302.
- G. “Motor Vehicle” means a vehicle which as originally built was intended to be self-propelled by means of a motor or engine, including, but not limited to, aircraft, automobiles, trucks, vans, buses, semi-tractors, motorcycles, motorbikes, bulldozers, front end loaders and other types of construction equipment, logging skidders, snowmobiles, all-terrain vehicles (ATV’s), and boats. Motor vehicle does not include an electric personal assistive mobility device.
- H. “Person” means an individual, firm, corporation, or other entity of any kind, including vehicle owners, property owners, and residents or tenants with control of a property.
- I. “Plow Truck” means an unlicensed motor vehicle with snow removal equipment attached, used for the sole purpose of removing snow.
- J. “Recreational Vehicle” means a vehicle that has its own motive power or is mounted on or drawn by another vehicle; is built on a chassis or for use on a chassis; and was originally designed and is used primarily as temporary living quarters for recreational camping, travel or seasonal use. Includes, but is not limited to, folding camper trailers, travel trailers, fifth-wheel trailers, pickup campers, motor homes, tiny homes and park model trailers as defined by the Michigan Motor Vehicle Code 1949 PA 300 as amended. Does not include the tractor portion of a highway semi-trailer (whether it has a sleeper unit or not), semi-trailers, or mobile homes or any other specially constructed non-seasonal permanent residence.
- K. “Rear Lot Line” means any lot line that is not a front or side lot line.
- L. “Rear Yard” means the area between the rear lot line and the principal structure, extending to the side lot lines. For corner lots, the largest area that lies between the rear of the principal structure and the side lot lines. Provided, however, that properties with rear water frontage or front yards greater than one-hundred (100) feet in depth may consider the portion of the front and side yards that are at least one-hundred (100) feet distant from the front property line to be a rear yard.
- M. “Side Lot Line” means any lot line that intersects a front lot line.
- N. “Side Yard” means the area between the side lot line(s) and principal structure, extending to the boundaries of the front and rear yards.
- O. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn, including, but not limited to agricultural vehicles, motor vehicles, recreational vehicles, aircraft, boats, and trailers, excepting devices moved by human power.

Section 4: This section pertains to all vehicles and vehicle parts upon premises that are primarily used or zoned for residential occupancy, unless such vehicles or vehicle parts are wholly contained within a fully enclosed building which does not violate any of the zoning or building laws of the Township, County, or State of Michigan, or as provided in subsequent sections of this Ordinance;

- A. No person shall park or store, or permit to be parked or stored, a vehicle, or vehicle parts, upon any public right-of-way, except as permitted by the Michigan Uniform Traffic Code or the Michigan Vehicle Code PA 300 of 1949 as amended.
- B. No person shall park or store, or permit to be parked or stored, a

vehicle, or vehicle parts, in a manner as to create a fire or safety hazard or to obstruct entrances/exits from structures.

- C. Vehicles over eight (8) feet tall shall be stored at least ten (10) feet from any lot line.
- D. This Section pertains to parking or storage of vehicles or vehicle parts within the front or side yard as defined in this Ordinance:
 - 1. Vehicles and vehicle parts shall not be parked or stored within the required zoning ordinance setback for structures and the property lines.
 - 2. In no case shall the area of the front or side yard used for parking or storage of vehicles or vehicle parts exceed fifty percent (50%) of the total area of the front or side yard.
 - 3. Waivers of the front and side yard provisions
The designated enforcement officer shall have the authority to grant a waiver from this Section, provided the spirit and purposes of these regulations shall still be observed, if it is reasonably determined that:
 - a) The premises have unique conditions that are beyond the control of the applicant that make it unfeasible to locate currently licensed and operable vehicles in full compliance with these requirements, such as unique parcel configuration or terrain;
 - b) The area of the front or side yard used for parking or storage of vehicles can exceed fifty (50) percent if the front and side yard areas are at all times substantially screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall meeting all requirements of the Charter Township of Chocolay Zoning Ordinance, or by terrain, landscaping, or other natural barriers of ample height and density so that the vehicles are barely discernable.

Section 5: Regulations pertaining to operable vehicles

- A. Currently licensed and operable vehicles with all main component parts attached at any given time may be parked, stored, maintained, or placed upon premises that are primarily used or zoned for residential occupancy if all requirements of Section 4 are met, provided however that the parking of more than three (3) recreational vehicles or trailers or a combination thereof is also subject to the requirements of Section 7.
- B. Fully operable motor vehicles that receive only seasonal use, such as one stock car, plow truck or other modified vehicle that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, or snowmobiles not contained within an enclosed trailer, may be parked, stored, maintained, or placed upon premises that are primarily used or zoned for residential occupancy, provided however that such vehicles shall be parked only in the rear yard except during the season of use, and provided also that all requirements of Section 4 are met.
- C. For a period not to exceed thirty (30) days, one (1) vehicle that is in operable condition that is for sale by owner and has a "For Sale" sign displayed may be parked, stored, maintained, or placed upon premises that are primarily used or zoned for residential occupancy with provisions of Section 4D temporarily waived.
- D. Fully operable agricultural vehicles may be parked, stored, maintained, or placed upon premises that are primarily used or zoned for residential occupancy if all requirements of Section 4 are met, provided however that such vehicles and associated parts or attachments shall be parked or stored

only in the rear yard. The rear yard restriction does not apply on premises used exclusively for agriculture or forestry activities.

Section 6: Regulations pertaining to vehicles that are inoperable

A. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or part upon any public right-of-way or public property (except as permitted by the Michigan Uniform Traffic Code, the Michigan Vehicle Code PA 300 of 1949 as amended or other applicable local, state or federal ordinance) or on any property primarily used or zoned for residential occupation unless such repair, redesign, modification and dismantling is done within a fully enclosed building and does not constitute a nuisance to adjoining property owners or occupants; and does not violate any provision of the Charter Township of Chocolay Zoning Ordinance, except:

1. For a period not to exceed fourteen (14) days, two (2) vehicles that are temporarily inoperable because of mechanical failure and are not in any manner dismantled and have all main component parts attached may be stored outside, provided all requirements of Section 4 are met.
2. For a period not to exceed one year, one inoperable vehicle that is under restoration for the purpose of a hobby may be stored outside, provided all requirements of Section 4 are met.
3. For a period exceeding fourteen (14) days, no more than three (3) inoperable vehicles with or without all main component parts attached may be stored outside provided all requirements of section 4 are met, and also provided that:
 - a) The vehicles are stored only within the rear yard of the premises;
 - b) The vehicles are at all times substantially screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall meeting all requirements of the Charter Township of Chocolay Zoning Ordinance, or by terrain, landscaping or other natural barriers of ample height and density so that the vehicles are barely discernible;
 - c) Vehicles shall not leak fluids.

B. Proof of operability

Where a vehicle is visible from a public or private street or from an adjacent private property and the license of such vehicle is screened from view by an adjacent structure or vegetation, or by a cover, tarp, or similar object, then the vehicle shall be deemed to be an inoperable vehicle subject to the provisions of this Section. Such a determination may be voided if the vehicle owner, property owner, or resident/tenant demonstrates to the enforcement officer that the vehicle is operable on a public street and furnishes proof that the vehicle has a current license and registration as required for lawful operation of the vehicle. Such proof shall be provided within thirty (30) days from the date the notice was sent.

Section 7: Regulations pertaining to recreational vehicles and trailers

A. No more than three (3) currently licensed and operable recreational vehicles or trailers or a combination thereof may be parked, stored, maintained, or placed in the front or side yards provided all requirements of Section 4 are met. Any additional recreational vehicles or trailers shall:

1. Be parked, stored, maintained or placed only within the rear yard of the premises;

2. Be at all times substantially screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall meeting all requirements of the Charter Township of Chocolay Zoning Ordinance, or by terrain, landscaping or other natural barriers of ample height and density so that the vehicles are barely discernible;
 3. Not leak fluids.
- B. Temporary occupancy of one (1) recreational vehicle on a parcel used or zoned for residential occupancy is permitted for no more than ninety (90) days per year, except in approved campgrounds.
 - C. Semi-trailers and similar types of vehicles, or containers designed to be carried on those vehicles, even if currently licensed and operable, shall not be used as storage containers (with or without wheels) on any premises primarily used or zoned for residential occupancy unless they are located in the rear of the property and are at all times substantially screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by a solid fence or wall meeting all requirements of the Charter Township of Chocolay Zoning Ordinance, or by terrain, landscaping or other natural barriers of ample height and density so that the vehicles are barely discernible.

Section 8: Nuisance

Any parking, storage, placement, or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or subject the violator to civil damages and the fines and penalties herein provided for.

Section 9: Construction

This Ordinance shall not prevent the operation of any duly licensed and properly permitted junk yard, salvage yard, repair establishment, body, or paint shop where such uses or operations are legally authorized under the Charter Township of Chocolay Zoning Ordinance, and are conducted in conformance therewith.

Section 10: Exceptions

In the event the foregoing regulations create any special or particular hardship beyond the control of a violator because of unforeseen circumstances, the designated enforcement officer is authorized to suspend enforcement for no more than thirty (30) days provided no adjoining property owner or occupant is unreasonably or adversely affected and the spirit and purpose of the Ordinance is still observed. The Zoning Board of Appeals, upon application and payment of the fee, may upon hearing grant further suspension of immediate enforcement based upon a showing of undue hardship or practical difficulty. The ZBA may grant suspension of enforcement but only to a date certain.

Section 11: Severability 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 affect any portion of the Ordinance other than said part of portion thereof.

Section 12: Penalty

- A. Each person who violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) per each such infraction. Every day that a violation continues to exist shall constitute a separate infraction. Such penalty provision shall not preclude any other civil action against a violator for injunctive or other relief as provided under MCL 600.8727.

B. This Ordinance shall be enforced by the Supervisor of the Charter Township of Chocoday, by the Ordinance Enforcement Officer(s) of the Charter Township of Chocoday, by the Police Department of the Charter Township of Chocoday, or by other such person or persons as the Township Board may, from time to time, designate.

Section 13: **Repeal and Effective Date**

White moved Bohjanen seconded to approve the second reading of the proposed amendment to Ordinance #55 Vehicle Parking and Storage, as recommended by the Planning Commission, and file the motion with the Township Clerk, to publish a notice of adoption in the local newspaper and on the Township website within fifteen days of adoption, and record the amendment in the Township Ordinance book within one week after publication.

Ayes: G. Walker, M. Engle, J. Greenberg, D. Lynch, J. White, R. Bohjanen

Nays: M. Maki

Absent: None

Motion Carried.

This Ordinance shall take effect on the date of publication. All Ordinances or parts of Ordinances and specifically prior Ordinance #46 or other Ordinances in conflict herewith are repealed.

Dated: January 6th, 2016

Max L. Engle, Clerk
Charter Township of Chocoday

Gary L. Walker, Supervisor
Charter Township of Chocoday

Township Board vote, final adoption

Dates of publication in "Mining Journal"

1. September 4th, 2015
2. January 15th, 2016