

Approved:

Published:

Effective:

5-14-96 ✓  
6-1-96  
7-1-96

ORDINANCE NO. 1-96

VEHICLE AND TRAILER PARKING AND STORAGE ORDINANCE  
OF THE TOWNSHIP OF ISHPEMING

An Ordinance to secure the public peace, health, safety, welfare and protection of the environment of and for the residents and property owners of the Township of Ishpeming, Marquette County, Michigan, by the regulation of the outdoor parking and storage of vehicles, or new or used vehicle parts, trailers, or junk therefrom, within said Township; and, to provide civil penalties and civil remedies for violation of this Ordinance.

The Township of Ishpeming Ordains:

Section \_\_\_\_\_.1 TITLE

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

Section \_\_\_\_\_.2 PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking, and unreasonable accumulation of junked, unused, partially dismantled or inoperable vehicles, or new or used vehicle parts, trailers, or new or used parts thereof, upon public and private premises within the Township; to avoid injury and hazards to children and others attracted to such vehicles and trailers, or parts thereof; to prevent degradation of the environment caused by such vehicles, trailers, or parts thereof; and, to minimize the devaluation of property values and the psychological ill effects resulting from the presence of such vehicles, trailers, and parts thereof upon adjoining residents and property owners.

Section \_\_\_\_\_.3 DEFINITIONS

For the purpose of enforcing the provisions of this Ordinance, the following described terms and words, as used herein, shall have the following described meanings:

- A. The term "vehicle" shall be deemed to include motor vehicles, as well as trailers and agricultural vehicles.
- B. The term "motor vehicle" shall be deemed to include every vehicle which is intended to move or transport persons or property which is self-propelled by means of an internal combustion engine, and shall include but not be limited to automobiles, trucks, vans, buses, truck tractors, motorcycles, motorbikes, motorscooters, mopeds, bulldozers, front end loaders and other types of construction equipment, logging skidders and snowmobiles.
- C. The term "trailer" shall be deemed to mean every vehicle which is not self-propelled and is designed and intended for carrying persons or property, and for being drawn by a motor vehicle.
- D. A vehicle shall be deemed "inoperable" where any of the following conditions exist:
- (1) Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof; or,
  - (2) Where it does not have all of its main component parts properly attached; or,
  - (3) Where any other or additional conditions exist which cause the vehicle, if eligible for operation upon the public streets, to be incapable of being operated in a lawful manner upon the public streets.
- E. The term "main component parts" shall be deemed to include all such parts or equipment as are necessary for a vehicle to be lawfully driven or drawn upon the public streets pursuant to the Michigan Vehicle Code, being Act Number 300 of the Public Acts of 1949, as amended, and shall include fenders, hood, wheels, radiator, motor, windows, doors, muffler, body, and essential engine parts.
- F. The term "person" shall mean an individual, firm, corporation, or other entity of any kind.

- G. The term "agricultural vehicle" shall mean a motor vehicle or conveyance designed and intended for agricultural use, and shall include but not be limited to garden tractors, farm tractors, and other implements, either self-propelled or customarily towed, which are used in farming operations, but shall not include lawn mowers, roto-tillers, or other similar small equipment customarily associated with home gardening activities.

Section \_\_\_\_\_ **4 PARKING AND STORAGE REGULATIONS**

No person shall park or store or permit to be parked or stored upon any public or private premises within the Township of Ishpeming owned, leased, rented, occupied, or possessed by such person any vehicle, including a motor vehicle for sale, or new or used motor vehicle parts, any trailer, or agricultural vehicle, unless one or more of the following conditions exist:

- A. Such parking or storage is located within a fully enclosed building; or,
- B. Such parking or storage:
  - (1) Does not occur in the front yard area of any premises; and,
  - (2) Such parking or storage as might occur in the side yard or rear yard area of any premises shall conform to the setback requirements set forth in the Zoning Ordinance of the Township of Ishpeming for buildings or structures in the zoning district wherein located; and,
  - (3) Any such storage or parking shall at all times be completely screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by solid ornamental fencing, terrain, trees, or other natural barriers; and,
  - (4) Such parking or storage is not otherwise prohibited by any other ordinance in effect within the Township of Ishpeming; or,
- C. Such vehicle is:
  - (1) Not inoperable; and,

- (2) Where subject to a license, currently and validly licensed for operation upon the public streets; and,
  - (3) Such parking or storage is not otherwise prohibited by any other ordinance in effect within the Township of Ishpeming; or,
- D. Such vehicle or parts are located in a duly licensed and properly zoned junk yard, salvage yard, or new or used car dealers' lot or storage yard, where such uses or operations are legally authorized under the Zoning Ordinance of the Township of Ishpeming, and are conducted in conformance therewith; or,
- E. Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Township of Ishpeming Zoning Ordinance, and registered with the State of Michigan pursuant to Act Number 300, Public Acts of 1974, as amended, and is locked, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not a public nuisance; or,
- F. Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle; provided, however, that the premises shall not contain any such vehicle for longer than thirty (30) days in any one calendar year, calculated on a cumulative basis for the same or different vehicles, and notwithstanding that no one such vehicle remains upon the premises for more than said thirty (30) day period; or,
- G. Such vehicle is a modified vehicle in fully operating condition, such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured, provided that any such vehicle shall comply with all of the following restrictions:

(1) No such vehicle shall be parked or stored in the front yard area of any premises;  
and,

(2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the zoning district wherein located; or,

H. Such vehicle is what is commonly referred to as a "classic car", or an "antique car" or a similar type of vehicle which is in the process of engine, mechanical, or body restoration, provided that any such vehicle shall comply with the following restrictions:

(1) No such vehicle shall be parked or stored in the front yard area of any premises;  
and,

(2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the zoning district wherein located; or,

I. Such vehicle:

- (1) Is in operating condition; and,
- (2) Has all of its main component parts properly attached; and,
- (3) Is for sale by the owner or occupant of the premises; and,
- (4) Is posted with a "For Sale" sign.

This provision shall be limited to allowing the outdoor storage of one such vehicle per lot or parcel at any one time, and shall only permit the storage of such vehicle for no more than thirty (30) days; or,

J. Such vehicle is an agricultural vehicle as defined in this Ordinance, which is not inoperable, and which is used or usable for agricultural purposes on the premises where located; or,

K. A special permit is first obtained therefor for a period of not to exceed thirty (30) days from the Township Board of the Township of Ishpeming, to be granted only in special

hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional thirty (30) day periods upon a showing of due diligence and continued satisfaction of the criteria established by this Ordinance.

Section \_\_\_\_\_.5 NUISANCE

Any storage or parking activities in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the penalties and remedies described in this Ordinance.

Section \_\_\_\_\_.6 PENALTIES AND ENFORCEMENT

- A. Any person, firm or corporation 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.
- B. This Ordinance shall be enforced by the Supervisor of the Township of Ishpeming, by the Ordinance Enforcement Officer(s) of the Township of Ishpeming, by the Police Department of the Township of Ishpeming, or by other person or persons as the Township Board may, by Resolution, from time to time, designate.

Section \_\_\_\_\_.7 SEVERABILITY

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 this Ordinance other than said part or portion thereof.

Section \_\_\_\_\_ .8 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.

Adopted by the Township Board of the Township of Ishpeming on the 14<sup>th</sup>  
day of May, 1996.

  
James Nankervis, Township Supervisor  
Township of Ishpeming

Attest:

  
Susan E. Jandron, Township Clerk  
Township of Ishpeming