

06/30/2010

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 84-16 OF ARTICLE I OF CHAPTER 84 PROPERTY MAINTENANCE CODE, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO UPDATE ZONING ORDINANCE REFERENCE, REPEAL CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 84-16 of Article I of Chapter 84 of the Code of Ordinances shall be amended as follows:

Sec. 84-16. Vehicles.

(a) *Commercial vehicles and equipment.*

(1) *Public property.* No person shall park or store any commercial vehicle identified in subsection (2)(a), of this section or commercial equipment on public property located in any zoning district, including but not limited to public streets, stub streets, rights-of-way, bike paths, greenbelts, and planting areas between bike paths and streets, except as allowed in subsection (4), of this section.

(2) *Residential districts.*

a. No person shall park or store any step vans, cube vans, buses, dump trucks, stake trucks, flatbed trucks, wreckers, semi trucks and trailers, tank trucks, commercial and construction equipment and trailers and any similar trucks and equipment in a residential district, except as allowed in subsection (4), of this subsection.

b. Commercial vehicles other than as specified in subsection (2)(a), of this section, such as pickup trucks, passenger/cargo-style vans with seating of up to 15 persons, sport utility vehicles, passenger cars, and similar type vehicles, with no more than allowed accessories as provided in subsection (2)(d), of this subsection may be parked or stored in a residential district.

c. No more than one commercial vehicle of the type described in subsection (2)(b), of this subsection which is used for transportation by occupants of the home on the property shall be stored or parked outside of an enclosed building.

d. Allowed accessories shall mean equipment attached to vehicles which does not extend a vehicle to more than nine feet in height or wider or longer than the manufacturer's specification for the vehicle without the equipment. Roof accessory racks, but not side

racks, shall be allowed. A plow on the front and a spreader on the rear of a vehicle may be attached even if the length of the vehicle is extended beyond the manufacturer's specification.

e. No person shall park or store a vehicle outside of an enclosed building in a residential district if there is a sign on it not directly related to the vehicle's use.

(3) *Nonresidential districts.* No person shall park or store any commercial vehicle identified in subsection (2)(a), of this subsection or commercial equipment on private property in any nonresidential district except as is allowed in subsection (4), of this subsection or unless such vehicle or equipment is parked or stored in relation to a permitted principal or accessory use of the property. In such event, parking or storage must comply with all other city codes and ordinances.

(4) *Exception.* The parking or storage of commercial vehicles identified in subsection (2)(a), of this subsection or commercial equipment shall be allowed in any zoning district, where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service.

(b) *Vehicle for sale.*

(1) No person shall park any motor vehicle on any private property in the city without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property.

(2) No person shall park any motor vehicle on any private property, with or without consent of the owner, within 100 feet of a street right-of-way with a speed limit greater than 25 MPH for the principal purpose of displaying the vehicle for sale, displaying, advertising, or selling merchandise from such vehicle, except within the defined limits of a duly established new or used automobile dealership or sales lot, which shall not include bike paths adjacent to any automobile dealership or sales lot, or when so authorized or licensed under the ordinance code provisions of the city.

(c) *Inoperable/unlicensed vehicles.*

(1) No person shall keep, park, or store a vehicle in any residential district, other than in a completely enclosed building, unless the vehicle is in operating condition, properly licensed, and capable of performing the transportation function for which it was manufactured. The purpose of this section is to prevent the accumulation of junk motor vehicles, and, therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition.

(2) Likewise, no person shall keep or store any junk, including but not limited to old, rusty, wrecked, damaged, deteriorated or discarded machinery, appliances, scrap metals, materials or parts not suited for use upon the premises or quantities of old and used building materials outside of a

completely enclosed building; provided, however, that building materials fit to be used to improve the premises may be kept if piled off the ground so as not to become a potential rat and rodent harborage.

- (3) A motor vehicle which does not otherwise comply with the requirements of this section is to be stored outdoors for a long period because a family member is in the military service or some other similar reason and the vehicle is determined by the building department to be not detrimental to the area, the building department may grant the right to store the vehicle for such period under the best conditions available, which conditions shall be stated in writing. No vehicle shall be stored unused in the front yard for more than 90 days. After 90 days, the vehicle must be stored in a side or rear yard. Unused vehicles stored under a tarp must be stored in a side or a rear yard.

(d) *Recreational vehicles.*

- (1) No person shall park and/or store a recreational vehicle, snowmobile, camper enclosure, utility trailer, boat or similar vehicle or equipment not owned by the occupant or owner of the premises for a period exceeding 72 hours on lands not approved for such parking or storage, except that the building department may grant a temporary permit allowing the parking of a recreational vehicle on private property not to exceed a period of two weeks. All recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats, and similar vehicles or equipment owned by city residents stored in residential districts on their individual lots or premises shall not be stored within any front yard or any required side yard and shall further conform to the requirements ~~in section 138-1067~~ of the zoning ordinance applicable to accessory buildings, insofar as distances from main buildings, lot lines, and rights-of-way are concerned.

- (2) In addition, the parking and storage of recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats and similar vehicles or equipment in residential districts shall be subject to the following restrictions:

- a. All such units parked or stored outside of a completely enclosed building shall be kept in a state of proper repair and secured to prevent unauthorized entry.
- b. The parking and storage of such units shall be limited to a lot or parcel upon which an occupied dwelling is located.
- c. No such unit shall be connected to electricity, gas, water or sanitary sewer facilities, except that a temporary electrical connection may be made for the purpose of recharging batteries.
- d. No such unit shall at any time be used for living or housekeeping purposes while on the premises.
- e. No person shall park or store any such unit upon any public property, including public streets, stub streets, rights-of-way, bike

paths and planting areas between pathways and streets, except as allowed in subsection (2)(f), of this section.

- f. Notwithstanding any provisions to the contrary, such a unit may be temporarily parked or stored within any front yard or on a public street for a period not to exceed 72 hours for the purpose of loading, unloading, trip preparation or minor, routine maintenance and repair, although at no time shall any unmounted camper enclosure or any snowmobile or boat not mounted on a utility trailer be parked or stored within any front yard, required side yard or public street.
- (e) *Responsibility for compliance.* The owner of the vehicle, equipment or other unit and the owner or occupant of private property upon which the vehicle, equipment or other unit is parked or stored shall each be responsible for compliance with the terms of this section. In any proceeding for the violation of any section of this section, the person to whom the vehicle, equipment or unit is registered, as determined from the registration plate displayed on the vehicle, equipment or unit, shall be presumed in evidence to be the owner. If no registration plate exists, the owner shall be presumed in evidence to be the titleholder, lessee or other person with an immediate right of possession. For purposes of determining the ownership of real property, it shall be presumed in evidence that the person to whom the property is assessed on the city's most recent tax assessment roll is the owner of the property.
- (f) *Violations.*
- (1) *Notice.* A written notice of violation of this division shall be served on the person in violation directing the discontinuance and abatement of the illegal action or condition within 24 hours. For purposes of serving this notice on a commercial or recreational vehicle owner, it shall be sufficient to affix the notice in a conspicuous place on the vehicle.
 - (2) *Failure to comply.* Failure to comply with the notice of violation shall constitute a violation of this section.
 - (3) *Subsequent violations.* For subsequent or repeat violations by the same person, a written notice of violation shall not be required.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, or as otherwise prescribed herein.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Rochester Post* on _____, 2010.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2010.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2010.

Jane Leslie, Clerk
City of Rochester Hills