

ORDINANCE NO. _____

AN ORDINANCE TO MODIFY SECTION 84-4(a)(1) PROPERTY MAINTENANCE CODE, REPEAL SECTIONS 84-16 OF CHAPTER 84 PROPERTY MAINTENANCE CODE AND 138-10.308 OF CHAPTER 138, ZONING AND ADOPT NEW SECTION 138-10.308, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN TO RE-ADOPT REGULATIONS REGARDING PARKING AND STORAGE OF COMMERCIAL AND RECREATIONAL VEHICLES, EQUIPMENT AND JUNK VEHICLES IN THE ZONING ORDINANCE, REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 84-4(a)(1) of Chapter 84 of the Code of Ordinances of the City of Rochester Hills is hereby modified as follows:

(a) Causes of blight or blighting factors. It is determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods:

(1) Unlicensed/inoperable/unused/junk vehicles. In any area zoned for residential purposes, the storage upon any property of unlicensed, inoperable, unused or junk ~~automobiles~~vehicles, except as follows:

a. In a completely enclosed building.

b. A motor vehicle which does not otherwise comply with the requirements of this section may be stored outdoors if a family member is in the military service or 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 shall be stated in writing. A vehicle shall not 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.

Section 2. Section 84-16 of Chapter 84 of the Code of Ordinances of the City of Rochester Hills is hereby repealed in its entirety.

Section 3. Section 138-10.308 of the Codified Ordinances of the City of Rochester Hills is hereby repealed in its entirety and replaced by the following new Section 138-10.308:

Sec. 138-10.308. Parking and Storage of Commercial and Recreational Vehicles, ~~Equipment and Junk Vehicles.~~

A. Commercial Vehicles and Equipment.

1. **Public Property.** ~~No~~A person shall not park or store any commercial vehicle identified in paragraph ~~(2.)~~a, of this subsection 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 paragraph ~~(4.)~~, below.

2. **Residential Districts.**

a. ~~No~~A person shall not 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 paragraph (4.), below.

- b. Commercial vehicles other than as specified in paragraph (2.)a, of this subsection, 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 paragraph (2.)d, below, may be parked or stored in a residential district.
 - c. ~~No more than~~ A maximum of one commercial vehicle of the type described in paragraph (2.)b, above, 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~~ A person shall not 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~~ A person shall not park or store any commercial vehicle identified in paragraph (2.)a, above, or commercial equipment on private property in any nonresidential district except as is allowed in paragraph (4.), below, 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 paragraph (2.)a, above, 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~~ A person shall not 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~~ A person shall not 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. Recreational Vehicles.

1. ~~No~~ A person shall not 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 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, t~~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~~All such units shall not 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~~All such units shall not at any time be used for living or housekeeping purposes while on the premises.
 - e. ~~No~~A person shall not 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 paragraph (2.)f, below.
 - 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.

D. 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.

E. Violations.

1. **Notice.** A written notice of violation of this section 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 4. 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 5. 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 6. 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 _____, 2016, following its publication in the *Oakland Press* on _____, 2016.
- (3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2016.

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 _____, 2016.

Tina Barton, Clerk
City of Rochester Hills