

**Proposed Marine City Code Amendments
Related to Parking (Disabled Vehicles,
Recreational Vehicles and Winter Parking)**

Prepared by Wade Trim Associates, Inc.
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Key:

~~Text proposed to be deleted~~

Text proposed to be added

Wade Trim Commentary explaining selected amendments

**Disabled Motor Vehicle Parking Clarification
Chapter 70 – Traffic and Motor Vehicles (Sections 70.035 through 70.042)**

DISABLED MOTOR VEHICLES

70.035 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DISABLED MOTOR VEHICLE. Any vehicle which is incapable of being self-propelled upon the public streets, or which does not meet the requirements for operation upon the public streets, including a current license.

70.036 PROHIBITION GENERALLY.

No person shall permit any disabled motor vehicle to be parked, stored, placed or allowed to remain with the city in violation of the provisions of this subchapter.

70.037 ON STREETS.

Disabled motor vehicles shall not be permitted in the rights-of-way of the streets, alleys or highways within the city; provided, however, that this shall not apply to towing or similar transporting of the vehicles; and provided further, that a reasonable time (not to exceed 48 hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicle in an emergency caused by accident or sudden breakdown of the vehicle.

70.038 IN FRONT YARDS.

Disabled motor vehicles shall not be permitted in a front yard as defined by the zoning ordinance of the city; provided, however, that a reasonable time (not to exceed 48 hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicle in any emergency caused by accident or sudden

breakdown of the vehicle.

70.039 IN SIDE OR REAR YARDS.

(A) (1) One disabled motor vehicle may be permitted in a side or rear yard of a residential, commercial or industrial lot as an accessory use to the main use of the lot; provided, that the vehicle is not located in any open space required by the zoning laws. **Further, such disabled motor vehicle shall not be permitted to remain outside of a building for a period in excess of 30 days on any lot used for residential purposes or on that portion of any lot within 20 feet of an abutting lot used for residential purposes.**

(2) Service and repair work may be performed on the vehicle and incidental thereto parts, tools and equipment may be stored and used.

(B) Nothing contained herein shall be construed as authorizing the disassembling, teardown or scrapping of a motor vehicle, or to permit 1 motor vehicle to be scavenged or stripped for parts for use on another motor vehicle.

~~(C) Provided, however, that a disabled vehicle shall not be permitted to remain outside of a building for a period in excess of 30 days on any lot used for residential purposes or on that portion of any lot within 20 feet of an abutting lot used for residential purposes.~~

70.040 IN ACCESSORY GARAGE.

Storage, service and repair of a disabled motor vehicle which is conducted entirely within the confines of an accessory garage shall be permitted; provided, that the vehicle is the property of the owner or occupier of the lot and that the use is not a commercial use of the property, unless the use is authorized by other ordinances of the city.

70.041 WHERE PERMITTED.

Storage, repair and servicing of disabled motor vehicles not authorized herein, and the tearing down, stripping or junking of motor vehicles shall be permitted, only where and when the use is specifically authorized, permitted or licensed under other ordinances of the city, and in accordance therewith.

70.042 ENFORCEMENT.

It shall be the duty of the Police Department to enforce this subchapter; provided, however, that the Chief Building Inspector and the Zoning Enforcement Officer shall assist and cooperate in such enforcement.

Wade Trim Commentary: *The current language is somewhat confusing as to how many disabled motor vehicles may be allowed. The purpose of this amendment is to clarify that one 1 disabled motor vehicle is permitted in a side or rear yard, with further restrictions for that 1 disabled motor vehicle if it is a residential property or within 20 feet of an abutting residential property.*

Snow Removal Ordinance Revisions
Chapter 70 – Traffic and Motor Vehicles (Sections 70.055 through 70.063)

SNOW REMOVAL

70.055 SHORT TITLE.

This subchapter shall be known and may be cited as the City of Marine City Snow Removal Ordinance.

70.056 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STREET, HIGHWAY, ROADWAY and IN PUBLIC RIGHTS-OF-WAY. The entire width between boundary lines of every way publically maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

WINTER MONTHS. The period from December 1 through and including March 31.

70.057 PARKING RESTRICTION; EXCEPTION WITH PERMIT.

(A) No person shall park a motor vehicle on a street, highway, roadway or other public right-of-way under the jurisdiction of the city between the hours of 2:00 a.m. and 6:00 a.m. during the winter months.

(B) Any person who, due to special conditions, would be subject to practical difficulties and unnecessary hardship may make application to **City Administration** ~~the Chief of Police and the Code Enforcement Officer of the city~~ for a **hardship** permit to park a motor vehicle in front of their residence; and the permits may be issued as follows:

~~(1) When, in the opinion of the Chief of Police and the Code Enforcement Officer, the applicant is without an adequate area for the installation of sufficient off-street parking, a permit of indefinite duration shall be issued.~~

~~(2) When, in the opinion of the Chief of Police and the Code Enforcement Officer, the applicant has adequate area for the installation of sufficient off-street parking, a permit may be issued for a term of 1 year, and the applicant shall be instructed that no further permits will be issued.~~

(1) A hardship permit shall generally only be granted when it is determined by City Administration that the total number of licensed drivers residing at the site, in addition to one guest, exceeds the total parking capacity at the site. For the purposes of this determination, all garages, driveways, parking strips and parking bays on the site shall be factored into the parking capacity calculation.

(2) City Administration may impose additional conditions and safeguards to ensure the protection of public health, safety and general welfare, to reduce traffic hazards, to preserve the residential character of neighborhoods, or to ensure access to residential structures in case of police,

fire and health emergencies.

(3) A hardship permit shall be issued for a term of no longer than one winter season, and shall not carry over to another winter season without reapplication and approval by City Administration.

(C) **As directed by City Administration**, the City Clerk **or other designee** shall prepare and issue **hardship permits and vehicle stickers** ~~under the direction of the Chief of Police and Code Enforcement Officer~~ which shall clearly state the name of the permit holder, the license plate number of the vehicle(s) to which it applies and the street address at which the vehicle(s) may be parked.

(D) Any person who has been granted a **hardship** permit as provided for in division (B) above shall display said **permit vehicle sticker** in the left rear window of his or her motor vehicle(s).

(E) Any individual aggrieved by a final determination of **City Administration** ~~the Chief of Police and Code Enforcement Officer~~ may petition the City Commission for a review of the determination, and the City Commission may uphold, overturn, modify or amend the determination as the interest of justice and the purposes of this section require.

70.058 PROCEDURES FOR OPERATOR OF STALLED VEHICLE.

Whenever a motor vehicle becomes stalled or inoperable for any reason on any street, highway, roadway or other public right-of-way during the winter months, the person operating the vehicle shall take immediate action to have the vehicle towed or pushed off the street, highway, roadway or public right-of-way. No person shall abandon or leave a vehicle on any street, highway, roadway or other public right-of-way during a snow emergency (regardless of whether the operator indicates by raising the hood or otherwise that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a ~~nearby telephone or to a~~ nearby garage, gasoline station, or other place of business and return without delay.

70.059 TRAFFIC CITATION TO BE AFFIXED ON VEHICLE PARKED OR LEFT IN VIOLATION OF SUBCHAPTER.

Whenever any motor vehicle without an operator is found parked or left in violation of any provision of this subchapter, and it is not removed and impounded as provided for in this subchapter the officer finding the vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a traffic citation for the operator to answer to the charge at a time and in a place specified in the citation.

70.060 EVIDENCE WITH RESPECT TO VEHICLES PARKED OR LEFT IN VIOLATION OF SUBCHAPTER.

In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this subchapter, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this subchapter, together with proof that the defendant named in the complaint was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this subchapter.

70.061 CIVIL INFRACTION; ENFORCEMENT.

A violation of this subchapter shall constitute a municipal civil infraction as defined in § 10.99.

70.062 REMOVAL OF VEHICLES BY POLICE DEPARTMENT.

Whenever any motor vehicle without an operator is found parked or left in violation of any provision of this subchapter, the Police Department may immediately remove the vehicle, or cause the vehicle to be removed, to a place of safekeeping at the expense of the registered owner of the vehicle.

70.063 NO PARKING SIGNS TO BE POSTED.

There shall be posted at the entranceways to the city, in conformance with the Michigan Manual of Uniform Traffic Control Devices, which state: "No parking on any street, highway, roadway or right-of-way from 2:00 a.m. through 6:00 a.m., December 1st to March 31st."

Wade Trim Commentary: This amendment provides new direction for the issuance of hardship permits to park vehicles on the street during the winter months. As determined by City Administration (i.e., the City Manager or designee), the justification for a hardship permit will be based on the total on-site parking capacity and the total number of licensed drivers residing at the site, plus one guest.

Parking of Recreational Equipment Chapter 153 – Recreation Equipment (Section 153.56)

153.56 PARKING OR STORAGE RESTRICTIONS; PERMIT OBTAINED FROM CITY COMMISSION.

Any owner of recreational equipment may park or store such equipment on single-family residential property subject to the following conditions:

(A) Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.

(B) In no case shall recreational equipment be parked within a public right-of-way or on vacant property.

~~(B)~~ (C) If the camping and recreational equipment is parked or stored outside of a garage, it shall be parked or stored to the rear of the front building line of the lot. The setback requirement in the side or rear yard shall be a minimum of 2 feet.

~~(C)~~ (D) Notwithstanding the provisions of division ~~(B)~~ (C) above, recreational equipment may be parked on the premises except on the front lawn for a period of not more than 72 hours.

~~(D)~~ (E) **If it is physically impossible to park recreational equipment in the side or rear yards of a dwelling, the owner of the recreational equipment may apply to the City Commission for a special permit to park the recreational equipment on the driveway in the front yard of the house. Property owners within 100 feet shall be notified of the City Commission meeting. The owner of recreational equipment may apply to the City Commission for a special permit to park the recreational equipment within a front yard driveway. Property owners within 100 feet of the property shall be notified of the City Commission**

meeting where such request will be reviewed. Where the City Commission determines that it is not possible to park the recreational equipment within an enclosed building and there is no parking or storage space available in the rear yard or side yard, the City Commission may approve such request, subject to the following limitations:

(1) The recreational equipment shall not be parked within a front yard during the period from December 1 through and including March 31.

(2) The recreational equipment shall be parked or stored no closer than six (6) feet from any public sidewalk, or no closer than ten (10) feet from the front lot line where no public sidewalk exists.

(3) No more than one (1) unit of recreational equipment shall be permitted to be parked or stored upon any established driveway at one time. For the purposes of this limitation, recreational units used in conjunction with one another, such as a boat mounted on a boat trailer, shall be considered as one unit.

(4) The City Commission may impose additional conditions and safeguards to ensure the protection of public health, safety and general welfare, to reduce traffic hazards, to preserve the residential character of neighborhoods, or to ensure access to residential structures in case of police, fire and health emergencies.

(4) A special permit granted by the City Commission shall remain in effect, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the City Commission for non-compliance, upon written notification given to the property owner.

~~(E)~~ (F) All recreational equipment must be kept in good repair and carry a current year's license or registration.

Wade Trim Commentary: The purpose of this amendment is to better describe the process, requirements, and criteria to be followed by the City Commission in considering requests to store recreational equipment within the front yard.