

**CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN
NOTICE OF ADOPTION
ORDINANCE NO. 179**

TO AMEND THE CITY OF NEW BALTIMORE CODE OF ORDINANCES, CHAPTER 60, SECTION 60-312, TO CHANGE THE DEFINITION OF COMMERCIAL VEHICLES AND RECREATIONAL VEHICLES, TO AMEND SECTION 60-64 TO AMEND PROVISIONS RELATING TO STORAGE AND/OR PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES AND TRAILERS, TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. The following ordinances are adopted in order to promote, preserve and protect the public health, welfare and safety of the residents of the City of New Baltimore, to promote and preserve the orderly development of neighborhoods, to preserve and protect property values, to avoid concentration of businesses and adverse secondary effects upon neighborhoods to preserve, protect and promote peace, quiet, enjoyment and property values of neighborhoods.

Section 2. Chapter 60, Section 60-312, of the Code of Ordinances, is hereby amended as follows:

Commercial Vehicles means:

(1) Vehicles with capacity in excess of $\frac{3}{4}$ of a ton used in commercial activities, such as business or trade, by the owner, operator or some other person, except for one-ton pickups used by an owner or occupant of residential property within the City, if said pickup is for noncommercial use only.

(2) Any trailer, regardless of size, whether attached or unattached to a motor vehicle, that is used for the storage or hauling of tools, equipment, machinery, merchandise, inventory, supplies or waste by-products, including but not limited to leaves, clippings, paper and/or building materials, used for commercial purposes. Trailer shall mean a vehicle without motor power, designed to be towed by a motor vehicle.

(3) Any stake truck (with or without stakes in place), step van, semitrailer/tractor or semitrailer, ice cream truck, dump truck, vendor's truck, catering truck, tow truck, cube van or car hauler or utility truck 5,000 pounds or over.

Recreational Vehicles means:

Vehicles primarily designed for recreation, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, in accordance with Act 419 of Michigan Public Acts of 1976 as amended. Recreational vehicles shall include such things as motor homes, truck campers, travel trailers, folding camper trailers, off road vehicles, ATVs or other portable units including boats, snowmobiles, motorcycles, and trailers.

(1) Boat or personal watercraft shall mean a vessel that requires registration from the secretary of state for traveling in or on water including a unit powered by sail or motor.

(2) Snowmobile shall mean a motor driven vehicle designed for travel primarily on snow or ice, of a type which utilizes sled-type runners or skis and endless belt tread, or any combination of these, or other similar means of contact with the surface on which it is operated.

(3) Trailer shall mean a vehicle without motor power, designed to be drawn by a motor vehicle, to be used for carrying property other than property used for commercial purposes only, including but not limited to, boats, snowmobiles, ATVs, motorcycles, personal watercrafts, or other noncommercial type of equipment, or vehicles.

Section 3. Chapter 60, Section 60-64, of the Code of Ordinances, is hereby amended as follows:

Sec. 60-64. Storage and/or Parking of Commercial and Recreational Vehicles.

- (a) No recreational vehicle or commercial vehicle shall be parked or stored on any vacant lot in a residential district. A vacant lot shall refer to any lot upon which no residential dwelling unit exists.
- (b) No recreation vehicle shall be parked or stored on any lot occupied by a residential dwelling unit unless such recreation vehicle is currently plated and is stored in a garage, enclosed in a building or is completely within the rear, side or waterfront yard of such lot, or stored in an area approved under subsection 60-101(f) of this chapter, unless permitted on a temporary basis under the provisions herein. Such storage shall not occur so as to cause a nuisance to abutting residential premises. Sailboats and other similar watercraft shall not be stored with the mast in an upright position. No such vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot.
- (c) The parking of recreation vehicles shall be permitted on a lot or parcel's driveway for a temporary period not to exceed seventy-two (72) hours.
- (d) Any type of vehicle, including automobiles, trucks, recreational vehicles, motorcycles, trailers, or any other vehicle required to be licensed by the State of Michigan, of any kind or type, without current license plates, shall not be parked or stored on any residentially zoned property other than in a completely enclosed building.
- (e) The storage of any vehicle, including automobiles, trucks, recreational vehicles, motorcycles, trailers, or other similar item, on any non-residentially zoned piece of property shall be prohibited unless specifically permitted in the zoning district the subject property is located after site plan approval has been granted.

- (f) In residential zones, only one (1) commercial vehicle per lot or parcel shall be parked within a residential driveway subject to the following conditions: (1) the licensed commercial vehicle shall be owned or operated by a member of the family residing on said lot or parcel and shall not be used for hauling garbage, refuse or other objectionable matter; (2) such vehicle shall not encroach into the public right-of-way; (3) each residential lot or parcel shall be limited to having one licensed commercial vehicle parked on its lot or parcel at any time; (4) any trailer, if attached to a motor vehicle, shall constitute one (1) licensed commercial vehicle for purposes of this ordinance; and (5) if a trailer is unattached, it shall be only permitted on a lot or parcel's driveway for a temporary period not to exceed seventy-two (72) hours .
- (g) In no event shall any commercial vehicle or recreational vehicle be permitted to park in the public right-of-way of a residential district, except when the commercial vehicle is being parked for the purpose of providing specific services or goods for a limited duration of time relating to the lot or parcel at that location. Commercial vehicles being utilized may park temporarily at a residence for purposes of providing services or goods to that residence, lot or parcel.

Section 4. Repealer. All ordinances or parts of ordinance in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 5. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, being the intent of the City that this Ordinance shall be fully severable

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption and publication due to the emergency nature of same.

I, Marcella Shinska, City Clerk of the City of New Baltimore, Macomb County, Michigan, do hereby certify that Ordinance No. 179 was adopted by the City Council of New Baltimore, assembled in regular session on January 9, 2012. Said Ordinance is available at City Hall and on the City's website.

Notice of said posting was published in *The Voice Newspaper* on January 18, 2012.

Marcella Shinska, City Clerk