

IRON RIVER TOWNSHIP  
IRON COUNTY, MICHIGAN

Ordinance No. 23A Regulating Disabled Motor Vehicles

Iron River Township, County of Iron, State of Michigan ORDAINS;

**PURPOSE:**

This Ordinance is in the interest of and to protect the general welfare, health and safety of the people and property of Iron River Township recognizing that the unregulated use and/or storage of disabled vehicles causes unacceptable risk to the people and property of Iron River Township.

**DEFINITIONS:**

“Motor vehicles” are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled.

“Disabled motor vehicles” are defined as motor vehicles which are incapable of being self-propelled and/or which do not meet the requirements for operation upon the public streets, including a current license.

**GENERAL REGULATIONS:**

**DISABLED MOTOR VEHICLES –** No person shall permit any disabled motor vehicle to be parked, stored, placed, or allowed to remain within Iron River Township in violation of the provisions of the Ordinances of the Township.

**DISABLED MOTOR VEHICLES – PROHIBITED ON STREETS:** Disabled motor vehicles shall not be permitted in the rights of way of the streets or highways within the Township; provided, however, that this shall not apply to towing or similar transporting of such vehicles; and provided further, that a reasonable time (not to exceed 24 hours from the time of disability) shall be permitted for the removal or servicing of a disabled vehicles in an emergency caused by accident or sudden breakdown of the vehicle.

**DISABLED MOTOR VEHICLES – FRONT YARD:** Disabled motor vehicles or any parts of a motor vehicle shall not be permitted in the front yard of a parcel of land upon which there is a structure used in whole or in part as a dwelling, unless said disabled motor vehicle or parts of a motor vehicle shall be kept in wholly enclosed garage or other structure.

**DISABLED MOTOR VEHICLES – SIDE OR REAR YARDS:** One disabled motor vehicle may be permitted in a side or rear yard on a residential, commercial, or industrial lot as an accessory use to the main use of the lot. Service and repair work may be performed on such vehicle and incidental thereto parts, tools, and equipment may be stored and used. Nothing contained herein shall be construed as authorizing the disassembling, tear down, or scrapping of a motor vehicle. Provided, however, that a disabled vehicle shall not be permitted to remain outside of a building for a period in excess of thirty (30) days on a residential lot if within 15 feet of an abutting lot of another owner, and not more than ninety (90) days at any location. All disabled vehicles are required to be tarped.

**DISABLED MOTOR VEHICLES – NOISE:** 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 tearing down, stripping, or junking of a motor vehicle between the hours of 9 p.m. and 8 a.m., shall not be permitted when loud or unusual noise annoys, injures or endangers the comfort, repose, health or safety of the public.

**DISABLED MOTOR VEHICLES – 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 such use is specifically authorized, permitted, or licensed under other Ordinances of the Township, and in accordance therewith.

#### **EXCEPTIONS:**

I. This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Iron River Township Zoning Ordinance, and shall be in addition to any other laws or Ordinances respecting rubbish, refuse, litter, trash or junk control and regulations.

II. This Ordinance shall not prevent the owner of property located in Iron River Township from having and keeping on said property one (1) vehicle which is used for seasonal purposes such as wood hauler, Recreation Vehicle (RV), or plowing snow upon said property. Such vehicles may be unlicensed but shall not be stored in the front yards of the property.

III. This Ordinance shall not prevent restoration of a vehicle by a hobbyist in the rear yard of a residential lot, subject to being covered by a tarp when work is not in progress.

## **NUISANCE:**

Notwithstanding the terms hereof no vehicle shall be allowed to create a nuisance (public or private). Any vehicle not managed as provided herein is deemed a public nuisance.

## **VIOLATIONS/PENALTIES:**

A person or any entity responsible for any activity which violates any section of this Ordinance shall be guilty of a Civil Infraction. If the person responsible for an activity which violates any section of this Ordinance cannot be reasonably determined, the owner and/or lessee and/or occupant of the property on which the violation occurred shall be deemed responsible. A person found responsible under this section for a violation shall be guilty of a Civil Infraction as defined at MCLA 600.113, punishable by Civil Fines according to the following schedule:

- First Offense - \$100.00 fine
- Second Offense within one year of First Offense - \$200.00
- Third and all Subsequent Offenses within one year of First Offense - \$300.00

Each day of violation shall be a separate offense. For purposes of computing the one year period, time shall run from the date the first ticket was issued.

In addition to said fines, the violator shall pay the actual costs incurred by the Township for enforcement, including investigation time, mileage and actual attorney fees.

The Township may also issue an Order enjoining further violations and as necessary obtain injunction relief from the State Court.

## **ADMINISTRATION AND ENFORCEMENT:**

The Supervisor and/or Code Enforcement Officer shall be responsible for administration and enforcement of this Ordinance.

## **APPLICATION:**

This Ordinance shall apply to vehicles in Iron River Township from the effective date of this Ordinance without regard to prior use or practice.

This Ordinance shall not be construed as repealing any Ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but

shall be construed as supplementary to such Ordinances as well as any Statutes of the State of Michigan relating thereto.

**REPEAL:**

This Ordinance repeals Iron River Township Ordinance No. 23 adopted September 11, 1997 and all amendments thereto.

**NOTICE TO BE PUBLISHED:**

The Township shall publish notice of this Ordinance in the manner required by law.

**EFFECTIVE DATE OF ORDINANCE:**

This Ordinance shall become effective and enforceable within the Township ten (10) days after the date of publication.

ADOPTED this 8<sup>th</sup> day of October, 2013 at a regular meeting of the Iron River Township Board.

IRON RIVER TOWNSHIP,

By: Amber Laturi  
\* AMBER LATURI  
Its: Clerk

STATE OF MICHIGAN    )  
  ) ss  
COUNTY OF IRON        )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of Oct., 2013, by AMBER LATURI, Township Clerk.

Lisa A Ehlinger Goriesky  
\* LISA A EHLINGER GORIESKY  
Notary Public, IRON CO, MI  
My Commission expires on: 6/18/20

Published: July 16, 2013

Effective: July 26, 2013

To County Clerk: July 21, 2013



**P**<sup>STEVE</sup>**T**<sup>DENNIS</sup>  
**POLICH TOUSIGNANT**  
**LAW OFFICES**

Toll Free: 1-800-977-9938  
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Email: [mail@spolichlawoffice.com](mailto:mail@spolichlawoffice.com)  
Website: [www.spolichlawoffice.com](http://www.spolichlawoffice.com)

July 23, 2014

Diane Hilberg  
Iron County Clerk  
2 South Sixth Street  
Crystal Falls, MI 49920

U.S. 2 & 3<sup>rd</sup> Ave  
P.O. Box 522  
Iron River, MI  
49935-0522

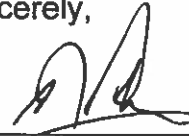
RE: Iron River Township Ordinances

Diane:

Enclosed for filing is the original Affidavit of Publication of Ordinance No. 23A Regulating Disabled Motor Vehicles, a copy of which is also enclosed.

Thank you for your assistance.

Sincerely,



Steve J. Polich  
Dennis Tousignant



**Steve  
Polich**  
Attorney  
Lic. MI & WI  
[steve@spolichlawoffice.com](mailto:steve@spolichlawoffice.com)

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**Lisa  
Coates**  
Legal Assist.  
[lisa@spolichlawoffice.com](mailto:lisa@spolichlawoffice.com)

SJP:id  
Enclosures as stated  
cc: Iron River Township (w/orig. Ordinance)  
Attn: Amber Laturi



# *Affidavit of Publication*

## **State of Michigan**

IRON RIVER TOWNSHIP  
IRON COUNTY, MICHIGAN  
Ordinance No. 23A Regulating Disabled Motor Vehicles  
Amber Laturi, Clerk



Peter Nocerini, being duly sworn, says that he is Editor of the *Iron County Reporter*, a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule; that annexed hereto is a printed copy of a notice which was published in said newspaper on the following date, or dates, to-wit: **July 16, 2014**.  
Subscribed and sworn before me on this **17th day of July 2014**.



Margaret M. Christensen  
Notary Public  
Iron County, Michigan  
My commission expires 7/21/2016