

ORDINANCE NO. 199  
VILLAGE OF BARAGA, MICHIGAN  
DISABLED AND UN-LICENSED MOTOR VEHICLE ORDINANCE

The Baraga Village Council adopts this Disabled and Un-licensed Motor Vehicle Ordinance pursuant to authority vested by Sections 61.1 *et seq.*, of the Michigan Compiled Laws.

**THE VILLAGE OF BARAGA ORDAINS:**

**Section 1 - Definitions:**

For purposes of this Ordinance:

- (a) "Motor vehicle" shall mean every vehicle which is self-propelled or intended to be self-propelled.
- (b) "Disabled motor vehicle" shall mean a motor vehicle which, as a result of mechanical or structural damage or need of repair is incapable of being operated as a motor vehicle.
- (c) "Un-licensed motor vehicle" shall mean a motor vehicle which is not in compliance with the laws of the State of Michigan to the extent required to be operated on the public roads of this State.
- (d) "Dwelling" shall mean any house, building, structure, tent, shelter, trailer, mobile home, or motor home which, in whole or in part, is used or intended to be used for human habitation, either temporarily or permanently.

**Section 2 - Disabled or Un-licensed Motor Vehicles:**

No disabled or un-licensed motor vehicle, nor any parts of any motor vehicle, shall be parked, stored, placed or allowed to remain within the Village limits in violation of the provisions of this Ordinance. A disabled or un-licensed motor vehicle, or any parts of any motor vehicle which are found to be in violation of this Ordinance are hereby declared to be a public nuisance.

**Section 2 - Prohibition Upon Public Roads and Rights of Way:**

Disabled and un-licensed motor vehicles shall not be permitted upon the rights of way, streets, alleys, or highways situated within the Village limits, provided, however, that this Section shall not prohibit the towing or transportation of such vehicles, and provided further that a reasonable time, not to exceed twelve

**Disabled/Unlicensed Vehicle Ordinance; page 2.**

hours from the onset of disability, shall be permitted for the removal or the servicing of a disabled motor vehicle in those circumstances where the disability has come about as a result of accident or sudden breakdown.

**Section 3 - Prohibition Against Storage in Front Yards:**

No disabled or un-licensed motor vehicle, nor any parts of any motor vehicle, shall be stored in the front yard of any parcel of land within the Village limits upon which there is situated a dwelling, unless such disabled or unlicensed motor vehicle, or parts of a motor vehicle, are wholly enclosed in a garage or other similar structure.

**Section 4 - Prohibition Against Storage in Side or Rear Yards; Exceptions:**

(a) No disabled or un-licensed motor vehicle, nor any parts of any motor vehicle, shall be stored in a side or rear yard of any residential, commercial or industrial parcel of land within the Village limits as an accessory use to the main use of such parcel; subject to the following exceptions:

(1) A maximum of two disabled or un-licensed motor vehicles may be parked, stored, placed, or allowed to remain in a side or rear yard of a residential, commercial, or industrial parcel as an accessory to the main use of the lot provided that such vehicles are at all times completely covered with a tarp so that no portion of the disabled or un-licensed motor vehicle is visible. Such tarp shall consist of a single piece of material manufactured and designed for covering vehicles, shall be securely fastened to the ground or to the vehicle so that it shall remain secure during adverse or inclement weather, and shall be maintained in a good and clean condition. Disabled or un-licensed motor vehicles so stored may be uncovered when said vehicles shall be in the process of repair or servicing, but shall be recovered upon the completion of repair or servicing.

(2) A single disabled or un-licensed motor vehicle may be parked, stored, placed, or allowed to remain uncovered in a side or rear yard of a residential, commercial or industrial parcel of land as an accessory to the main use of the parcel, provided that the owner or occupant of such a parcel shall first obtain a permit therefore from the Village Clerk. Such a permit shall apply only

**Disabled/Unlicensed Vehicle Ordinance; page 3.**

to the vehicle described upon its face and shall be non-transferable. The permit shall be effective for thirty (30) days and shall not be renewed. There shall be no charge assessed for the issuance of such a permit.

- (3) An unlimited number of disabled or un-licensed motor vehicles may be parked, stored, placed or allowed to remain within a side or rear yard provided that they shall be totally enclosed by a fence to the extent that they shall not be visible from adjacent dwellings or public roads by an observer standing at ground level. This provision shall not be interpreted to authorize otherwise unpermitted salvage yard or storage operations of a commercial nature and is intended only to permit the storage and repair of disabled or un-licensed motor vehicles by the owner or occupant of the premises upon which such storage or repair shall take place.
- (4) This provision shall not prohibit disabled or un-licensed motor vehicles, or motor vehicle parts, from being parked, stored, placed, or allowed to remain upon the premises of an established commercial operation during normal business hours; provided that such disabled or un-licensed motor vehicles, or parts of motor vehicles, shall be kept within a wholly enclosed garage or similar structure or within an area totally enclosed by a fence to the extent that they shall not be visible from adjacent dwellings or public roads by an observer standing at ground level.

(b) Nothing in this Ordinance shall be construed to authorize the disassembly, tear down, scrapping, savaging or stripping of any motor vehicle not otherwise authorized by Village ordinance or the laws and regulations of the State of Michigan.

**Section 5 - Noise:**

The service and repair of a disabled or un-licensed motor vehicle otherwise in compliance with the provisions of this ordinance which results in loud and unusual noise that annoys, injures or endangers the comfort, repose, health or safety of the public shall only be permitted between the hours of 7:00 a.m. and 11:00 p.m.

Disabled/Unlicensed Vehicle Ordinance; page 4.

Section 6 - Storage, Service and Repair Outside Provisions of Ordinance:

Storage, repair, and servicing of disabled or un-licensed motor vehicles not authorized in this Ordinance, and the tearing down, stripping or junking of motor vehicles shall only be allowed when and where specifically authorized, permitted or licensed by Village ordinance and in full compliance therewith.

Section 7 - Enforcement:

- (a) It shall be the duty of the Village Chief of Police and his or her officers to enforce this ordinance. A first violation of the provisions of this Ordinance shall result in a warning being given to the violator, who shall then have seven (7) days to remedy the violation. A person who violates the provisions of this Ordinance after having been given a warning relative to the same premises, whether or not the subsequent violation arose from the same provision as the first, shall be guilty of a misdemeanor punishable by imprisonment in the Baraga County Jail for not more than 90 days and a fine of up to \$100.00, or both such fine and imprisonment.
- (b) Each day, or portion thereof, that a violation of the provisions of this Ordinance exists shall constitute a separate and distinct violation.

Section 8 - Repeal of Other Ordinances:

This Ordinance is intended to repeal all prior Village ordinances relating to disabled or un-licensed motor vehicles. Nothing in this Ordinance is intended to repeal any prior Village ordinance relating to rubbish, litter, garbage, refuse, trash or junk and should be construed as being supplemental to such ordinances.

Section 9 - Severability:

It is the intent of the Baraga Village Council that the provisions of this Ordinance be severable. If any clause, sentence, paragraph or section or subsection of this Ordinance are declared void or ineffective for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

Disabled/Unlicensed Vehicle Ordinance; page 5.

Section 10 - Effective Date:

This Ordinance shall become effective the FOURTH day of NOVEMBER, 2002.

CERTIFICATION

This Ordinance was adopted by the Baraga Village Council at a regular meeting held on the 14TH day of OCTOBER, 2002 by a vote of FIVE in favor, ONE opposed and NONE abstaining.

By: Wdell R. Doan  
Village Council President

By: Dorothy J. Mayo  
Village Council Clerk