

VILLAGE OF ALMONT

ORDINANCE 160.1

An Ordinance to amend Ordinance 160 to amend the definition of a commercial vehicle, to prohibit the parking or storage of commercial vehicles, and to provide civil penalties for violations.

THE VILLAGE OF ALMONT ORDAINS:

Section 1 of Ordinance No. 160 is hereby amended to read as follows:

SECTION 1. Definitions

A. For the purposes of this Section, "commercial vehicle" shall mean:

1. Any motor vehicle, which has more than two (2) axles; or
2. Any motor vehicle, which has a Gross Vehicle Weight Rating (GVWR) of at least 16,000 lbs.; or
3. Buses; or
4. Tractors with or without their trailers; or
5. Construction equipment, including, but not limited to, bulldozers, tractors, front-end loaders, excavators, cranes, and trailers designed to transport such equipment.

"Commercial vehicle" shall not mean:

1. School buses; or
2. Motor homes; or
3. Any vehicle owned or operated by the Village of Almont; or
4. Authorized emergency vehicles; or
5. Vehicles operated by a public utility while in the course of rendering service to the residents of the Village of Almont.

B. "Motor vehicle" shall mean every vehicle, which is self-propelled.

C. "Local street" shall mean all highways and streets within the Village of Almont except for any state trunkline highway.

D. "Vehicle" shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

E. "Front of house" shall mean the side of the house on which the house's official street address is listed.

Section 3 of Ordinance No. 160 is hereby amended to read as follows:

Section 3. Prohibitions, Exceptions.

1. Except as provided in Paragraph 5, no person shall park or store any commercial vehicle upon any public property located in any zoning district, including but not limited to, public streets, stub streets, rights-of-way, sidewalks, and planting areas between sidewalks and curbs.
2. Except as provided in Paragraph 5, no person shall park or store any commercial vehicle on private property in a residential district other than in an enclosed building or other than in that section of the driveway located no closer to the front of the lot than the front of the house.
3. Except as provided in Paragraph 5, no person shall park or store any commercial vehicle on private property in any nonresidential district unless such commercial vehicle is used in conjunction with the principal use or an accessory use of the property. In such event, said parking or storage must comply with all other codes and ordinances of the Village.
4. No person shall operate or move a commercial vehicle on any local street within the Village of Almont unless such operation or movement of a commercial vehicle is necessary in the performance of a service at a property located on a local street or if the owner of such commercial vehicle is the owner or tenant of a residence or business in the Village of Almont.
5. Except as provided elsewhere in this Ordinance, the parking of commercial vehicles in any zoning district shall be limited to the use of such vehicles in the performance of a service to the adjacent property for the period of time necessary to complete such service.
6. No person shall operate the engine of a commercial vehicle when lawfully parked in a residential district for more than 30 consecutive minutes in any 24-hour period.

Section 4 of Ordinance No. 160 is hereby amended to read as follows:

Section 4. Responsibility.

The owner of the commercial vehicle sought to be stored or parked in violation of this Ordinance and the owner of the property upon which the commercial vehicle is being kept (unless it is public property) shall each be responsible for compliance with the terms of this Ordinance. In any proceeding for violation of any parking or storage provision of this Ordinance, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said commercial vehicle, shall be presumed in evidence to be the owner of such commercial vehicle. For purposes of determining the ownership of real property, it shall be presumed that the person whose name appears on the most recent tax assessment roll of the Village of Almont is the owner of the property.

Section 5 of Ordinance No. 160 is hereby amended to read as follows:

Section 5. Penalties.

Any person or any person acting on behalf of another person violating any of the provisions of this Ordinance is responsible for a civil infraction punishable by a civil fine of not more than Five Hundred (\$500.00) Dollars.

Section 6 of Ordinance No. 160 is hereby amended to read as follows:

Section 6. Severability.

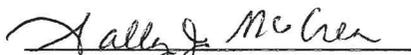
If any section, paragraph, or provision of this Ordinance shall be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part(s) so declared to be unconstitutional or invalid.

Section 7 of Ordinance No. 160 is hereby added to read as follows:

Section 7. Effective Date.

This Ordinance shall take effect upon its publication.

The undersigned President and Clerk of the Village of Almont hereby certify that this Amendatory Ordinance was adopted by the Almont Village Council on the 6th day of July, 1999 and was published in the *Tri-City Times* on the 14th day of July, 1999. The Ordinance was made effective as of said date of publication.


Sally McCrea
Clerk


Steven Schneider
President