

# **CODIFIED ORDINANCES OF**



# **CHIPPEWA COUNTY MICHIGAN**

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OF CHIPPEWA COUNTY, MICHIGAN**

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# **CHIPPEWA COUNTY JUNK YARD AND JUNK VEHICLE ORDINANCE ORDINANCE NO. 74-1**

An ordinance to provide for control and regulation of outdoor parking, accumulation, storage and/or abandonment of junk, including junk motor vehicles and junk farm equipment, within certain areas of the County of Chippewa, to provide for penalties for the violation of this Ordinance, and to repeal any ordinance or parts of ordinances in conflict herewith.

History: 1974, Ordinance No. 74-1, Eff. September 1, 1974.

*The County of Chippewa ordains:*

It is hereby determined by the Board of Commissioners of the County of Chippewa that the public peace, health, safety and welfare of the inhabitants of the County is threatened by virtue of accumulations of outdoor parking, storage and abandonment of junk, including junk motor vehicles, wreckage and parts of such vehicles, junk farm equipment and other litter and refuse in certain areas of the County where such junk accumulation is not now regulated by the state, township or city, under governing state statutes and city charter provisions. It is further determined that such accumulation constitutes a nuisance and that it is essential to protect the public peace, health, safety and welfare of the people of the County of Chippewa, that county regulation on junk, including junk motor vehicles, be provided within the framework of governing law.

## **Title**

Sec. 1. This Ordinance shall be known and cited as the Chippewa County Junk Yard and Junk Vehicle Ordinance.

## **Purpose; non-interference with township, city and village laws; supplement to state law**

Sec. 2. The purpose of this Ordinance is to establish a county control program designed to reduce unregulated junk, including abandoned motor vehicle wreckage and parts thereof, and junk farm machinery accumulations throughout the County to the extent permissible by state law, and nothing in this Ordinance shall be construed to abrogate or affect the authority of the state under 1966 PA 219, being MCLA 252.201 et. seq; MSA 9.391 (11) et. seq, or under sections 248 to 249 of the Michigan Motor Vehicle Code, being MCLA 257.248 - 257.249; MSA 9.1947 - 9.1948, or to interfere with the prerogative of townships under 1929 PA 12, being MCLA 445.451 et. seq; MSA 19.731 et. seq.; being an act to authorize townships to license and regulate junk yards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles; nor is anything in this Ordinance to be construed as interfering with the authority of any incorporated city or village to junk yards, junk dealers, wreckers or the accumulation of junk vehicles and other junk covered by this Ordinance by charter provision. It is the purpose of this Ordinance to supplement state law providing for control of junk yards and the regulation of junk, as herein above set forth.

## **Definitions**

Sec. 3. The term "private premises" shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building or other structure whether inhabited or temporarily or continuously inhabited or vacant.

**Accumulation on public and private property; repair, redesign, modification or dismantling work or operation; special or peculiar hardship**

Sec. 4. Regulations.

- a. Except to the extent permitted under state law or city or village charter provision, no person or corporation, whether owner, tenant or manager of private property, or whether the past registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the parking, storage or accumulation thereof upon any public right of way, public property or private premises within the County, of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or a completely walled enclosure, or are otherwise screened by natural objects, plantings, fences or other appropriate means so as not to be visible to public view, except for the following:
  1. Motor vehicles in operating condition eligible for use in accordance with the Michigan Motor Vehicle Code, being 1939 PA 300, as amended;
  2. Motor vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used motor vehicles or equipment used in the operation of such dealership;
  3. Motor vehicles or parts thereof located in junkyards or the places of business of wreckers duly licensed by state or township authority, pursuant to governing state law;
  4. Motor vehicles temporarily inoperable due to minor mechanical failure, but which are not in any manner, dismantled and have substantially all main component parts attached, may remain upon private property for not to exceed an aggregate total of sixty (60) days, unless granted a special permit by the authorized administrator.
  5. No more than one modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured may be permitted per residential unit, provided no building or garage is located upon the premises in which said vehicle could be parked or stored, and further provided that in no event shall any such remodeled or reconstructed vehicle be parked in the front or side street yard area or any residential premises so as to be visible to passersby.
- b. No repairing, redesigning, modifying or dismantling work or operation shall be allowed upon any vehicle or parts thereof except pursuant to authority conferred by the state or township under governing law, or upon any public right of way or public property for a period in excess of 24 hours, or on private property for a period in excess of one week except as shall be accomplished within fully enclosed buildings or completely walled enclosures; provided further, that such repairing, redesigning, modifying or dismantling shall be conducted in conformity with any applicable zoning ordinance and in such a manner as not to annoy the owners or occupants of adjoining property.
- c. In event of special or peculiar hardship beyond the control of any individual due to unforeseen circumstances by reason of the application the provisions of this Ordinance, the court may

grant a two week stay in any proceeding brought for violation of this Ordinance, provided that the court shall have discretion to consider unreasonable or adverse effect to owners or occupants of adjoining property in considering application for such stay to the end that the spirit and purpose of this Ordinance may be substantially carried out.

### **Nuisance**

Sec. 5. Any parking, storage, accumulation, placement or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined pursuant to governing law or for which the violator may be subjected to a suit for civil damages, as well as the fines and penalties herein provided.

### **3.16 Construction**

Sec. 6. This Ordinance shall not apply to any junk yards, salvage yards, garages, body or paint shops operating within the County, which shall be licensed pursuant to governing state law or city or village charter provisions, but shall be in addition to and not in conflict with all other laws and ordinances respecting junk and junk vehicles.

### **3.17 Saving clause**

Sec. 7. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, work section or provision is declared void and unenforceable, for any reason, be a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

### **3.18 Penalty; removal, impoundment and destruction of vehicles; sums realized in a sale**

Sec. 8. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to a fine of not more than \$100 or imprisonment in the county jail for a period not to exceed ninety days, or both, such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

In addition to the imposition of the foregoing fines, penalties and other legal remedies, the Sheriff's Department and such other officers as the County Board of Commissioners may designate may cause any vehicle found in violation hereof to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer, and the cost thereof assessed against the owner of such vehicle or the premises on which same is located. Any sums realized in the sale of the same may be retained by the County to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of such sums remaining after reimbursement shall be reimbursed to the owner of such vehicle or parts thereof.

### **3.19 Effective date**

Sec. 9. This Ordinance shall take effect September 1, 1974, pursuant to submission and approval by the Governor and publication thereof as required by law. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**CHIPPEWA COUNTY MICHIGAN  
ORDINANCE NO. 94-1**

An Ordinance entitled “Parental Responsibility.”

*The County of Chippewa ordains:*

**2.11 Definitions**

Sec 1. For the purposes of this Article, the following definitions apply:

- c. **DELINQUENT ACTS:** Means those acts which violate the laws of the united States, the laws of the State of Michigan or the ordinances of the County of Chippewa; these acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile Division of the Probate Court as defined by MCLA 712A.2; or another or deliberately creates an unreasonable risk of physical harm to himself or herself or to others. “Delinquent acts” do not include traffic violations.
- d. **DRUGS:** Means any controlled substance as defined now or hereafter by the Public Health Code for the State of Michigan. Currently, such substances are defined in PART 72 of the Health Code being section 333.7201 et seq, of the Michigan Compiled Laws.
- e. **MINOR:** Means any unemancipated person under seventeen (17) years of age.
- f. **PARENT:** Means a mother, father or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and supervision of the minor at the time the delinquent act is alleged to have been committed by the minor.

History: 1994, Ordinance No. 94-1, Eff. June 1, 1994.

**2.12 Continuous responsibility; reasonable responsibility**

Sec 2. Parental responsibility.

- g. The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.
- h. The parental responsibility to exercise reasonable control includes the following duties, set forth for the purposes of illustration and not limitation:
  - 1. To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a license physician or other authorized medical professional;
  - 2. To keep firearms out of the possession of the minor except those used for hunting in accordance with local ordinance and state law and with the knowledge and supervision of a parent;
  - 3. To know the Curfew Law of the state of Michigan, MCLA 722.751 and 722.752, and/or

the City of Sault Ste. Marie, Section 15.1, and/or any Township ordinance of residence, and require the minor to observe the Curfew Laws;

4. To require the minor to attend regular school sessions and to prevent the minor from being absent from school without parental or school permission;
5. To prevent the minor from maliciously or wilfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to any governmental entity with Chippewa County.
6. To prevent the minor from engaging in theft of property or keeping in his or her possession property known to be stolen.

History: 1994, Ordinance No. 94-1, Eff. June 1, 1994.

### **2.13 Minor arrested or detained; records**

Sec. 3. Notification of parent; Record of notification

- a. Whenever a minor is arrested or detained by any Law Enforcement Agency for the commission of any delinquent act, the parent of the minor shall be notified as soon as reasonably possible by the arresting agency of the minor's arrest or detention and the reasons therefore, and of the parent's responsibility under this Article.

- b. A record of such notification shall be kept by the arresting agency.

History: 1994, Ordinance No. 94-1, Eff. June 1, 1994.

### **2.14 Violation**

Sec. 4. If the minor of a parent residing within the county of Chippewa commits a delinquent act, the parent shall be guilty of a violation of this Article if:

- i. It is proven that any action, word or non-exercise of parental responsibility by the parent encouraged, caused or allowed to occur the commission of the delinquent act by the minor;
- j. It is proven that the parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate action to prevent the commission of the delinquent act by the minor. If at any time within forty-five (45) days following the giving of notice as provided in section 3 above, the minor to whom said notice related or applied commits a delinquent act as provided this Article, it shall be rebuttably presumed that the minor committed the delinquent act with the knowledge, allowance, permission or sufferance of the parent.
- k. Any person in violation of any subsection of this Article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed five hundred dollars (\$500.00) or ninety (90) days in jail, or both fine and jail in the discretion of the Court.

History: 1994, Ordinance No. 94-1, Eff. June 1, 1994.

### **2.15 Effective date**

Sec. 5. Adoption. Because this ordinance is deemed necessary for the preservation of the public peace,

health, and safety, it shall therefore take effect June 1, 1994.

History: 1994, Ordinance No. 94-1, Eff. June 1, 1994.



# CHIPPEWA COUNTY MICHIGAN ORDINANCE NO. 1996-4

An Ordinance entitled “Chippewa County Address Ordinance.”

History: 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

*The County of Chippewa ordains:*

### 3.21 Purpose

Sec 1. The purpose of this ordinance is to establish a uniform county wide system of numbering buildings for use as addresses to facilitate locating buildings; to protect the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services; to provide for more efficient delivery of county services such as building, soil, and health inspections, tax assessment, data collection and other county affairs; to provide means for parcel delivery, common carriers and mail delivery systems in Chippewa County and:

- g. Creating a formal system with standards and regulations for assigning road names to be administered by the Rural Addressing Board or appropriate Tribal Council.
- h. Creating a formal system with standards and regulations for assigning addresses to be administered by;
  - a. Chippewa County Health Department - for new structures.
  - b. Chippewa County Health Department - reassigning old addresses.
- i. Providing for notification of interested parties of assigned new road names, address numbers, and maintain a master record of addresses.
- j. Coordinating the purpose of this ordinance with other county or municipal ordinances, such as those areas (cities, villages, reservations) that may already have acceptable addressing systems.
- k. Provide minimum standards and regulations for display of addresses.
- l. Providing for the enforcement of this ordinance.

History: 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

### 3.22 Legal basis

Sec 2. This ordinance is enacted pursuant to Section 11 of Michigan Public Act 156 of 1851, as amended, being Michigan Compiled Law 46.11. or ordinances adopted by Tribal Councils.

History: 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

### 3.23 Definitions

Sec 3. For the purpose of this Ordinance, certain terms are defined. When not inconsistent with the context, the present tense includes the future and singular usage includes the plural usage. The word “shall” is always

mandatory. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

- i. **ADDRESS:** Means a combination of a set of numbers and a road name.
- ii. **ADDRESS NUMBER:** Means a set of numbers.
- iii. **ROAD:** Means any road, street, highway, avenue, court, circle, lane, drive, way, route, boulevard, two track, cul-de-sac, and any other applicable designation which affords a means of travel and vehicular access to abutting property.
- iv. **ROAD NAME:** Means the proper name of a road, including a general prefix (N,S,E,W).
- v. **R.O.W. (Acronym for “Right of Way”):** A private drive which has two or more residences not visible from the main road, and not maintained by the County.
- vi. **STRUCTURE:** Means anything constructed, erected or placed with a fixed location on the ground and includes, but is not limited to, dwellings, houses, mobile homes, businesses, and buildings which may have need or cause to have an address.

History: 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

**3.24 Road naming authority; private drives with two or more residential structures; road sign design; non-duplication of road name; common roads; changing existing road names; highway and route numbers; guidance for naming meandering roads; notification of road names**

Sec 4. Each township board shall have the authority to name the roads in the unincorporated areas of the County within the township’s political boundaries excluding the roads solely within the boundaries of an Indian reservation. Should the township board not provide a name within 45 days after receipt of a letter from the County Rural Addressing Board requesting a name, the Rural Addressing Board shall recommend a name to the County Board of Commissioners for adoption.

- m. Private drives on which two or more residential structures requiring addresses are located, and these structures are not visible from the main road, shall be named by the Township Board. The private drives so named shall have the suffix ROW (acronym of "right of way") attached to the name given to the private drive. (Example: 7777 S Zebra ROW).
- n. Township Boards shall determine the specifications of the proper road signs designating said ROW’s location and determine the responsibility of who provides the proper ROW signs.
- o. A road shall not be given a road name which duplicates the road name of any road within the area served by the same post office.
- p. Affected Townships shall name common roads which extend into two or more Townships jointly. In the event that affected Townships cannot agree on a single name for a road so described, the County Board of Commissioners shall name said common road, upon the recommendation of the Rural Addressing Board.

- q. The existing road name, or the name applied to a right-of-way as shown on an approved preliminary plat or recorded plat, shall be changed by the affected Township(s) when:
  - a. Road construction has resulted in the extension of a road in such a manner that both roads may be considered one.
  - b. A private road existing prior to the effective date of this Ordinance is later accepted as a public road and the name of said private road duplicates the name of another road in the area served by the same post office.
- r. For state and county highways, the following shall prevail:
  - a. M-28: M-28 shall be named West M-28 for its entire extent in the county.
  - b. M-48: That portion of M-48 between Rudyard and I-75 shall be named M-48 Business Spur. That portion of Mackinac Trail upon which M-48 is routed shall be named Mackinac Trail. That portion of M-48 lying west of M-129 shall be named West M-48. That portion of M-48 lying east of M-129 shall be named East M-48.
  - c. M-123: That portion of M-123 lying west of Paradise shall be named West M-123. That portion of M-123 lying south of Paradise in T48N, R6W shall be named North M-123. That portion of M-123 lying in T47N, R6W and south thereof to the County line shall be named South M-123.
  - d. M-129: M-129 shall be named South M-129 for its entire extent in the county.
  - e. M-134: M-134 shall be named East M-134 for its entire extent in the county.
  - f. M-221: M-221 shall be named South M-221 for its extent in the county.
  - g. H-40: H-40 shall be named West H-40 for its extent in the county.
  - h. Riverside Drive: Riverside Drive shall be named South Riverside Drive.
  - i. Gogomain Road: That portion of Gogomain Road lying northwest of the northwest corner of Section 8 in T43N R3E shall be named East Gogomain Road. That portion of Gogomain Road lying south of the northwest corner of Section 8 in T43N R3E shall be named South Gogomain Road.
  - j. Hulbert Roads: The North and South Hulbert Roads shall be named South Hulbert Road.
  - k. M-80: M-80 shall be named West M-80 for its entire extent in the county.
- s. Generally, a meandering road may be broken into several segments with prevailing directions. See Section 3.d. If sufficient side roads exist along said meandering road, consideration should be given to providing different names for segments thereof along or parallel to section lines to preclude name changes under Section 4.e in the future.

- t. Having named a road for the first time, or having changed the name of a road, the township board(s) or County Board of Commissioners, shall notify the County Rural Addressing Board. Upon such notification, the County Rural Addressing Board shall record the information and notify the following individuals and agencies.
  - a. Affected township(s) and counties.
  - b. County Road Commission.
  - c. County Equalization Department.
  - d. County Health Department.
  - e. All Law Enforcement Agencies.
  - f. Known Ambulance and Rescue Services, servicing the County.
  - g. Fire departments servicing the County.
  - h. Affected U.S. Post Offices.
  - i. All utilities providing service in the area.
  - j. Owners and occupants who will have an address on the road.
  - k. Applicable Federal agencies.
  - l. Bay Mills Tribe of Chippewa Indians
  - m. Sault Ste Marie Tribe of Chippewa Indians
  - n. Public notice in a newspaper of general circulation within Chippewa County.

History: 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

**3.25 Rural Addressing Board; non-duplication; address numbering system; changing address numbers; notification of address; appeals of address designations; master address file**

- a. The Rural Addressing Board shall be the agency with overall administrative and coordination responsibility to administer the initial implementation of this ordinance. The Chippewa County Health Department shall be the agency with overall administrative and coordination responsibility to administer the ordinance following initial implementation.
- b. An address shall not be duplicated for any structure considered to be along the same road.
- c. The address numbering system shall be structured as follows:

- a. Within Chippewa County there shall be a baseline which shall be an imaginary horizontal line passing through the International Bridge and extending east and west to the County boundaries in Drummond Island Township and Whitefish Township respectively.
  - a. In both directions from this baseline, address numbers shall be evenly spaced 1,000 per mile so that when following a northerly-southerly road one reaches address number 1,000 when arriving at the next section line north or south. Such address numbers shall continue in the same manner by 1,000 whole numbers for each section of each township.
  - b. North of the baseline, even numbers shall be on the easterly sides of the roads, odd numbers shall be on the westerly sides of the roads.
  - c. South of the baseline, even numbers shall be on the westerly sides of the roads, odd numbers shall be on the easterly sides of the roads.
  - d. Roads which are not located due north-south or meander shall be numbered as a north-south road if the major portion of the road within Chippewa County runs north-south. Once a north-south road has address numbers assigned to structures, that road shall always be considered to be a north-south road.
  - e. Address numbers south of the baseline shall be affixed with the suffix "south", and address numbers north of the baseline shall be affixed with the suffix "north" to avoid duplication of the address numbers.
- b. Within Chippewa County there shall be a meridian line which shall follow state highway M-129 beginning on the west side of Section 30, T46N, R1E, and extending southerly along said highway to an imaginary horizontal line passing through the southernmost portion of Chippewa County located in Drummond Island Township, and extending northerly along said highway, to an imaginary horizontal line passing through the northernmost portion of Chippewa County located in Whitefish Township.
  - a. In both directions from this meridian line, address numbers shall be evenly spaced, 1,000 per mile, so that when following an easterly-westerly road one reaches address number 1,000 when arriving at the next section line east or west. Such address numbers shall continue in the same manner by 1,000 whole numbers for each section of each township. Special accommodations will be made to maintain the integrity of the system where M-129 deviates from the meridian.
  - b. East of the meridian, even numbers shall be on the southerly sides of the roads, odd numbers shall be on the northerly sides of roads.
  - c. West of the meridian even numbers shall be on the northerly sides of the roads, odd numbers shall be on the southerly sides of roads.
  - d. Roads which are not located due east-west or meander shall be numbered as an east-west road if the major portion of the road within Chippewa County runs east-west.

Once an east-west road has address numbers assigned to structures, that road shall always be considered to be an east-west road.

- e. Address numbers east of the meridian shall be affixed with the suffix "east", and the address numbers west of the meridian shall be affixed with suffix "west" to avoid duplication of the address numbers.
- c. Address numbers shall be assigned so that they run consecutively starting at the baseline, or meridian line, so that numbers are in sequence.
- d. Upon determination of the Rural Addressing Board, addressing numbers in common use prior to the adoption of this ordinance may continue to be used if:
  - a. The existing address numbers run consecutively in the same direction as the county address system for that side of the base and meridian line where the two systems mesh.
  - b. The system is definable and can be administered and maintained for future construction of structures.
- d. It shall be the policy of this ordinance to discourage the practice of changing existing addresses or address numbers which are already in use except:
  - a. If the existing address number is not in sequence and does not run consecutively in the same direction as the county address system.
  - b. If the existing number is such that the assignment of address numbers for new structures is not practical.
  - c. When the Rural Addressing Board determines a new address to be appropriate.
- e. The Chippewa County Health Department shall be the recipient of applications for new addresses, when an address is a duplication, is not in sequential order, or otherwise violates the house numbering system plan.
  - a. When a building permit is applied for, the Chippewa County Health Department, shall assign the address and provide the applicant with a form containing:
    - a. The structure's address number
    - b. Road name.
    - c. Compass designation.
  - b. The applicant shall make use of this permit form, or copies, to notify utilities, post office, or other interested persons.
  - c. No building permit shall be issued until after an address number has been assigned to the

proposed structure except:

- a. When it is not possible for an address to be assigned until after the location of the building is clearly marked and it is not practical to mark a building location on the ground until after a building permit is issued, the Chippewa County Health Department, shall assign the address number when the location of the building is affirmed.
- d. The Chippewa County Health Department shall periodically notify the Rural Addressing Board of new addresses.
- e. When the Chippewa County Health Department assigns address numbers, accurate maps of the assigned number shall be made. Copies of the maps shall be forwarded to the Rural Addressing Board and shall be available to any interested party.
- f. Any fee for copies of maps shall be determined by the County Board of Commissioners.
- g. In cases where an existing address number is changed, the Rural Addressing Board shall send a written notice to each resident, occupant, or person with an affected address on the road or to the owner, if different, of structures with a change of address form within ten working days by mail, or personal delivery.
- f. Whenever any Address, Address Number, or Road Name is changed pursuant to this Ordinance, or upon issuance of an original Address pursuant to this Ordinance; any person who is affected by such action shall have the right to appeal such Address designation in accordance with this Section.
  - a. Initial Review. All complaints and/or appeals of any Address designation shall be first submitted to the Chippewa County Rural Addressing Board on a designated form. Such forms shall be made available by the Rural Addressing Board at no cost and shall include, at a minimum, the following information: The appellant's name and mailing address; relationship to the Address in dispute; the Address as designated under the Ordinance; and reason for the complaint or appeal. The Rural Addressing Board will review the Address in question to determine whether an error has occurred and whether the Address designation is in compliance with this Ordinance. Within forty-five days of receipt, the Rural Addressing Board will review the Address designation and send written notification of their review and decision to the appellant. The Rural Addressing Board is hereby empowered to administratively remedy any errors discovered and so notify the affected property owners.
  - b. An Address Appeals Board is hereby established for the purpose of hearing and deciding appeals of any Address designation which is not resolved administratively by the Rural Addressing Board.
    - a. The Address Appeals Board shall consist of three members appointed by Chippewa County Board of Commissioners. One (1) member shall be a representative of the Chippewa County Board of Commissioners as appointed by the Board of Commissioners; One (1) member shall be the Superintendent or a member of the

Chippewa County Road Commission, and One (1) member shall be the Township Supervisor in the affected area.

- b. The Address Appeals Board shall conduct all appeal hearings in conformity with rules and regulations as adopted by the Chippewa County Board of Commissioners. The concurring vote of a majority of the members shall be necessary to revise any Address Designation, or to decide in favor of appellant on any appeal. All meetings and records shall be open to the public and held in accordance with the Open Meeting Act.
- c. Any person who is affected by an Address designation and whose complaint or appeal is not resolved by the Rural Addressing Board shall have the right to file an Appeal before the Chippewa County Address Appeals Board.
  - a. An appeal shall be filed on a form as prescribed by the Address Appeals Board along with an appeal fee as shall from time to time be established by the Chippewa County Board of Commissioners in an amount to defray the costs incurred by the processing of such appeals.
  - b. All such appeals, and payment of the required fee, shall be made within twenty-one (21) days from the date the Rural Addressing Board mails its decision pursuant to the Initial Review process.
  - c. Upon receipt of a completed appeal form, including the established fee, the Address Appeals Board shall be convened and a hearing scheduled. All board members and the appellant shall be notified, in writing, of the hearing date, time and location, at least seven (7) days prior to the scheduled hearing date.
  - d. The Address Appeals Board shall have the power to:
    - a. Interpret, as required by the provisions herein and in such a way as to carry out the intent and purpose of this Ordinance.
    - b. Revise, alter or change any Address designation, including any Address Number or Road name, so long as such revision, alteration, or change is in conformity with this ordinance. In deciding upon any revision, alteration, or change, the Address Appeals Board shall consider the impact of such a decision upon other property owners; including at a minimum, the length of time which expired between the original Address Designation and appellant's complaint/appeal, and the number of persons whose Address Designation would be altered by such decision.
  - e. Any decision of the Address Appeals Board shall be final, subject only to Circuit Court action in compliance with applicable State law.
- g. The Rural Addressing Board shall keep a master file of maps showing the location of each structure which has an address and address number.
  - a. The master file shall be updated at least once a year.



- b. Two lists shall be derived from the master file.
  - a. The Rural Addressing Board and Road Commission shall jointly maintain a master index of the proper names of each road in Chippewa County. The proper names shall be reflected on the certified set of maps filed by the Road Commission with the Michigan Department of Transportation, pursuant to Act 51, P.A. 1951 as amended, being MCL 247.651.
  - b. A list of address numbers shall be compiled by the Chippewa County Health Department which contains all the former addresses and the respective new addresses at least once a year. The list should be sent to those listed in Section 4.h.

**History:** 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

### 3.26 Display of address

- a. Within thirty days of notification of address, the resident, occupant, person or owner of a structure shall display the assigned address.
- b. Addressee will be responsible for any cost on initial purchase and/or any replacement of the display sign and numbers.
- c. The address display sign will be installed on the same side of the road, within road right of way or no more than 75 feet from centerline of road, approximate to drive way and preferably on right hand side of drive way. Sign must be installed on a post at a minimum height of 60 inches from the ground. If the nearest building is located less than the 75 foot limit from the center of the road, the sign may be placed on that building at a height no less than 60 inches. Sign shall be placed so that the numerals or digits read horizontally.
- d. The reflective address display shall include the compass designation (N,S,E,W) and the numerical indicator (two to five numerals). The specifications of the reflective addressing display shall be as follows: 5" x 16" white aluminum plate; .080" thickness; consisting of 3" high black letters, with a reflective background; 5/8" brush stroke (Series B); mounted on either a metal stake or a wood post, installed as required in paragraph "C" above.

**History:** 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

### 3.27 Enforcement; Effective date

- l. It is a misdemeanor for any person to violate any provision of this ordinance, and upon conviction, shall be subject to a fine not to exceed \$500.00 plus costs of prosecution.
- m. This Ordinance shall take effect December 1, 1996. All ordinances or parts of ordinance in conflict with any of the provisions of this ordinance are hereby repealed.

**History:** 1996, Ordinance No. 1996-4, Eff. December 1, 1996.

**CHIPPEWA COUNTY MICHIGAN  
ORDINANCE NO. 07-01**

**COUNTY JAIL CONTRABAND**

The County of Chippewa ordains:

- a) No person shall bring into the Chippewa County Correctional Facility, any building appurtenant to the facility, or grounds of the jail, or dispose of in any manner that allows a prisoner access, any item prohibited by law or any item which could be used to assault another person, or aid in an escape, or otherwise disrupt the order and maintenance of the Chippewa County Correctional Facility, including but not limited to any electronic devise, telephone, narcotics or drugs, cigarettes, weapons or items that can be fashioned or used as a weapon or aid in an escape.
- b) Any person who violates this ordinance may be sentenced to a jail term not to exceed (6) months and/or a fine not to exceed \$500.00
- c) This Ordinance shall take effect June 11, 2007, replacing Ordinance 97-4. All ordinances or parts of ordinance in conflict with any of the provisions of this ordinance are hereby repealed.

**CHIPPEWA COUNTY MICHIGAN  
ORDINANCE NO. 07-02**

**AN ORDINANCE ENTITLED  
“REIMBURSEMENT TO CHIPPEWA COUNTY FOR LEGAL SERVICES EXTENDED  
TO INDIGENT CRIMINAL DEFENDANTS”**

SECTION 1: PURPOSE. Predicated upon the financial records of Chippewa County, the Chippewa County Board of Commissioners finds that the cost to the County taxpayers incurred in the defense of persons charges with criminal offenses in Chippewa County has resulted in an uncompensated burden upon the public treasury. The purpose of this Ordinance is to require that such burden will be lessened by the levy of legal fees upon those defendants who are determined by the courts to be financially able to meet such levy, and to help repay the county taxpayers a portion of the expense to which they have been placed by the actions of the defendant.

THEREFORE, The County of Chippewa ordains:

SECTION 2:

- a) Any person by virtue of any criminal charge levied against him or her through the authority of the Prosecuting Attorney of Chippewa County, the Attorney of the City of Sault Ste. Marie, or the attorney of any township of this county, who shall have appointed for his or her defense, an attorney, when such appointment is deemed necessary by a Judge of a court of record, shall be financially liable to this county.

SECTION 3:

- a) There shall be assessed against such defendant by the presiding Judge an amount of not less than \$100.00 for the first hour of legal services and the amount of \$50.00 for each hour or portion of an hour thereafter; and shall be enforceable through and embodied in a Judgment of Sentence.

SECTION 4:

- a) The provisions of Section 3 above are applicable regardless of the guilt or innocence of the defendant and are in addition to any and all other monies or penalties assessed by the court.

SECTION 5:

- a) This Ordinance shall take effect June 11, 2007, replacing Ordinance 97-1. All ordinances or parts of ordinance in conflict with any of the provisions of this ordinance are hereby repealed.

# CHIPPEWA COUNTY MICHIGAN ORDINANCE NO. 97-1

An ordinance entitled “Reimbursement to Chippewa County for Legal Services Extended to Indigent Criminal Defendants.”

**History:** 1997, Ordinance No. 97-1, Eff. March 17, 1997.

*The County of Chippewa ordains:*

## **1.11 Purpose**

Sec. 1. Predicated upon the financial records of Chippewa County, the Chippewa County Board of Commissioners finds that the cost to the County taxpayers incurred in the defense of persons charged with criminal offenses in Chippewa County has resulted in an uncompensated burden upon the public treasury. The purpose of this Ordinance is to require that such burden will be lessened by the levy of legal fees upon those defendants who are determined by the courts to be financially able to meet such levy, and to help repay the county taxpayers a portion of the expense to which they have been placed by the actions of the defendant.

**History:** 1997, Ordinance No. 97-1, Eff. March 17, 1997.

## **1.12 Persons financially liable to the County**

Sec. 2. Any person by virtue of any criminal charge levied against him or her through the authority of the Prosecuting Attorney of Chippewa County, the Attorney of the City of Sault Ste. Marie, or the attorney of any township of this County, who shall have appointed for his or her defense, an attorney, when such appointment is deemed necessary by a judge of a court of record, shall be financially liable to this County.

**History:** 1997, Ordinance No. 97-1, Eff. March 17, 1997.

## **1.13 Assessment against defendant**

Sec. 3. There shall be an assessment against such defendant by the presiding judge an amount of not less than \$100 for the first hour of legal services and the amount of \$40 for each hour or portion of an hour thereafter; and shall be enforceable through and embodied in a Judgement of Sentence.

**History:** 1997, Ordinance No. 97-1, Eff. March 17, 1997.

## **1.14 Applicability**

Sec. 4. The provisions of Section 3 above are applicable regardless of the guilt or innocence of the defendant and are in addition to any and all other monies or penalties assessed by the court.

**History:** 1997, Ordinance No. 97-1, Eff. March 17, 1997.

## **1.15 Effective Date**

Sec. 5. This Ordinance shall take effect March 17, 1997.

**History:** 1997, Ordinance No. 97-1, Eff. March 17, 1997.

**CHIPPEWA COUNTY MICHIGAN  
ORDINANCE 07-03**

**AN ORDINANCE ENTITLED  
“OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF  
ALCOHOLIC BEVERAGES AND/OR CONTROLLED SUBSTANCES –  
LIABLE FOR COSTS OF PROSECUTION”**

SECTION 1: PURPOSE. Chippewa County finds that a significant number of traffic arrests and prosecutions in the County involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances. In addition, Chippewa County finds that as a result of the arrests and prosecution for these offenses, a greater operational and/or financial burden is placed upon county services by persons who are operating motor vehicles in Chippewa County while under the influence of alcoholic beverages and/or controlled substances.

THEREFORE, The County of Chippewa ordains:

SECTION 2:

- a) Any person who, while under the influence of an alcoholic beverage or any controlled substance, or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle; shall be responsible and/or liable for the costs of the prosecution. Costs of prosecution will be determined by the Chippewa County Board of Commissioners
- b) The costs of prosecution identified by this Ordinance shall be construed to be the responsibility and liability of a defendant prosecuted and convicted by county officials pursuant to MCL 257.625. Any court sentencing a defendant for any violation of MCK 625 in Chippewa County may order the defendant to pay these costs of prosecution pursuant to MCL 257.625(7).

SECTION 3: ADOPTION:

- a) This Ordinance shall take effect June 11, 2007, replacing Ordinance 94-2. All ordinances or parts of ordinance in conflict with any of the provisions of this ordinance are hereby repealed.

**CHIPPEWA COUNTY MICHIGAN  
ORDINANCE NO. 94-2**

An ordinance entitled “Operating a Motor Vehicle while Under the Influence of Alcoholic Beverages and/or Controlled Substances - Liable for Costs of Prosecution.”

*The County of Chippewa ordains:*

**1.21 Findings**

Sec. 1. Chippewa County finds that a significant number of traffic arrests and prosecutions in the County involve drivers who were operating a motor vehicle while under the influence of alcoholic beverages and/or controlled substances. In addition, Chippewa County finds that as a result of the arrests and prosecution for these offenses, a greater operational and/or financial burden is placed upon county services by persons who are operating motor vehicles in Chippewa County while under the influence of alcoholic beverages and/or a controlled substance.

**1.22 Determination of costs of prosecution; responsibility and liability of a defendant**

Sec. 2. Costs

- a. Any person who, while under the influence of an alcoholic beverage or any controlled substance, or the combined influence of an alcoholic beverage and any controlled substance, operates a motor vehicle, shall be responsible and/or liable for the costs of the prosecution. Costs of prosecution will be determined by the Chippewa County Board of Commissioners.
- b. The costs of prosecution identified by this ordinance shall be construed to be the responsibility and liability of a defendant prosecuted and convicted by county officials pursuant to MCL 257.625. Any court sentencing a defendant for any violation of MCL 625 in Chippewa County may order the defendant to pay these costs of prosecution pursuant to MCL 257.625(7).

**1.23 Effective date**

Sec. 3. This ordinance shall take effect October 17, 1994.

**CHIPPEWA COUNTY MICHIGAN  
ORDINANCE NO. 14-01  
ORV ORDINANCE**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Chippewa County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE COUNTY OF CHIPPEWA ORDAINS:

**Section I**

As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Chippewa
- b) "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "ORV" means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multiwheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "ORV" or vehicle does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function. This includes but is not limited to, ORV's commonly known as 3-wheelers and 4-wheelers.
- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Chippewa.
- h) "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324. 81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada."
- i) "Township" means an individual township within the County of Chippewa.
- j) "Township Board" means a board of trustees of any township within the County of Chippewa.
- k) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

l) "Highway" means a state trunk line highway or a segment of a state trunk line highway.

## **Section 2**

An ORV may be operated on the far right of the maintained portion of a road within the County.

## **Section 3**

A township board of a township in the county may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the county. Beginning July 17, 2009, the township board of a township in the county may adopt an ordinance authorizing the operation of ORVs: on the maintained portion of 1 or more roads located within the township," pursuant to MCL 324.81 131 (3).

## **Section 4**

The county road commission may close no more than 30% of the total linear miles of roads in the county to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The road commission may not close a municipal street to ORVs opened under Section 5 of this ordinance.

## **Section 5**

A person shall not operate an ORV on the roadway, shoulder or right-of-way of any highway, except on specific segments of highway that are posted open, and have been authorized by the Michigan Department of Transportation pursuant to 1994 PA 451, as amended, being MCL 324.81101 and 324.81131

## **Section 6**

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the county:

- a) at a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- b) by a person not less than 12 years of age.
- c) with the flow of traffic.
- d) in a manner which does not interfere with traffic on the road or street.
- e) traveling single file except when overtaking and passing another ORV.
- f) when visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) 1/2 hour before sunrise until 1/2 after sunset unless displaying a lighted headlight and lighted taillight.
- h) while displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- i) while the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States department of transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- j) with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.



k) while the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.

l) pursuant to noise emission standards defined by law.

### **Section 7**

A child less than 16 years of age shall not operate an ORV on a road in the county unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

### **Section 8**

Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road or street in the county if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

### **Section 9**

Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

### **Section 10**

A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

### **Section 11**

The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

### **Section 12**

This ordinance becomes effective 10/14/2014.

# **CHIPPEWA COUNTY OFF ROAD VEHICLE ORDINANCE**

## **ORDINANCE NO. 01-1**

An Ordinance of the County of Chippewa pursuant to Public Act 319, of 1975, Section 31, as amended, for the regulation, and establishing access routes for the operation of off-road recreational vehicles and to provide penalties for noncompliance.

*The County of Chippewa Hereby Ordains:*

### **3.31 Definitions**

Sec. 1. As used in this Ordinance, the following definitions shall apply:

- h. “Public Highway” or “Public Roadway” means that portion of a county road that is improved, maintained and used by the public for vehicular travel, including any improved shoulders.
- i. “Operate” means to ride in or on, and be in actual control of the operation of an off-road vehicle.
- j. “ORV” or “Off-Road Vehicle” means a motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on an immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to a multi-track or multi-wheel drive or low pressure tire vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation driven by power from a source other than muscle or wind. “ORV” or vehicle does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function. This includes, but is not limited to, ORVs commonly known as 3-wheelers and 4-wheelers.
- k. “Access” means to a place where ORVs can be lawfully operated.

### **3.32 Operation of ORVs on roads and highways; exempted areas**

Sec. 2. ORV’s, other than ORV’s that are also licensed as to be lawfully driven on the roads and highways of this county such as pick-up trucks, shall be operated for access as follows:

- 1. within the outer five feet, at the right side, of all “Seasonal Roads,” as established by the Chippewa County Road Commission, within Chippewa County.
- 2. within the outer five feet, at the right side, of all “Non-Seasonal” roads, as established by the Chippewa County Road Commission, within Chippewa County, except the following:
  - a. all roads within the boundaries of Dafter Township.
  - b. all roads within the boundaries of Soo Township.
  - c. all roads within the boundaries of Sugar Island Township.
  - d. Whitefish Point Road for its entire length within the boundaries of Whitefish Township.

- e. Superior Drive for its entire length within the boundaries of Whitefish Township.

**3.33 Minimum age; speed limit; yield to pedestrians; operation in county parks; operation in closed areas; operation after sunset; compliance with state statutes**

Sec. 3. While operating an ORV on Chippewa County public highways or public roadways, as allowed above, the operator must:

- n. be 16 years of age or older
- o. drive in a single file manner.
- p. not exceed a speed of 15 miles per hour.
- q. yield to all pedestrian and motor vehicle traffic.
- r. NOT OPERATE within county owned parks.
- s. NOT OPERATE in any area closed by governmental authority
- t. NOT OPERATE one hour after sunset and not until one hour prior to sunrise.
- u. comply with State of Michigan ORV Act.

**3.34 Violations**

Sec. 4. Any person who violates this ordinance is guilty of a misdemeanor, punishable by a fine of no more than \$500.00 or imprisonment for 90 days, or both, and the full restitution of any damages caused or experienced as a result thereof.

**3.35 Rescinding of ORV operation on public highways or public roadways**

Sec. 5. The Chippewa County Board of Commissioners or the Chippewa County Road Commissioners may rescind ORV operation on the public highways or public roadways or portions thereof, set out in Section 2 of this ordinance, with appropriate notices being given to the other, to the public and posting signs on the closed portion.

**3.36 Effective date**

Sec. 6. This Ordinance, which shall become effective 30 days after its publication in *The Evening News* and the *Community Voice* and any other newspapers of general circulation within Chippewa County, and shall be in effect for six months thereafter.