

STATE OF MICHIGAN
COUNTY OF IOSCO

THE CHARTER TOWNSHIP OF AUSABLE

ORDINANCE NUMBER 100

DISMANTLED/JUNK VEHICLE ORDINANCE

Adopted: November 19, 2007

Effective: December 19, 2007

(Replacing Number 91)

THIS IS AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE CHARTER TOWNSHIP OF AUSABLE, IOSCO COUNTY, MICHIGAN, BEING A MUNICIPAL CORPORATION, BY REGULATING THE OUTDOOR PARKING AND/OR STORAGE OF ANY MOTOR VEHICLES, TRACTOR TRAILERS, HOUSE TRAILERS, ALL-TERRAIN VEHICLES, SNOWMOBILES, TRAILERS OF ANY SORT, INCLUDING RECREATIONAL VEHICLES, BOATS, AND JET SKIS, AND ANY OTHER VEHICLE THAT MUST BE LICENSED BY THE SECRETARY OF STATE, WITHIN THE CHARTER TOWNSHIP OF AUSABLE, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the presence of junked, inoperable or abandoned motor vehicles on public or private property constitutes an attractive nuisance for children and endangers their health and safety; provides harborage for rats and other animals, constituting a menace to public health; creates a fire hazard; causes neighborhoods to become unsightly, resulting in the depreciation of property value; and if on streets or public highways, creates a traffic hazard and endangers the public safety.

THE CHARTER TOWNSHIP OF AUSABLE DOES HEREBY ORDAIN:

Section 1. **TITLE**

The ordinance shall be known and cited as the Charter Township of AuSable Ordinance Number 91 Dismantled Car/Junk Car and/or Motor Vehicle and/or Boat Ordinance.

Section 2. **DEFINITIONS**

- (A) **Motor Vehicles**: Any vehicle propelled or drawn by any power other than muscular, to include, but not be limited to, automobiles, trucks, buses, tractors, trailers, motorcycles and like vehicles.

(B) Junked, inoperable, wrecked or abandoned motor vehicles: Any motor vehicle which is:

- (1) Inoperable or unable to operate under its own power, or
- (2) Is damaged or has parts removed from it in such a manner that the vehicle cannot be operated legally on the highways of the State of Michigan, or
- (3) Which does not bear a valid and current registration and license plate within twelve (12) months.

Section 3. **PURPOSE**

The purpose of this ordinance is to limit and/or restrict the outdoor storage, parking, or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State, including any new or used parts thereof, upon any premises located anywhere within the Charter Township of AuSable; to thereby avoid injuries and hazards to children and others attracted to such vehicles and/or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners, and to insure that all parcels of property located within the Charter Township of AuSable are compatible with this ordinance's general intent to secure the public peace, health, safety, and welfare of its residents and property owners.

Section 4. **VIOLATIONS**

1. No person, firm or corporation, shall park, store or place upon any public right-of-way or public property, or upon any premises that is located within the Charter Township of AuSable, any accumulation of junk, wrecked, abandoned, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State, either new or used, or any new or used parts or junk there from, unless the same is fully contained within an enclosed building and/or structure approved by the Charter Township of AuSable, and does not violate any other zoning or building laws of said township, or Iosco County, or State of Michigan, and further that all such vehicles, accumulation of junk, wrecked, abandoned, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State, either new or used, or any new or used parts or junk there from, shall be insured, properly registered, bearing appropriate licenses that are visible, and as operable and with substantially all main component parts attached therewith.
2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, may remain upon any parcel(s) of property for a period not to exceed 14 days.

3. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings, and will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of this ordinance. Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, redesigning, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.
4. In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Zoning Administrator of the Charter Township of AuSable is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time, not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected, thereby and the spirit and purpose of the ordinance are still substantially observed.

Section 5. **CONSTRUCTION**

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 Charter Township of AuSable Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

Section 6. **PENALTY**

1. Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00, nor more than \$500.00, or by imprisonment in the Iosco County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the Judge imposing sentence, plus costs of prosecution and any court costs. Each day that a violation is continued or permitted to exist without compliance shall constitute a separate offense punishable by conviction in the same manner provided in this section, provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than ninety (90) days.
2. The township shall also, as an alternative to the penalties as provided above, as well as the method for enforcement of this ordinance, shall be able to enforce this ordinance pursuant to its Civil Infraction Ordinance, being Ordinance Number 75 and/or as amended, or may seek any other relief available at law, either in the District and/or Circuit Courts servicing Iosco County, State of Michigan, and/or in the appropriate court of Federal jurisdiction, all as the circumstances may jurisdictionally warrant.

3. Furthermore, any person found by the appropriate enforcement officer on behalf of the Charter Township of AuSable to be in violation of this ordinance, shall be obligated upon request, to provide documentation to satisfy the various provisions of this ordinance, or for failure to do so, same shall also constitute a violation of this ordinance. This documentation may include, but is not limited to appropriate licensure, insurance coverage, or any other information as required by this ordinance and/or as may be mandated by any other law.
4. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Township against the Township tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.
5. The Zoning Administrator and/or any other personnel as authorized by the Superintendent or Township Board, shall be allowed to go onto the premises and correct the cited violation after the property owner has been notified of same and be able to place all reasonable incurred costs either as a lien upon the concerned property, or cause said costs to be added to the taxrolls of said parcel.

Section 7. **ENFORCEMENT**

1. The Township Zoning Administrator is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official or employee of the township that is authorized by resolution of the township board to enforce same.
2. The agency designated by the Township Supervisor shall attach a notice in writing upon any junked, inoperable, wrecked, or disabled motor vehicle, and serve a copy of the notice in writing upon the occupant of the land where the vehicle is located, or in the event there is no occupant, upon the owner of record as disclosed by the current tax roll of the Charter Township of AuSable, notifying them of the violation and requiring the removal of the vehicle within five (5) days of the date of the notice. All notices of enforcement are outlined in Resolution 2007-17 Violation Notice Policy.

Section 8. **EXEMPTIONS**

- (A) This Ordinance shall not apply to junked, inoperable, wrecked and disabled motor vehicles located in a motor vehicle junk yard licensed by the State of Michigan, nor to junked, inoperable, wrecked and disabled motor vehicles located wholly within an enclosed building or township designated impoundment area.
- (B) This Ordinance shall not apply to wrecked and disabled motor vehicles located in licensed repair facilities, which are there for the purpose of repair.

Section 9. **CONFLICTING LAWS**

If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

Section 10. **SEVERABILITY**

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 11. **EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days following adoption on December 19, 2007. At a regular meeting of the AuSable Township Board held on the 19th day of November 2007, adoption of the foregoing ordinance was moved by Jan Baldwin, and support by Lynn Mitchell

Voting for: Lynn Mitchell, Jan Samotis, Jan Baldwin, Alanda Barnes, Kevin Beliveau, Paul Mayville.

Voting against: Dan Hayes.

Absent: None.

The Supervisor declared the Ordinance Adopted.

CHARTER TOWNSHIP OF AUSABLE

Dated: 11/19/07

Albert D. Hayes, Jr.

By: Albert D. Hayes, Jr.

Its: Supervisor

Dated: 11/19/07

Lynn A. Mitchell

By: Lynn A. Mitchell

Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 100, which was enacted by the AUSABLE TOWNSHTP Board at a regular meeting on the 19th day of November 2007.

Lynn A. Mitchell

By: Lynn A. Mitchell

Its: Clerk