

STATE OF MICHIGAN

COUNTY OF CALHOUN TOWNSHIP OF ECKFORD

“JUNK AND INOPERABLE VEHICLE” ORDINANCE NO. 3-2009

Adopted: May 18, 2009

Effective: June 22, 2009

AN ORDINANCE TO REGULATE THE STORAGE OF JUNK AND INOPERABLE VEHICLES AND MOTOR VEHICLES

THE TOWNSHIP OF ECKFORD ORDAINS:

SECTION 1 SHORT TITLE

This ordinance shall be known and may be cited as the “Eckford Township Junk and Inoperable Vehicle Ordinance.”

SECTION 2 PURPOSE

The purpose of this ordinance is to:

- A. Promote and protect the health, safety and general welfare of the residents and property owners in the Township.
- B. Limit the outdoor storage of junk and inoperable vehicles and motor vehicles for the purpose of protecting property values and the health, safety and welfare of residents of the Township.
- C. Protect the Township’s natural resources.

SECTION 3 AUTHORIZATION

This ordinance is authorized and enacted pursuant to MCL 41.181 *et seq.* and other applicable laws.

SECTION 4 DEFINITIONS

For the purpose of this ordinance, the following terms shall have the following meanings:

- A. "Inoperable Vehicle" or "Inoperable Motor Vehicle" means any or all of the following:
 - 1. Any vehicle or motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or state of disrepair.
 - 2. Any vehicle or motor vehicle which cannot be legally operated on public streets or highways by reason of lacking the equipment required by State Motor Vehicle Code and/or other laws of the State of Michigan.
 - 3. Any vehicle or motor vehicle which is not currently licensed, or for which the vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets and highways under the provisions of the State Motor Vehicle Code, or other applicable provisions of the laws of the State of Michigan.

The definition of "inoperable vehicle" and "inoperable motor vehicle" does not include any of the following:

- 1. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery; or
- 2. A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, provided that the repair shop or impoundment facility has all licenses or registrations required by the State of Michigan; provided, further, that all vehicles and motor vehicles stored on the premises of the repair shop or impoundment facility must be stored either entirely within a building or within an area completely enclosed by a fence not less than seven feet in height, and so that any vehicle or motor vehicle cannot be seen from any public right of way or from adjacent property.
 - a. A fence utilized to meet the requirements of this provision shall be well maintained and shall be constructed of materials that are designed for fencing purposes, such as a chain link fence with privacy slats, a wooden fence with continuous or overlapping

pickets, or a substantial equivalent. Used or discarded materials such as concrete, railroad ties, pallets, tree stumps, trash, tires, junk or other similar material shall not be used for fencing purposes.

- b. Notwithstanding the above requirements, a vehicle or motor vehicle that is stored on the premises of a repair shop and which is subject to this provision may be stored outdoors, in an unenclosed area, for not more than seven total days during the course of repairing such vehicle or motor vehicle.

B. "Junk Vehicle" or "Junk Motor Vehicle" means any or all of the following:

1. Any vehicle or motor vehicle which by reason of damage resulting from an accident, dismantling, disrepair or other cause that is incapable of being propelled under its own power.
2. Any vehicle or motor vehicle that is unsafe for operation in the manner for which it was designed, manufactured or modified by reason of damage resulting from an accident, dismantling, disrepair or other cause.
3. Any vehicle or motor vehicle that is incapable of being operated in the manner for which is was designed, manufactured or modified by reason of its inability to comply with any code, regulation or statutes established by the State of Michigan governing the operation of such vehicle or motor vehicle.
4. Any vehicle or motor vehicle which has been so damaged or dismantled so as to be a total loss.
5. Any component part of a vehicle or motor vehicle, including tires and wheels, which by reason of disrepair, damage or other cause is incapable of functioning or being operated in the manner for which it was designed, manufactured or modified.

The definition of "junk vehicle" and "junk motor vehicle" does not include any item excluded from the definition of "inoperable vehicle" or "inoperable motor vehicle" under Section 4(a) of this ordinance.

C. "Motor Vehicle" means every vehicle which is or intended to be self-propelled.

D. "Person" means any individual, association, organization, corporation, partnership, firm (either incorporated or unincorporated), or business entity of any type including but not limited to limited liability companies.

- E. "Total Loss" means where the cost to fully repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally-recognized appraisal book or method.
- F. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

SECTION 5 KEEPING OR STORAGE OF INOPERABLE OR JUNK VEHICLES OR MOTOR VEHICLES

- A. No person shall accumulate, store or place, or permit the accumulation, storage or placement, of any inoperable or junk vehicle or junk motor vehicle in Eckford Township for more than thirty (30) days during any calendar year on a lot or parcel, unless such inoperable or junk vehicle or motor vehicle is stored in a fully-enclosed lawful garage or other building that completely shields the inoperable or junk vehicle or motor vehicle from view on all sides.
- B. This provision shall not prohibit the outdoor storage of bona fide farm equipment, farm implements, or farm vehicles; provided such items are being used for ongoing farm operations and are otherwise in compliance with any and all other applicable Township ordinances.

SECTION 6 PRIMA FACIE EVIDENCE

The ownership, lease, occupation, or use of land by any person, upon which an inoperable or junk vehicle or motor vehicle is accumulated, stored, or placed shall be prima facie evidence that such person accumulated, stored or placed such inoperable or junk vehicle or motor vehicle upon such land, or permitted such inoperable or junk vehicle or motor vehicle to be accumulated, stored, or placed upon such land.

SECTION 7 PENALTIES/ENFORCEMENT

- A. Municipal Civil Infraction. A violation of this ordinance is a municipal civil infraction, for which the fine shall be determined according to the current fee schedule as defined by the Eckford Township Board of Trustees, for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and actual attorneys fees incurred by the Township in enforcing the ordinance. For purposes of this section, a "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within twelve (12) months

B. Injunctive Relief. In addition, a violation of this ordinance is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

SECTION 8 SEVERABILITY

In the event that any provision of this ordinance is held to be invalid, such holding shall not affect the validity or enforceability of any of the remaining provisions of this ordinance.

SECTION 9 REPEAL

All resolutions or ordinances, and parts thereof, which are in conflict, in whole or in part, with any of the provisions of this ordinance are hereby repealed.

SECTION 10 EFFECTIVE DATE/PUBLICATION

This Ordinance shall take effect thirty (30) days after publication on the 22nd day of June 2009.

Bruce Rapp, Supervisor

Kimberly Hinkley, Clerk

Clerk's Certification

I, Kimberly Hinkley, the duly elected, qualified and acting clerk of the township of Eckford, Calhoun County, do certify that the above Ordinance was adopted at a regular meeting of the Township Board held on the 18th day of May, 2009 by a majority of the members of the board presenting and voting.

Kimberly Hinkley, Clerk

Township Board First Reading: February 16, 2009

Township Board Second Reading: March 16, 2009

Township Board Third Reading: April 20, 2009

Township Board Fourth Reading and Adoption: May 18, 2009

Date of Publication: May 23, 2009

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