

ORDINANCE NO. 352

ZEELAND CHARTER TOWNSHIP

JUNK AND INOPERABLE VEHICLE ORDINANCE

AN ORDINANCE TO REGULATE JUNK AND INOPERABLE VEHICLES IN THE CHARTER TOWNSHIP OF ZEELAND, OTTAWA COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF THESE REGULATIONS; AND TO ESTABLISH AN EFFECTIVE DATE OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF ZEELAND, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1: Short Title

This Ordinance shall be known and may be cited and referred to as the "Zeeland Charter Township Junk and Inoperable Vehicle Ordinance."

Section 2: Definitions

For purposes of this Ordinance, the following terms shall have the following meanings.

- A. "Inoperable Vehicle" or "Inoperable Motor Vehicle" means any Vehicle or Motor Vehicle which cannot be started or legally or physically operated on public streets or highways, because it lacks the equipment required by laws of the State of Michigan, or which does not bear valid and current license plates.
- B. "Junk Vehicle" or "Junk Motor Vehicle" means a Vehicle or Motor Vehicle which has been so damaged or dismantled as to be a Total Loss. These terms shall also include all parts or accessories of Vehicles or Motor Vehicles without which Vehicles or Motor Vehicles cannot be operated in a safe manner on public streets or public highways.
- C. "Lot" means a Lot as defined in the Zeeland Charter Township Zoning Ordinance, as amended.
- D. "Motor Vehicle" means every Vehicle which is self-propelled.
- E. "Person" means any individual, partnership, firm, entity, or corporation.

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

Section 3: Keeping or Storage of Inoperable or Junk Vehicles or Motor Vehicles

No Person shall accumulate, store, place, or permit the accumulation, storage, or placement of any Inoperable or Junk Vehicle or Motor Vehicle in the Township for more than seven days during any calendar year on a Lot unless the Inoperable or Junk Vehicle or Motor Vehicle is stored in a fully-enclosed lawful garage or other building.

Section 4: Prima Facie Evidence

The ownership, lease, occupation, or use by any Person of a Lot upon which an Inoperable or Junk Vehicle or Motor Vehicle is accumulated, stored, or placed shall be prima facie evidence that the Person accumulated, stored, or placed the Inoperable or Junk Vehicle or Motor Vehicle upon the Lot, or permitted the Inoperable or Junk Vehicle or Motor Vehicle to be accumulated, stored, or placed upon the Lot.

Section 5: Nuisance

Any use, activity, parking, accumulation, storage or placement in violation of any of the provisions of this Ordinance is declared to be a public nuisance and a nuisance *per se* which may be abated or enjoined by a court of competent jurisdiction, in addition to the penalties provided in Section 8 of this Ordinance.

Section 6: Repair Work

No repairing, redesigning, modifying or dismantling work or operations shall be done or performed upon any Vehicle, Motor Vehicle, trailer or parts thereof upon any public street or highway right-of-way or other public place. No such work may be done or performed upon private property on more than one Vehicle or Motor Vehicle or trailer or parts thereof for a period in excess of seven days during any calendar year. However, work which occurs within a fully-enclosed building is excepted if it will not constitute a nuisance or annoyance to property owners or occupants and it does not violate any provision of the Zeeland Charter Township Zoning Ordinance, as amended. Any such work permitted within a seven day time period shall not consist of any major repair, redesigning, modifying or dismantling work; the work may only be occasional minor work that may be infrequently required to maintain a Vehicle or Motor Vehicle or trailer or parts thereof in normal operating condition.

Section 7: Exemptions

This Ordinance shall not apply to any of the following circumstances.

- A. This Ordinance shall not apply to Vehicles or Motor Vehicles or trailers that are temporarily inoperable because of minor mechanical failure, and which are not in any manner dismantled, and to which substantially all main component parts are attached, so long as they are not located outdoors for a period exceeding 14 days during any calendar year.
- B. A Lot one acre or larger in size may have stored, placed or accumulated not more than a total of two unlicensed Vehicles or Motor Vehicles owned by and titled to a resident of the Township in fully operating condition, redesigned or reconstructed for a purpose other than that for which they were manufactured, provided that there is a dwelling or barn on the Lot, and provided there is no building or garage located upon the Lot within which the Vehicles could be parked or stored. In no event, however, shall the Vehicles be parked in the front or side yard area of the Lot, except that a Vehicle or Motor Vehicle offered for sale by the Lot owner may be parked in the front yard for up to 30 days during a calendar year.
- C. The Ordinance shall not apply to a licensed junkyard, salvage yard, body shop or similar business which is in full compliance with all State laws and Township ordinances.
- D. For a Lot with a dwelling and 40 acres or more in size, not more than a total of four unlicensed but fully operational Vehicles or Motor Vehicles which are owned by and titled to a Person living on that Lot are permitted. In no event shall any Vehicle or Motor Vehicle be parked in a front yard area or be visible from a public or private street or highway or from any adjoining property. In order to prevent any Vehicle or Motor Vehicles from being seen from a public or private street or highway or any adjoining property, a solid fence may be utilized to screen the Vehicles or Motor Vehicles from view if the fence complies with all other applicable Township ordinances and is maintained in good condition at all times, and if the fence and Vehicles and Motor Vehicles are located in the rear yard of the Lot. Not more than one Vehicle or Motor Vehicle offered for sale by the Lot owner may be parked in the front yard for up to 30 days during any calendar year.
- E. Vehicles or Motor Vehicles which are agricultural in nature and are being utilized for a bona fide farming operation on the Lot where they are located are not subject to this Ordinance.

Section 8: Violation: Penalty, Remedies and Enforcement

A violation of this Ordinance constitutes a municipal civil infraction. Any Person who violates any provision of this Ordinance, Or any Person who knowingly or intentionally aids or abets another Person in violation of this Ordinance, shall be responsible for a civil infraction. The civil

fine for a ~~municipal~~ civil infraction shall be not less than \$100.00 for the first offense and not less than \$200.00 for subsequent offenses, in the discretion of the court, in addition to ~~all~~ other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same Person ~~within~~ 12 months of a previous violation of this Ordinance for which the Person ~~admitted~~ responsibility, or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 9: Administrative Liability

No officer, agent, or employee of the Township shall be personally liable for any damages which accrue to any Person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance.

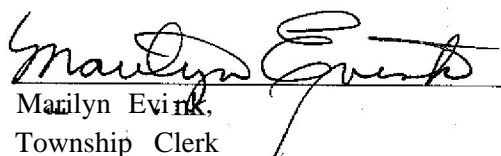
Section 10: Severability and Captions

This Ordinance and its various sections, subsections, sentences, phrases and clauses are severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional, or invalid, the remainder of this Ordinance shall not be affected. Captions appearing at the beginning of any section shall not be deemed a part of this Ordinance and shall have no independent significance.

Section 11: Effective Date

This Ordinance was approved and adopted by the Township Board on April 21, 2009, after introduction and first reading on March 17, 2009, and publication after the first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on May 29, 2009, which is the 30th day after publication of the Ordinance.


Glenn Nykamp,
Township Supervisor


Marilyn Evink,
Township Clerk