

AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF INOPERABLE MOTOR VEHICLES IN THE TOWNSHIP OF GLADWIN AND TO SECURE THE PUBLIC HEALTH, SAFTY AND GENERAL WELFARE AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION HEREOF.

PURSUANT TO THE AUTHORITY OF ACT 246 OF THE PUBLIC ACTS OF 1945 OF THE STATE OF MICHIGAN, AS AMENDED, THE TOWNSHIP OF GLADWIN ORDAINS:

SECTION 1. Regulations

Storage of Inoperable Motor Vehicles or Parts Thereof. It is hereby declared to be unlawful for any person, firm or corporation to store, place or permit to be stored or placed, any inoperable motor vehicles or any part or parts of a motor vehicle including automobiles, snowmobiles and off road vehicles on land located in the Township of GLADWIN, except as the same may be permitted under the provisions of any other Ordinance of the Township of GLADWIN, unless said inoperable motor vehicle or part or parts of a motor vehicle shall be kept in a wholly enclosed and roofed garage or other wholly enclosed and roofed building; or otherwise screened by natural objects, planting, fences or other appropriate means so as not to be visible to public view, except the following:

- (a) That any owner or occupant of said land may store or permit to be stored one (1) such inoperable motor vehicle for a period of not to exceed forty-eight (48) hours if such a motor vehicle is registered in his, her or its name; and provided further, that any such owner or occupant, in the event of hardship and upon payment of the fee hereinafter provided, may secure a permit from the Township Enforcement Officer of the Township of GLADWIN to extend such period of forty-eight (48) hours for an additional period of not to exceed one (1) week for any one (1) such inoperable motor vehicle.
- (b) 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.
- (c) Motor Vehicles temporarily inoperable due to minor mechanical failure, but which are not in a manner dismantled, and have substantially all main component parts attached, may remain upon private property for a period not to exceed an aggregate total of thirty (30) days.
- (d) No more than one (1) 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, 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 of any residential premises so as not to be visible to passersby.

- (e) 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 private property for a period in excess of twenty four (24) hours, or upon private property for a period in excess of one week, (seven (7) days), except such as shall be accomplished within a fully enclosed building or completely fenced or screened enclosures; provided further, that such repairing, redesigning, modifying or dismantling shall be conducted in conformity with any other applicable zoning ordinance and in such a manner as not to annoy the owners or occupants of adjoining property.
- (f) In the event of special or peculiar hardship beyond the control of any individual due to unforeseen circumstances by reason of the application of the provisions of this ordinance, the Court may grant a two week stay in any proceedings 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.

SECTION 2. Abandoned Vehicle Removal.

In the event an abandoned vehicle is the object of removal from public property or private property, in lieu of a court order, the vehicles may be removed by following MCLA Section 257.252a et seq., MSA 9.1952 et Seq. the Michigan Vehicle Code, as amended by Public Acts 1981- No. 104.

SECTION 3. Permits.

Upon application duly made by the registered owner of a motor vehicle and upon a showing of hardship, which hardship can be eliminated by an extension of time as herein permitted, the Township Enforcement Officer of the Township of GLADWIN is hereby authorized to issue a permit as provided in Section 1. hereof. No such permit shall be granted for more than one (1) week for any motor vehicle. A fee of One Dollar (\$1.00) shall be collected for each such permit so issued, and shall be paid into the general fund.

SECTION 4. Definitions.

- (a) "Motor vehicle" is hereby defined as any vehicle which is or is intended to be operable as a self-propelled vehicle.
- (b) An "inoperable motor vehicle" is defined as a motor vehicle which does not bear valid registration plates as required by the Michigan Vehicle Code (MCLA 257.1 et seq.; MSA 9.1801 et seq.) or which by any reason of dismantling, disrepair, or other cause is incapable of being propelled under its own power, or is unsafe for operation on the streets and highways of this State due to inability to comply with the Michigan Vehicle Code (MCLA 257.1 et seq.; MSA 9.1801 et seq.).

- (c) The term "fenced" shall mean a fence of wood, cement blocks or other opaque solid material, not less than eight (8) feet or more than ten (10) feet in height, so constructed as to make it impossible to see through said fence. The fence must be kept in good repair and not repugnant to a reasonable person. Natural screening may also be used. When trees, hedges or other natural objects are used the ten (10) foot maximum height is waived. The density of a fence shall be met when using natural screening. When construction a berm for screening the minimum and maximum height requirements of a fence shall be met. The fenced or screened area shall have a non-transparent gate providing access to the storage area for vehicles but shall not allow direct view of the storage area from public view.

SECTION 5. Construction.

This Ordinance shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to the keeping of rubbish, litter, garbage refuse, trash or junk, but shall be construed as supplementary to any such ordinances as well as to any statutes of the State of Michigan relating thereto.

SECTION 6. Nuisance.

The presence of an inoperable motor vehicle or parts of a motor vehicle in violation of the terms of this Ordinance is hereby declared to be a public nuisance.

SECTION 7. Notice to Remedy Condition.

Upon the discovery of a prohibited condition existing as set forth in the Ordinance, the Township Enforcement Officer or the duly authorized representative of the Township of GLADWIN shall notify the owner of the property of such condition and require that it be remedied within ten (10) calendar days. The notification may be given in person, or by first class mail, addressed to the last known address of the property owner, or by posting the premises.

SECTION 8. Failure to Remedy Prohibited Condition; Lien.

Should the owner fail to remedy the condition after notice as described herein, the Ordinance. The Township Enforcement Officer or the duly authorized representative of the Township of GLADWIN may remedy the condition or cause the same to be done by personnel of the Township or by private contractor, and the actual cost of remedying the prohibited condition plus 10% for inspection and overhead and other additional costs in connection therewith, shall be collected as a special assessment against the premises as provided in the statutes and shall become a lien against the property. Levying or collecting such a special assessment shall not relieve any person offending against this Ordinance from the penalty prescribed for the violation of same.

SECTION 9. Violation

- (a) Any violation of or any failure to comply with the provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500.00 and/or

90 days in jail. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section. The Township may proceed under Paragraph 8 or 9, or both.

(b) In addition to any remedies available at law, the township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance.

SECTION 10. Severability.

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereto.

SECTION 11. Effective Date.

This Ordinance shall become effective thirty (30) days from the date of publication in a newspaper in general circulation within the Township of GLADWIN.