

KEENE TOWNSHIP

ORDINANCE NO. 06-09-09B

Adopted Date 6-9-2009

Junk, Scrap or Dismantled, Inoperable, Unlicensed Vehicles or Equipment Ordinance

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Keene, Ionia County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of dismantled, inoperable, unlicensed motor vehicles, tractor trailers, house trailers and watercraft including new, or used parts of junk therefrom, and scrap building materials and junk within the Township of Keene; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF KEENE, IONIA COUNTY, MICHIGAN, ORDAINS:

Section 1: Name

This ordinance shall be known and cited as the Keene Township Junk, Scrap or Dismantled, Inoperable, Unlicensed Vehicles or Equipment Ordinance.

Section 2: Purpose

The purpose of this ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers, watercraft and tractor trailers, including new or used parts upon premises within the Township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the aesthetic visual presence of such vehicles or trailers upon adjoining residents and property owners.

Section 3: Definitions

(a) "Building Materials" means, but shall not be limited to, lumber, bricks, concrete or other blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, structural or miscellaneous steel, nails, screws, or any other materials used in the building or constructing any structure and in any other manner of construction.

(b) "Inoperable" means incapable of being operated or propelled under its own power, for a period of time in excess of 30 days, by reason of dismantling, disrepair or other cause.

(c) "Junk" means any worn out or discarded materials, (whether or not some could be put to any reasonable use), including, but not limited to, industrial or commercial machinery, motor vehicle parts, unused stoves, refrigerators or other appliances stored in the open, remnants of wood, metal or any other material.

(d) "Junk automobile", "junk motor-driven vehicle", "trailer in disrepair", "trailer coach in disrepair", "contractor's equipment in disrepair", "watercraft in disrepair" means an automobile, vehicle, trailer, trailer coach, contractor equipment or watercraft which is inoperable or partially dismantled.

(e) "Partially dismantled" means that parts that are ordinarily components have been removed or are missing.

(f) "Unlicensed vehicle" means any vehicle without a valid, current state motor vehicle license and registration.

(g) "Motor vehicle" or "vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

(h) "Trailer coach" means a vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and drawn by another vehicle.

(i) "Watercraft" means any contrivance used or capable of being used for navigation upon water, whether or not capable of self-propulsion, including foreign and domestic vessels, passenger or other cargo-carrying vessels, and recreational watercraft.

(j) "Person" shall mean a person or any form of entity.

(k) Other terms and provisions. Other terms and provision not specifically defined in this ordinance shall be given their ordinary meaning.

Section 4: Regulations

(a) No person shall park, store, or place upon any public right-of-way or public property, or upon any other property within the Township, any junk, unlicensed vehicle, junk automobile, junk motor driven vehicle, trailer in disrepair, trailer coach in disrepair, contractor's equipment in disrepair or watercraft in disrepair unless the same is wholly contained within a fully enclosed building or fully screened with fencing, evergreen plantings, berms or a combination of same from a public or private road right of way and neighboring resident's visibility and does not violate any zoning or building laws of the Township, County, or State of Michigan, except for the following:

1. Duly licensed and operable vehicles, trailers, campers or watercraft.

2. Vehicles, trailers or trailer coaches that are temporarily inoperable, because of minor mechanical failure, but still have substantially all main component parts attached, may remain upon such private property not to exceed 30 days.

3. Not more than one vehicle in fully operating condition, such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, may be parked or stored outside. In no event shall any such vehicle be parked in the front or side street yard area of any such premises.

(b) Farm machinery and associated equipment, if substantially intact and waiting repair or restoration, are exempt. Machinery and equipment that are used mainly or exclusively as parts for other farming equipment, machines and tractors must be screened with fencing, evergreen plantings, berms or a combination of same from a public or private road right of way and neighboring resident's visibility.

(c) 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 Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed 30 days for the months of April through November or 90 days for months of December through March 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: Nuisance

Any violation of this ordinance is hereby declared to be a nuisance per se which may be enjoined and may also be subject the violator to civil damages and the fines and penalties herein provided.

Section 6: 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 Keene Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

Section 7: Severability Clause

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the ordinance other than said part of portion.

Section 8: Enforcement

The Keene Township Zoning Administrator is authorized to enforce this ordinance, write violation letters and notices and issue municipal civil infraction ticket citations. In addition to any remedies available by law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Township Ordinance.

Section 9: Penalty

In addition to any other remedy provided for in this ordinance, any person who violates, disobeys, omits, neglects or refuses to comply with, and resists the enforcement of any provision of this ordinance, is deemed to have committed a municipal civil infraction subject to fines and costs as herein provided. The fine shall be not less than fifty (\$50.00) dollars for the first offense, nor less than one hundred (\$100.00) dollars for a first repeat offense. The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall not be less than two hundred (\$200.00) dollars. Cost shall also be imposed for each violation of this ordinance and shall include all those costs incurred by the township to bring such action , including all attorney fees incurred by the Township in pursuing a civil infraction proceeding.

For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

Section 10: Effective Date

This ordinance shall take effect 90 days after publication. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

ADOPTED:

Yeas: 5

Nays: 0

STATE OF MICHIGAN)

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COUNTY OF IONIA)

I, the undersigned, the duly elected Clerk of Keene Township, Ionia County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete representation of certain proceedings conducted by the Board of Trustees of said Township at a meeting held on this 9th day of June, 2009.

Jean Burton

Keene Township Clerk

Published Date: June 17, 2009

Effective Date: September 14, 2009