

TOWNSHIP OF CHESTER
COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Township of Chester, Ottawa County, Michigan, held in the Chester Township Hall located at 19340 32nd Avenue, Conklin, Michigan, within the Township, on the 19th day of August, 2003, at 7:00 p.m.

PRESENT: Members: Berenbrock, Creager, Joiner, Kelly, Redding

ABSENT: Members: None

It was moved by Township Board Member Creager and supported by Township Board Member Joiner that the following Ordinance be adopted:

ORDINANCE NO. 2003-08-01

AN ORDINANCE TO REGULATE **JUNK AND INOPERABLE VEHICLES** AND MOTOR VEHICLES; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

THE TOWNSHIP OF CHESTER ("Township") ORDAINS:

Section 1. Short Title. This Ordinance shall be known and may be cited and referred to as the "Chester Township Inoperable and Junk Vehicle Ordinance," and shall hereinafter be referred to as the "Ordinance."

Section 2. Definitions. For the purposes of this Ordinance, the following terms shall have the following meanings:

- (a) "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.
- (b) "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (c) "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 by virtue of lacking the equipment required by the laws of the state of Michigan or which does not bear valid and current license plates.
- (d) "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 streets or public highways.

(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.

Section 3. Keeping or Storage of Inoperable or Junk Vehicles or Motor Vehicles. No person, firm, entity, or corporation shall accumulate, store, place, or permit the accumulation, storage, or placement of any inoperable or junk vehicle or motor vehicle in Chester Township for more than seven (7) 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.

Section 4. Prima Facie Evidence. The ownership, lease, occupation, or use of land by any person, entity, firm, or corporation upon which an inoperable or junk vehicle or motor vehicle is accumulated, stored, or placed shall be prima facie evidence that such person, firm, entity, or corporation 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 5. Nuisance. Any use, activity, parking, storage or placement in violation of any of the provisions of this Ordinance is hereby 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 hereof.

Section 6. Repair Work. No repairing, redesigning, modifying or dismantling work or operations shall be done or performed upon any vehicle, trailer or parts thereof upon any road right-of-way or public place or upon a private property on more than one (1) vehicle for a period in excess of seven (7) days during any calendar year except that work which shall occur within a fully-enclosed building provided that such limited work will not constitute a nuisance or annoyance to property owners or occupants and it does not violate any provision of the Chester Township Zoning Ordinance, as amended. Any such work permitted within such 7-day time period shall not consist of any major repair, redesigning, modifying or dismantling work but can only be such occasional minor work that shall be as may be infrequently required to maintain a vehicle or trailer or parts thereof in normal operating condition.

Section 7. Exemptions. This Ordinance shall not apply to any of the following:

(a) Vehicles or trailers that are temporarily inoperable because of minor mechanical failure, and which are not, in any manner, dismantled and a

substantially all main component parts are attached thereto, so long as they are not located outdoors for a period not to exceed 14 days during any calendar year.

(b) If a parcel is one (1) acre or larger in size, not more than two (2) unlicensed vehicles owned by and titled in the name of a resident of the Township 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, provided that there is a dwelling or barn on the property involved but there is no building or garage located upon the property within which such vehicle could be parked or stored. In no event, however, shall any such vehicle be parked in the front or side yard area of such property.

(c) The item or vehicle involved is part of a licensed junkyard, salvage yard, body shop or similar business which is in full compliance with the Chester Township Zoning Ordinance, as amended, and the vehicle or item involved also fully complies with the applicable requirements of the Chester Township Zoning Ordinance.

(d) The following shall govern, depending upon the size of the parcel:

(i) For a parcel over one (1) acre, but under forty (40) acres in size: Not more than two (2) vehicles on a property with a dwelling which are unlicensed (but which are in a fully operable condition), which are owned by (and titled to) a resident of the premises on which they are permitted, but in no event shall any such vehicle(s) be parked in a front yard area, except that a vehicle being offered for sale by the property owner may be parked in the front yard area for a period of time not to exceed thirty (30) days during any calendar year.

(ii) For a parcel forty (40) acres or more in size: Not more than four (4) vehicles on a property with a dwelling which are unlicensed (but which are in a fully operable condition), which are owned by (and titled to) a resident of the premises on which they are permitted, but in no event shall any such vehicle(s) be parked in a front yard area or be visible from a public road or from any adjoining properties. In order to prevent any such vehicles from being seen from a public road or any adjoining properties, a solid screening fence may be utilized to screen such vehicles from view so long as the fence complies with all other applicable Township ordinance requirements and is maintained in good condition at all times and such fence and vehicles are located in the rear yard. Not more than one (1) vehicle being offered for sale by the property owner may be parked in the front yard or area for a period of time not to exceed thirty (30) days during any calendar year.

(e) Vehicles which are agricultural in nature and are being utilized for a bona fide farming operation on the property involved.

Section 8. Violation; Penalty, Remedies and Enforcement. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$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 twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 9. Construction. This Ordinance shall not apply to any licensed junkyard, salvage yard, body shop or similar business, where such business or enterprise is in full compliance with the Chester Township Zoning Ordinance, as amended. Furthermore, the regulations or requirements contained in this Ordinance shall be in addition to any other laws or ordinances which govern the same or similar subject matters.

Section 10. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Section 11. Effective Date. The provisions of this Ordinance shall take effect thirty (30) days after the date of publication of this Ordinance or a summary of its provisions in the newspaper in accordance with the law.

YEAS: Berenbrock, Creager, Joiner, Kelly & Redding

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE DECLARED ADOPTED.

Janice Redding
Chester Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Board of the Township of Chester at a regular meeting at Township Hall held on August 19, 2003, pursuant to the required statutory procedures.

Janice Redding
Chester Township Clerk