

ORDINANCE NO. 03-2005
DISMANTLED OR INOPERABLE MOTOR VEHICLE ORDINANCE
BRUCE TOWNSHIP, MICHIGAN

31.000

AN ORDINANCE to secure the public peace, health, safety, and welfare of the residents and property owners of Bruce Township, Chippewa County, Michigan by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, mobile homes, and new or used parts or junk therefrom; to provide for the administration and enforcement of said Ordinance; and to provide for the repeal of any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF BRUCE
CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

31.100 Introduction

31.101 Short Title. This Ordinance shall be known and cited as the "Bruce Township Dismantled Vehicle Ordinance".

31.102 Purpose. This Ordinance is intended to limit and restrict the outdoor storage, parking, and unreasonable accumulation of junked, unused, partially dismantled, and inoperable motor vehicles, mobile homes, tractor trailers, and/or parts thereof on properties 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 psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

31.103 Repeal of Prior Ordinances. This Ordinance repeals Sections 20.150 to 20.156 inclusive of the Bruce Township code adopted as the Dismantled Car Ordinance, Ordinance No. 6, with an effective date of October 13, 1983 and the Dismantled or Inoperable Motor Vehicle Ordinance of 2002 adopted by the Township Board on March 14, 2002.

31.200 Definitions.

A – Motor Vehicles are defined as any wheeled or tracked vehicles that are designed to be self-propelled.

B – Inoperable Motor Vehicles are defined as motor vehicles which by reason of dismantling, disrepair, damage, lack of licensing, or other cause are incapable of being operated under their own power or legally operated.

C – Dismantled and Partially Dismantled Motor Vehicles are defined as motor vehicles from which parts integral to the operation of such vehicles or parts required by law or regulation to be present on such vehicles have been removed or are missing.

D – Junk Dealers are defined as persons that own or operate lawful junkyards within the township.

E – Farm Operations for purposes of this Ordinance are defined as active enterprises involving the commercial production, harvesting, and/or storage of plant and animal products within the township on properties ten (10) or more acres in size.

31.300 Prohibitions.

No person, firm, or corporation shall park, store, or abandon inoperable motor vehicles, dismantled or partially dismantled motor vehicles, mobile homes (except as permitted by the township's Zoning Ordinance), inoperable or

unlicensed tractor trailers, and/or parts thereof on any public rights-of-way or any property in the township such that the aforementioned items can be seen from any public thoroughfare or adjacent properties under other ownership except for the following:

A – Motor Vehicles or trailers temporarily inoperable because of minor mechanical problems provided that such vehicles or trailers are restored to operating condition, removed from the premises, or relocated to a building or garage within thirty (30) days.

B – Not more than one (1) vehicle in fully operating condition such as a stock car that has been redesigned or reconstructed for a purpose other than for which it was manufactured, provided that no building or garage is located on the premises in which the vehicle could be stored or parked. Such vehicles shall not be parked or stored in the front or side yard areas of dwellings.

C – Inoperable farm equipment on properties where active farm operations are conducted provided that such inoperable equipment is not placed within one hundred (100) feet of property lines abutting public thoroughfares.

D – Inoperable motor vehicles awaiting repairs on the premises of permitted vehicle repair facilities.

E – Parking or storage contrary to the provisions of this Ordinance due to unique circumstances or hardship beyond the reasonable control of the person, firm, or corporation when such parking or storage is authorized by a township ordinance enforcement official. Such authorized parking or storage shall not exceed a period of thirty (30) days. Authorization for such parking and storage shall be at the discretion of the township ordinance enforcement official.

31.400 Enforcement and Penalties.

31.401 Violations. Any violation of the provisions of Section 31.300 of this Ordinance is hereby declared to be a public nuisance per se and further declared to be offensive to the public health, safety, and welfare. A designated ordinance enforcement officer shall inspect each alleged violation and shall order correction in writing to the owner or responsible person(s) of all conditions found to be in violation.

31.402 Corrections. The property owner or responsible person(s) shall correct conditions found to be in violation within ten (10) days following issuance of the written notice to correct the condition and eliminate the violation.

31.403 Penalties. Any property owner or responsible person(s) who neglects, omits, or refuses to correct the conditions found to be in violation shall be charged with a criminal misdemeanor and shall on conviction be fined not more than five hundred dollars (\$500.00) together with the cost of prosecution, or by imprisonment in the county jail for not more than ninety (90) days, or both, at the discretion of the court. A separate offense shall be deemed committed for each day that a violation is permitted to exist.

31.404 Abatement by the Township. If, after receiving due notice of a violation, the owner or person(s) responsible for any property on which the nuisance exists fails to take the necessary corrective measures, the Township may elect to take direct action to abate or eliminate the nuisance. The Township shall notify the property owner or responsible person(s) in writing of the proposed Township action and give ten (10) days in which the owner or responsible person(s) may eliminate the nuisance without intervention by the Township. The notice may be served personally or may be sent by first-class mail to the last known address of the owner or responsible person(s) of the premises. The time period shall commence on the date of the personal service or in the case of mailing service shall be deemed to have taken place on the date of mailing.

31.405 Civil Infraction Option. The Township Board shall have the option of pursuing compliance with any provision of this Ordinance as a Municipal Civil Infraction rather than as a criminal misdemeanor when, in the judgment of the Township Board, such course of action is appropriate. Any action pursued as a Municipal Civil Infraction shall be in accordance with the Township's Municipal Civil Infractions Ordinance and shall subject violators to civil fines and costs. Civil Fines shall be in accordance with the following schedule as established by the Municipal Civil Infractions Ordinance:

| <u>Offense (Violation)</u> | <u>Fine</u> |
|--|-------------|
| Failure to comply with any provision of the Ordinance. | \$100.00 |
| First Repeat Offense. | \$250.00 |
| Second (or any subsequent) Repeat Offense. | \$500.00 |

Costs may also be assessed as provided in the Township's Municipal Civil Infractions Ordinance. In no case, however, shall costs of less than \$9.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.

When violations are pursued under the Civil Infraction Option and the owner or responsible person(s) does not correct conditions found to be in violation and pay any civil fines and costs incurred and/or assessed, the Township shall have the right to pursue the matter as a criminal misdemeanor as provided in Section 31.403.

31.406 Unpaid Fines, Costs, Charges, and Fees. Any civil infraction fines, costs, charges, and fees resulting from Ordinance violation enforcement actions constitute debts due the Township. Such debts that remain unpaid for thirty (30) days from the date due shall become a lien upon the lands and property which were the subject of the offense for which the civil infraction charges were filed or Township costs were incurred and may be collected in the same manner as any contracted debt. The Township Board may also pursue collection under provisions of the Township's Special Assessment Ordinance.

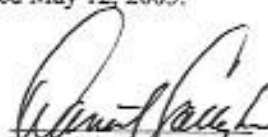
31.500 Severability.


The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

31.600 Effective Date.

This Ordinance shall take effect immediately upon publication as permitted by law following adoption by the Township Board.

Ordinance adopted May 12, 2005.


Daniel Gallagher
Bruce Township Supervisor


Wanda Sawyers
Bruce Township Clerk

Date Adopted: 5/12/05
Date of Publication: 5/17/05
Effective Date: 5/18/05