

Junk or Dismantled Motor Vehicles – Ordinance # 8.01

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

THE TOWNSHIP OF NAPOLEON, JACKSON COUNTY, MICHIGAN, ORDAINS:

Section 1: Name

This ordinance shall be known and cited as the Napoleon Township Inoperable Dismantled Vehicle 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 inoperable motor vehicles, house trailers, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose 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.

Section 3: Regulations

A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the Township, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building 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 or recreational vehicles that can be legally operated on a public roadway or a private roadway constructed under the Township's Private Road Ordinance with all main component parts attached.
2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have all main component parts attached, which may remain upon such private property for not to exceed 14 days.

B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential

purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provision of the Napoleon Township Zoning Ordinance. Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

Section 4: Nuisance

Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

Section 5: 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 Napoleon 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 6: Severability Clause

The provisions of this ordinance are hereby declared to be severable and 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 thereof.

Section 7: Conflicts

Any ordinance or parts of ordinances in conflict or inconsistent with any of the provisions of this chapter are hereby repealed.

Section 8: Penalty

(A) Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a municipal civil infraction and shall be punished by a fine(s) as provided for by Ordinance 72. Each day that a violation continues to exist shall constitute a separate offense.

(B) In addition, any violation of this chapter shall be deemed a nuisance per se, permitting the Township Board, its officers, agents, or any private citizen to bring an action in any court of competent jurisdiction to cause the abatement of the nuisance, including injunctive relief.

Section 9: Effective Date

This ordinance shall be published in the manner provided by law and shall take effect 30 days after publication.

At a regular meeting of the Napoleon Township Board held in the Township Hall on the 13 day of May, 2008, at 7:00 p.m., the foregoing ordinance was offered by member Wymer, and supported by member Lammers.

The foregoing Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the boundaries of the Township of Napoleon and qualified under state law to publish legal notices promptly within its adoption, and shall take effect thirty (30) days after the date of publication.

MEMBERS PRESENT Butler, Day, Stetler, Lammers and Wymer

MEMBERS ABSENT: _None

MEMBERS VOTING IN FAVOR OF ADOPTION: Butler, Day, Stetler, Lammers and Wymer

MEMBERS VOTING AGAINST ADOPTION None

Adopted: May 13, 2008

Effective: June 20, 2008

Denise Butler, Supervisor

Janet Day, Clerk