

ORDINANCE NO. 75

INOPERABLE MOTOR VEHICLE ORDINANCE

**AN ORDINANCE TO REPEAL AND RESTATE THE LAKETOWN TOWNSHIP JUNK YARD AND DISMANTLED AUTOMOBILE ORDINANCE, ORDINANCE NO. 1, EFFECTIVE MAY 19, 1947; TO RESTATE THE REGULATIONS REGARDING INOPERABLE VEHICLES WITHIN THE TOWNSHIP FOR THE PROTECTION OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN THE TOWNSHIP; TO PROVIDE A PENALTY PROVISION FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.**

THE TOWNSHIP BOARD OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN HEREBY ORDAINS:

Section 1. Purpose. Scrapped or discarded Motor Vehicles are, or in the future may be, stored in a dangerous or unsanitary manner in yards or other places within the Township. The places in which such Motor Vehicles are, or in the future may be, stored tend to become overgrown with weeds, littered with rubbish, and infested with rodents and insects. Such conditions tend to attract children and endanger their lives and health, spread disease, invite plundering, create fire hazards or other safety and health hazards, create or extend blight, interfere with the enjoyment or reduce the value of private property, and interfere with the comfort and well being of the public. Adequate protection of public health, safety, and welfare requires that Dismantled or Partially Dismantled Motor Vehicles be regulated and controlled, and that is the purpose of this Ordinance.

Section 2. Repeal and Restatement. The Laketown Township Junk Yard and Dismantled Automobile Ordinance, being Ordinance No. 1, effective May 19, 1947, is hereby repealed in its entirety and replaced with this Ordinance as of the effective date of this Ordinance.

Section 3. Definitions. The following listed terms and phrases are defined for purposes of their use in this Ordinance; these definitions shall apply to the interpretation and enforcement of this Ordinance unless the context clearly indicates to the contrary.

- A. "Person" shall mean any person, firm, partnership, association, corporation, company, individual, or organization of any kind.
- B. "Motor Vehicle" shall include any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in Section 90 of Act 300 of the Public Acts of 1949, as amended, being Section 257.79 of Michigan Compiled Laws, which is required to be registered for use upon the public streets and highways of this State under that Act 300, and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.

- C. "Inoperable Motor Vehicle" shall include any Motor Vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever:
1. Is incapable of being propelled under its own power;
  2. Lacks all of the necessary component parts to make it operable and serviceable as a Motor Vehicle; or
  3. Does not display or have affixed thereto current license plates or tabs as required by the State for the purpose of operating such Motor Vehicle upon public roads or streets.
- D. "Public Safety Officer" shall include law enforcement, fire, medical, or other emergency response personnel.
- E. "Responsible Parties" shall include, in the case of an Inoperable Motor Vehicle, or parts thereof, the following individuals:
1. The owner of record of the real property upon which the Inoperable Motor Vehicle, or parts thereof, is located;
  2. The lessee of the real property upon which the Inoperable Motor Vehicle, or parts thereof, is located; and
  3. The registered owner of the Inoperable Motor Vehicle.

Section 4. Parking or Storing of Dismantled or Inoperable Motor Vehicles. Except as otherwise allowed by the terms of this Ordinance, no person shall park or store, or permit or cause to be parked or stored, any Inoperable Motor Vehicle, or parts thereof, upon any private property within the Township.

Section 5. Notice to Remove.

- A. The Township Ordinance Enforcement Officer or a Public Safety Officer shall prepare a written notice clearly identifying the Inoperable Motor Vehicle, or parts thereof, and the location within the Township. Such notice shall be posted on the Motor Vehicle and personally delivered or sent via first class mail to the Responsible Parties. Such notice shall require the Responsible Parties to remove the Inoperable Motor Vehicle, or parts thereof, within ten (10) days of the date of the notice. The notice shall further state that failure to so remove the Inoperable Motor Vehicle, or parts thereof, shall constitute a violation of this Ordinance.
- B. The notice required by subparagraph (A) above shall not be required to be sent to a Responsible Party if that Responsible Party has received a notice under this Ordinance within the preceding eighteen (18) months for the specific Inoperable Motor Vehicle, or parts thereof, in question.

Section 6. Applicability of Ordinance.

- A. Each Responsible Party shall be individually liable for any violation of this Ordinance.
- B. This Ordinance shall not apply to any Inoperable Motor Vehicle, or parts thereof, located within a wholly enclosed structure.
- C. This Ordinance shall not apply to any owner of record or lessee of the real property who is not the registered owner of the Inoperable Motor Vehicle, if the owner of record or lessee: gives written notification to the Township Ordinance Enforcement Officer within ten (10) days of the date of the Notice to Remove provided under Section 4 of this Ordinance that such Motor Vehicle is on the owned or leased property in question without the consent of the owner of record or the lessee; and authorizes in writing the Township Ordinance Enforcement Officer or a Public Safety Officer to remove the Motor Vehicle pursuant to Section 252a of Act 99 of the Public Acts of 1964, as amended, being Section 257.252a of Michigan Compiled Laws.
- D. This Ordinance shall not apply to Motor Vehicles owned or in the possession of commercial Motor Vehicle sales or service businesses or other businesses properly permitted and/or licensed by the Township.

Section 6. Penalties.

- A. Failure to Remove: If a Responsible Party, after receiving a Notice to Remove pursuant to Section 4 of this Ordinance, fails to so remove the Inoperable Motor Vehicle, or parts thereof, then:
  - 1. The Inoperable Motor Vehicle, or parts thereof, shall constitute a nuisance and be subject to all fines and penalties applicable to nuisances; and
  - 2. The Township may remove the Motor Vehicle or its parts and dispose of them in accordance with Section 252a of Act 99 of the Public Acts of 1964, as amended, being Section 257.252a of Michigan Compiled Laws.
- B. Municipal Civil Infraction: Any person who shall violate a provision of this Ordinance or who shall fail to comply with any of its requirements shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infractions Ordinance adopted by the Township, and subject to a fine of fifty (\$50.00) dollars plus costs and other sanctions for each infraction. Each day during which any violation continues after notice has been served shall be deemed a separate and distinct offense. Increased civil fines may be imposed for repeat violations of this Ordinance; a repeat violation means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for repeat violations shall be as follows:

1. The fine for any offense which is a first repeat offense shall be two hundred fifty (\$250.00) dollars, plus costs and other sanctions; and
2. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be five hundred (\$500.00) dollars, plus costs and other sanctions.

Any Allegan County Deputy Sheriff assigned to the Township pursuant to an agreement between the Township and Allegan County and the Allegan County Sheriff, as well as the Township Manager, are hereby designated as the authorized Township Officials to issue municipal civil infraction citations (directing alleged violators to appear in Court) or municipal civil infraction notices (directing alleged violators to appear at the Laketown Township Municipal Ordinance Violations Bureau).

Section 7. Repeal. All resolutions, ordinances, orders, or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8. Administrative Liability. No officer, agent, employee, or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 9. Severability and Captions. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, phrase, word, section, subsection, part, or provision is declared unconstitutional, void, or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any remainder of this Ordinance. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 10. Effective Date. This Ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan, on \_\_\_\_\_, 1995. This Ordinance shall become effective thirty (30) days following its publication in a newspaper of general circulation within Laketown Township.

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Gene Berghorst  
Township Supervisor

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Robert Jaskulski  
Township Clerk

CERTIFICATE

I, Robert Jaskulski, Clerk for Laketown Township, Allegan County, Michigan, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Laketown Township Board, held on \_\_\_\_\_, 1995. The following members of the Laketown Township Board were present at that meeting: \_\_\_\_\_

\_\_\_\_\_ and the following members of the Laketown Township Board were absent: \_\_\_\_\_

\_\_\_\_\_. The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in favor and members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in opposition to the Ordinance. The Ordinance was published in the Holland Sentinel on \_\_\_\_\_, 1995.

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Robert Jaskulski  
Township Clerk

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