

Ordinance No. 1996-1 Junk

AN ORDINANCE TO PROVIDE FOR THE CONTROL AND REGULATION OF JUNK

THE VILLAGE OF SOUTH RANGE ORDAINS:

An ordinance to provide for the control and regulation of outdoor parking, accumulation and storage of junk, including junk vehicles, within the Village of South Range, to provide for penalties for the violation of this ordinance, and to repeal any ordinance, or parts thereof, in conflict herewith.

1. Preamble. It is hereby determined by the Village Council that the public peace, health, safety and welfare to the inhabitants of the Village is threatened by virtue of the outdoor parking, storage, and abandonment of junk, including junk vehicles, wreckage and parts of such vehicles, and other litter and refuse throughout the Village. It is further determined that such accumulation constitutes a nuisance and that it is essential for the protection of the public peace, health, safety and welfare of the people of the village that regulation of junk including, but not limited to, junk vehicles, be provided for.

2. Name. This ordinance shall be known and cited as the Village of South Range Junk Ordinance.

3. Purpose. The purpose of this ordinance is to establish a control program designed to reduce unregulated junk, including abandoned or inoperable vehicles, wreckage and parts thereof in the Village.

4. Definitions.

A. The term "junk" shall mean waste, used or second-hand materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, boxes, cartons and crates. "Junk" shall also mean any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other material commonly used in the construction or repair of any buildings or structures.

B. The term "junk vehicle" shall mean any vehicle that is not in operating condition and eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, Act No. 300 of 1949, as amended. The minimum requirements for operating condition hereunder include, but are not limited to, four wheels with inflated tires, a working battery, and an engine in running condition, a gear train capable of moving the vehicle at any time, and with a current registration and license plate affixed.

C. The term "private premises" shall mean any lot or parcel of land owned or occupied by any person, firm or corporation whether or not improved with any dwelling, house, building, or other structure, and whether inhabited or temporarily or continuously uninhabited or vacant.

5. Regulations.

A. No person, firm, or corporation whether the owner, tenant or manager of private property, or whether the past registered owner of a vehicle, or transferee on a bill of sale covering such a vehicle, shall permit the parking, storage or accumulation thereof upon any public right-of-way, public property or private premises within the village, of any junk, including junk vehicles, wreckage or parts thereof, unless the same is wholly contained within a fully enclosed building or a completely walled enclosure or fence, or are otherwise completely screened by natural objects, plantings, or other appropriate means from four sides, so as not to be visible to public view, except for the following:

1. Vehicles in operating condition eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, being Act 300 of 1949, as amended;
2. Vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used vehicles or equipment used in the operation of such dealership;
3. Vehicles or parts thereof located in a licensed junkyard;
4. Vehicles temporarily inoperable, for an aggregate not to exceed ten (10) days, due to minor mechanical failure, but which are not in any manner dismantled, and have substantially all main component parts attached.
5. Vehicles in the process of restoration or conversion, for a period not to exceed an aggregate total of thirty (30), as so declared by the owner in a statement to the Village President accompanied by a fee of \$100.00 per vehicle. The fee to be returned to the applicant, less an administrative charge of 25%, upon completed restoration of the vehicle or upon compliance with the other provisions of Section 5A.
6. Off road vehicles (ORV's) or seasonal vehicles which are solely used for plowing snow or hauling firewood.

B. In event of special or peculiar hardship due to unforeseen circumstances by reason of the application of the provisions of this ordinance, the Village President may grant a stay for a period not to exceed thirty (30) days or until the next regularly scheduled council meeting, which-ever is less, from a proceeding being brought for violation of this ordinance, provided that the Village President shall have the discretion to consider the unreasonable or adverse effect such stay may have on owners occupants of adjoining property and the public health, safety and welfare.

6. Nuisance. Any parking, storage accumulation, placement or otherwise of junk in violation of this ordinance is declared to be a public nuisance which may be enjoined pursuant to law, in addition to the fines and penalties herein provided.

7. Construction. As to any junk yards, salvage yards, garages, body or paint shops operating within the village, shall be licensed pursuant to law, this ordinance shall operate as an addition to, and not in conflict with, all such other laws with respect to junk and junk vehicles.

8. Saving Clause The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, words, section, or provision is declared void or unenforceable by a court of competent jurisdiction, the remaining portions of the ordinance shall remain in full force.

9. Enforcement. ~~This ordinance shall be enforced by the County Sheriff's Department acting as the village's law enforcement agency.~~ Before commencing prosecution under this Ordinance, the enforcement officer shall notify the violator(s) of the existence of a violation. Such notice shall be in writing and served upon the violator(s), either in person or by first class mail sent to the last known address of the violator(s) or to the common address of the property upon which the violation exists. The violator(s) shall be given ten (10) days from the date of personal service or twelve (12) days from the date of mailing the notice in which to remedy the violation. Each day that a violation under this Ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

10. Penalty.

~~A. Any person, firm, or corporation violating this ordinance shall be subject upon conviction to a fine of not more than \$100.00 or imprisonment in the county jail for a period of 90 (ninety) days, or both, and the costs of prosecution for each violation.~~

Amended by 2017 Civil Infraction Ordinance:

Converted ordinance violations from misdemeanor offenses to municipal civil infractions and established civil fine schedules.

B. In addition to the imposition of the foregoing fines, penalties and other penalties, the Village Council may cause any junk or junk vehicle found in violation hereof to be removed from any public or private premises, impounded or destroyed or sold, in the discretion of the Village Council and the cost of removal assessed the owner of user of such junk or junk vehicle, or the premises on which the same is located. Any sums realized upon sale shall be retained by the Village as reimbursement for costs incurred in removal and sale.

11. Repeal. Any ordinance, or part thereof, in conflict with this ordinance is hereby repealed.

12. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication.

This Ordinance is adopted and approved by the Village Council of the Village of South Range on the 4th day of April, 1996.