

**REPUBLIC TOWNSHIP
JUNK AND JUNK VEHICLE
ORDINANCE NO. 2013-17**

An Ordinance to provide for control and regulation of outdoor parking, accumulation, storage and/or abandonment of junk, including junk motor vehicles, within certain areas, specifically designated in addendum to this Ordinance, within the Township of Republic, to provide for penalties for the violation of this Ordinance, and to repeal any ordinance or parts of ordinances in conflict herewith.

PREAMBLE

It is hereby determined by the Board of Trustees of the Township of Republic that the peace, health and safety and welfare of the inhabitants of the Township is threatened by virtue of outdoor parking, storage and abandonment of junk, including junk motor vehicles, wreckage and parts of vehicles and other litter and refuse in urban portions of Republic Township where such accumulation is not now regulated by the State, Township or Village under governing state statutes, and village charter provisions. It is further determined that such accumulation constitutes a nuisance and that it is essential to protect the public peace, health, safety and welfare of the people of the Township of Republic, that Township regulation of junk, including junk motor vehicles, be provided within the framework of governing law.

Section 1: Name

This Ordinance shall be known and cited as the Republic Township Junk and Junk Vehicle Ordinance.

Section 2: Purpose

The purpose of this Ordinance is to establish a Township Control Program designed to regulate junk, including abandoned motor vehicles, wreckage and parts thereof, in those portions of the Township which are principally urban, and specifically designated in addendum to the Ordinance., to the extent permitted by state law, and nothing in this Ordinance shall be construed to abrogate to affect the authority of the state under 1966 PA 219, being MCLA 252.20, et seq; MSA 9.391 (11) et seq, which authorizes townships to license and regulate junk yards and places for dismantling, wrecking and disposing of junk and or refuse material. It is the purpose of this Ordinance to supplement existing township law and state law providing for control of junkyards and for regulation of junk, as set forth herein. In addition, it is the intention of Republic Township to require compliance with this Ordinance by any person relative to public right of way or public property located within the Township.

Section 3: Definitions

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, dismantled or nonoperational house trailers, motor vehicles or parts thereof. Provided, however, that the term "JUNK" shall not be construed to include farming or logging equipment.

The term “JUNK AUTOMOBILE OR CAR” shall mean any motor vehicle or any portion thereof, that is not in operating condition and eligible for use in accordance with the requirement of Michigan Vehicle Code, which is Act No. 300 of 1949 as amended. Those minimum requirements will include, but are not limited to, four wheels with inflated tires, a working battery, an engine in running condition and a gear train capable of moving the vehicle at any time. Provided, however, that the term “JUNK AUTOMOBILE OR CAR” shall not be construed to include logging or farming equipment.

The term “JUNK YARD” shall include, but is not limited to, automobile wrecking yards and any area of more than 200 square feet where junk, junk automobiles, or cars, proportions thereof, are stored, kept or abandoned. Provided, however that the term “junk yard” does not include areas entirely within enclosed buildings or areas where farm or logging equipment, whether operable or inoperable, is stored or kept.

The term “PRIVATE PREMISES” shall mean any lot or parcel of land owned or occupied by any person, firm, or corporation whether improved with any dwelling, house, building or other structure, whether inhabited or temporarily or continuously inhabited or vacant.

The term “EXCLUDING OR NOT CONSTRUED TO INCLUDE LOGGING OR FARM EQUIPMENT” shall mean any machinery or equipment, whether operable or inoperable, used in farming, agricultural or the wood harvesting business.

The term “SPECIFICALLY DESIGNATED IN ADDENDUM TO THIS ORDINANCE” shall be defined to mean those areas described in Schedule “A”, whose material terms and provisions are incorporated by reference herein. In the interest of clarity, the areas defined on Schedule “A” are highlighted in the map attached as Schedule “B”.

Section 4: Regulations

- A. Except to the extent permitted under state law or city or village charter provision, no person or corporation, whether owner or tenant or manager of private property, or whether the past registered owner of any motor vehicle or transferee on a bill of sale covering such vehicle, shall permit the parking, storage or accumulation thereof upon any public right of way, public property or any private premises in areas subject to this Ordinance within the Township of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building or a completely walled enclosure or are otherwise screened by natural objects, planting, fences or other appropriate means so as not to be visible to the public view, except for the following:
1. Motor vehicles in operating condition eligible for use in accordance with the requirements of the Michigan Vehicle Code, being 1939 PA 300 as amended.
 2. Motor vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used motor vehicles or equipment used in the operation of such dealership.
 3. Motor vehicles or parts thereof located in junk yards or places of business or wreckers duly licensed by state or township authority, pursuant to governing state laws;

4. Motor vehicles temporarily inoperable due to minor mechanical failure, but which are not in any manner dismantled and have substantially all main component parts attached, may remain upon private property for not to exceed an aggregate total of ninety (90) days;
5. Motor vehicles in the process of restoration or conversion, as so declared by the by the owner in a statement to the Township Office accompanied by a suitable fee to be determined by the Township Board. Said fee to be returned to the applicant upon completed restoration of said vehicle or upon compliance with the provisions of Section IV-A.

In the event of special or peculiar hardship due to unforeseen circumstances by the reason of application of the provisions of this ordinance, the Township Supervisor may grant a four (4) week stay in any proceeding brought for violation of this Ordinance, provided that the Supervisor shall have discretion to consider unreasonable or adverse effect to owners or occupants of adjoining property in considering application for such stay to the end that the spirit and purpose of this Ordinance may be substantially carried out.

Section 5: Nuisance

Any parking, storage, accumulation, placement or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined pursuant to governing law or for which the violator may be subjected to a suit for civil damages, as well as the fines and penalties herein provided.

Section 6: Construction

As to any junk yards, garages, body or paint shops operating within the Township, which shall be licensed pursuant to governing law or village charter provisions, this Ordinance shall in addition to and not in conflict with all other laws and ordinances respecting junk and junk vehicles, nothing contained herein shall be construed to restrict or limit application of Republic Township Ordinance No. _____ concerning definition, regulation and licensing of junk yards, junk shops, junk dealers and second hand dealers. The prohibitions and restrictions imposed by this Ordinance are in addition to other applicable Township Ordinances.

Section 7: Saving 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 a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

Section 8: Notice

Any person, firm or corporation found to be in violation of any such provisions of this Ordinance, shall be notified in writing to remove or eliminate such violation within thirty (30) Days after the service of notice upon said person, firm or corporation. Such notice may be served personally or by mailing the same by registered mail, return receipt requested, to the premises or to the last known address of the owner. Additional time may be granted by the enforcement official where bona fide efforts to remove or eliminate the violation is in progress.

Section 9: Penalty – Order Abating a Nuisance

Failure to comply with such a notice shall constitute a Municipal Civil Infraction which shall be punishable upon conviction thereof by a fine of \$100.00 per day, with the fine to commence 30 days after written notice from the Township. In addition, the Court shall have the authority to enter an Order requiring a Defendant to abate or alleviate the violation on terms and conditions determined by the Court.

Section 10: Implementation and Enforcement of Remedies

- A. With the decision of the Court in accordance with terms and conditions of any Order compelling an Owner or Party of Interest to remedy or abate a violation of this Ordinance, the Township Board may, in its discretion, contract for the removal of the junk cars or junk vehicles to make the grounds safe.
- B. Reimbursement of Costs: Any expenses incurred by the Township to bring the property into conformance with this Ordinance shall be reimbursed to the Township by the owner or party in the interest on whose name the property appears.
- C. Notice of Costs: The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Township Treasurer of the amount of the costs of the removal and cleanup, by first class mail at the address shown on the Township records.
- D. Lien for Unpaid Costs: If the owner or party in interest fails to pay the costs within thirty (30) days after mailing by the Treasurer of the notice of the amount of the cost the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance. The lien shall not take effect until the notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No 206 of the Public Acts of 1893 as amended, being section 211.1 et seq of the Michigan Compiled Laws.
- E. Court Judgment for Unpaid Costs: In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the removal of the junk cars or junk vehicles. The Township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.
- F. Enforcement of Judgment: a judgment in an action brought pursuant to Section VII.E. of this Ordinance may be enforced against assets of the owner other than the building or structure.

Section 11: Effective Date

This Ordinance shall take effect on _____; pursuant to MCLA 41191(2) (a), which date shall be thirty (30) days after publication of this Ordinance as required by law. All junk, junk yards, junk vehicle ordinances or parts of junk, junk yard or junk vehicles ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Until such time as this Ordinance is repealed, it shall be the cited owner's responsibility to provide for the removal of the illegal junk from the premises and the disposition of the junk into a designated marshalling yard.