

JUNK VEHICLE ORDINANCE
ORDINANCE No. XXXIV

An ordinance to regulate the storage of inoperable, abandoned, dismantled or wrecked motor vehicles, trailers, trailer coaches and parts thereof within Gerrish Township and to prohibit such storage except under certain conditions and to provide penalties for violation.

The Township of Gerrish, Roscommon County, ordains:

Section 1. Legislative Findings

- A. It is hereby determined that there exists on privately owned parcels of land within Gerrish Township accumulations of junk vehicles, trailers, trailer coaches or parts thereof and that such accumulation of vehicle, trailer, trailer coaches and/or parts thereof constitutes a hazard to the public health, safety and welfare of the residents of Gerrish Township for the reason that they provide a habitat conducive to breeding and nesting of rats, mice and other vermin and also that they contain objects with sharp edges and other hazards which could injure small children who would be attracted to play thereon without appreciating the danger thereof, and that they diminish property values and that the regulations contained in this Ordinance are the minimum regulations required to eliminate the foregoing undesirable conditions and protect the public health, safety and welfare.

- B. It is further determined that the repair, redesign, modifying or dismantling of any vehicle on a regular basis outside of a fully enclosed building, or the maintenance of a dismantled, abandoned, or an unused motor vehicle, trailer, trailer coach, tires and wheels or parts thereof upon any privately owned parcel of land located in a residentially zoned district should be regulated, nothing herein to be construed as authorization for such activities which otherwise comply with this Ordinance, it being the intent of the Ordinance that all such activities must be accomplished within a fully enclosed building in compliance with all Gerrish Township Zoning Ordinance provisions, and said activities must not constitute a nuisance or annoyance to adjoining property owners or occupants or violate the Gerrish Township Anti-Noise Ordinance.

Section 2. Definitions. The following words or terms, when used herein, shall be deemed to have meaning set forth below:

- (a) **Vehicle.** As used in this Ordinance, the term "vehicle" shall include but not be limited to mean any motor vehicle which is designed to be driven upon a public highway or any other place, including a lake, pond or stream, and which is self-propelled, or intended to be self-propelled, and which is otherwise known as a motor vehicle, car, auto, automobile, motorcycle, all-terrain vehicle, or motor boat.

- (b) **Trailer Coach.** As used in this Ordinance, the term "trailer coach" shall include but not be limited to any house trailer, trailer home, house car, or similar vehicle used or so constructed as to permit it being used as a conveyance or to be

conveyed upon the public streets or highways, licensed or able to be licensed as such, including any self-propelled vehicle, so designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling, a sleeping place, or a resting place for one or more persons; and which shall include any part of such vehicle regardless of whether the wheels have been removed or the main body being supported on the ground by a foundation, blocks, jacks or other means of support.

(c) **Trailer.** As used in this Ordinance, the term “trailer” shall include any structure upon which wheels are attached and which is intended to be towed or pulled behind a motor vehicle and which requires registration under the laws of the State of Michigan.

(d) **Unused or Unusable vehicle, trailer, and/or trailer coach.** An unused or unusable vehicle, trailer, or trailer coach includes but is not limited to vehicles, trailers, or trailer coaches which, because of mechanical condition, structural integrity or missing parts thereon are inoperable or in violation of the Michigan Vehicle Code, or because of lack of insurance or registration by Michigan statutes for public roadway use, either of which is stored or parked for a period of thirty or more consecutive days in one location. Unused or unusable vehicle, trailer and/or trailer coach shall include:

1. a vehicle or self-propelled trailer coach which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power; or,
2. a vehicle, trailer or trailer coach which is eligible to be licensed for use upon the highways of the State of Michigan, and which is not licensed for a period in excess of six (6) months; except unlicensed but operative motor vehicles which are kept as stock and trade of a regular licensed and established new or used car dealer, trailer dealer or trailer coach dealer or lessor thereof or vehicles, trailers or trailer coaches which are on the premises of a licensed junk dealer; or,
3. a vehicle, trailer, or trailer coach not eligible to be licensed for use upon the highways of the State of Michigan, but which is eligible to be registered under the laws of the State of Michigan which is not registered pursuant to the laws of the State of Michigan, whether or not such registration is mandatory.

Dismantled vehicle. The term “dismantled vehicle” shall include dismantled and partially dismantled vehicle, trailer, or trailer coach from which some part or parts which are ordinarily a component of such vehicle, trailer, or trailer coach, have been removed or is missing.

Abandoned vehicle. The term “abandoned vehicle” shall include without limitation, any vehicle, trailer, and or trailer coach which has remained on private

property for a period of forty-eight (48) continuous hours or more, without the consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant has been revoked, or which has not been removed as provided herein after notice that it is in violation of this Ordinance.

Section 3. Unlawful Acts.

(a) Outdoor Storage. Except as otherwise provided herein, the outdoor storage of any unused or unusable, dismantled, abandoned, wrecked, or junk vehicles, trailers or trailer coaches, or any parts thereof, shall not be permitted or allowed on any parcel of land in the Township of Gerrish, unless said vehicle, trailer, or trailer coach, or parts thereof, shall be kept in a wholly enclosed structure which complies with the Building Code of the Township of Gerrish, being the State Construction Code or its successor, or in a commercial storage facility; provided, however, that any bona fide owner, co-owner, tenant, or co-tenant, may store, permit to be stored, or allow to remain on the premises of which he is the owner, co-owner, tenant, or co-tenant, any dismantled or inoperative vehicle, trailer, or trailer coach for a period of not to exceed seventy-two (72) hours if such vehicle is registered in his, her or its name.

(b) Inoperable, wrecked or partially dismantled motor vehicles, trailers, or trailer coaches may remain upon private premises for a period of not exceeding fifteen (15) days, if the owner is obtaining a license thereof or is repairing the vehicle or is about to have it repaired.

(c) Tires or parts of motor vehicles being removed, replaced or installed by the occupant working on his own vehicle on the premises may be reasonably stored in an orderly manner on the premises for a period not exceeding fifteen (15) days. Parts or tires to be discarded shall be removed immediately.

(d) The time limits specified in subsection (b) and (c) above may be extended for further periods, upon issuance of a special permit by the Chief of Police or his designee, in cases where undue hardship would be caused by a strict enforcement of this section.

(e) The presence of any unused or unusable, wrecked, or dismantled vehicle, or parts or tires of motor vehicles, trailers, or trailer coaches outside of an enclosed structure upon any premises in Gerrish Township is contrary to this Ordinance and is hereby declared to be a public nuisance.

(f) The provisions of this Ordinance shall apply to the owner of the motor vehicle, trailer, or trailer coach or parts thereof or the person having charge, custody or control of the motor vehicle, trailer, trailer coach, or parts thereof and also the owner of the private premises or the person having charge, custody or control of the private premises on which the motor vehicle, trailer, or trailer coach, or the part thereof is located, and both persons shall be responsible for the removal thereof.

(g) Repairing of vehicles, trailer coaches, or trailers other than vehicle(s), trailer coach(s), or trailer(s) wholly owned and titled to the owner or person in control of the premises is prohibited.

Section 4. Prima Facie Proof

(a) In any litigation arising under this Ordinance, testimony that any vehicle, trailer, or trailer coach, or parts thereof have been observed in the same place on at least two (2) separate dates, at least thirty (30) days apart, within any calendar month or thirty (30) day period, shall constitute prima facie proof that such vehicle, trailer, trailer coach, or parts thereof are unused or unusable as defined in Section 2 above.

(b) The absence of current registration plate and/or insurance as required by the State of Michigan shall be prima facie evidence that a vehicle, trailer, or trailer coach is inoperable.

Section 5. Removal. The following procedure shall apply to the removal of improperly stored vehicles, trailers or trailer coaches.

(a) Upon the discovery of any vehicle, trailer or trailer coach placed, stored or parked in violation of this Ordinance, the Chief of Police, or such agent as he shall appoint or any other police officer of the Township, shall check the appropriate records to determine the registered owner of the vehicle and the owner of the property upon which the vehicle is located. The officer shall affix a written notice to the vehicle and write a report which will generate a written notice to be delivered by personal service or registered mail to the last known address to both the owner of the premises on which said vehicle is located and to the owner of the vehicle, trailer or trailer coach which notices shall contain the following information:

1. The date and time the notice was generated and affixed to the vehicle.
2. The name, address and telephone number of the Township police department.
3. The name and badge number of the police officer affixing and sending the notices.
4. That the vehicle, trailer, or trailer coach is in violation of Township ordinance and that it is to be removed or repaired within thirty (30) days after giving of such notice.
5. The date and time the vehicle, trailer or trailer coach may be impounded and stored at the owner's expense or scrapped if the vehicle, trailer or trailer coach is not removed.
6. The year, make and vehicle identification number of the vehicle, trailer or trailer coach, if available.

In the event of demonstrated hardship, the Chief of Police, or such agent as he shall appoint, or one of the Township police officers, may extend such period for any additional period not to exceed thirty (30) days for any such dismantled or unused or unusable vehicle, trailer or trailer coach. No extension shall be granted to allow parking of such dismantled or unused or unusable vehicle, trailer, or trailer coach on any street, alley, or highway within the Township of Gerrish.

(b) Upon the expiration of the initial thirty (30) days or any hardship exemption provided herein, the vehicle, trailer or trailer coach shall be deemed abandoned and the Gerrish Township Police Department, through one of its officers, is authorized to seize and impound the vehicle, trailer or trailer coach. The owner of the vehicle and owner or possessor of the property upon which it is located shall be responsible for all towing and daily storage fees.

(c) The Gerrish Township Police Department shall send by regular mail a second notice to both owners advising them of the impound and the amount of the towing cost and daily storage fees and a warning that the failure to pay the impound costs and redeem the vehicle or to request a hearing within twenty (20) days after the date of the notice may result in the sale of the vehicle, trailer, or trailer coach, and the termination of all rights of the owner and any secured party to the vehicle or the proceeds of the sale.

(d) If the owner(s) fail to pay the costs for the impounded vehicle, trailer or trailer coach, within said twenty (20) day period, it shall be sold by sealed bid after two weeks publication directly from the impound lot, with the proceeds thereof being used to pay the costs of impounding the vehicle and storage. An excess shall be returned to the owner of the vehicle.

(e) If the amount realized from the sale is insufficient to satisfy the costs of towing and storage, the deficiency shall be assessed as a lien upon the real property upon which the vehicle, trailer, or trailer coach was located and seized from.

Section 6. Separate offense. Each day after the initial observation is documented and during which the presence of any dismantled, abandoned or inoperative vehicle, trailer, or trailer coach, or part thereof is maintained in violation of the terms of this Ordinance shall be a separate offense.

Section 7. Penalty. Any person, firm, or corporation who violates any provision of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment in the county jail not exceeding ninety (90) days, or by both fine and imprisonment. The provisions of this Ordinance may also be enforced by suit for injunction, damages, or other appropriated legal action as against a nuisance.

Section 8. Severability. It is the legislative intent of the Township Board that all provisions of this Ordinance be liberally construed to protect and preserve the peace, health, safety, and welfare of the inhabitants of the Township. Should any provision of this Ordinance or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remaining provisions, and the remainder of this Ordinance shall stand, notwithstanding the validity of any such provisions.

Section 9. Effective Date. This Ordinance shall take effect on the date of publication.

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