

SAVE

BLOOMER TOWNSHIP
MONTCALM COUNTY, MICHIGAN
THE BLOOMER TOWNSHIP INOPERABLE VEHICLES
ORDINANCE

Ordinance Number 93-1

SECTION I - PURPOSE

An ordinance to secure the public health, safety and general welfare by providing standards and regulations for the storage, placement and accumulation of unlicensed and inoperable vehicles and motor vehicles; to reduce blight, blighting factors and causes of blight, serving to adversely influence the scenic beauty and attractiveness of neighborhoods; to exercise a valid and reasonable interest in the preservation of property values and the reasonable use and enjoyment of property; and to provide penalties for violations of this ordinance.

The Board of Trustees has deemed this ordinance to be in the public interest because the storage, placement and accumulation of unlicensed and inoperable vehicles and motor vehicles are determined to be;

A blight or blighting factor adversely influencing the attractiveness and scenic beauty of neighborhoods within the township.

Not conducive to the reasonable use and enjoyment of adjoining lands and property when viewed from those lands and property;

Adverse to the preservation of property values because of their blighting influence;

An attractive nuisance to children, thus endangering their health, safety and general welfare;

Attractive to thieves and vandals, thus endangering the safety and welfare of neighborhoods;

Capable of providing harborage for waste materials and vermin that may be destructive, annoying or injurious to the health, safety and general welfare of neighborhood residents, and;

Capable of creating or enhancing fire and explosion hazards.

SECTION II - TITLE

"The Bloomer Township Inoperable Vehicles Ordinance".

SECTION III - LEGAL BASIS AND SCOPE

This ordinance has been adopted under authority of P.A. 246 of 1945, and shall apply to all land in Bloomer Township except vehicle and motor vehicle storage facilities and salvage yards as may be specifically permitted and regulated by the Bloomer Township Zoning Ordinance.

SECTION IV - DEFINITIONS

The following definitions shall apply to the administration, interpretation and enforcement of this ordinance.

4.1 VEHICLE

Every device, moving support or container in, upon or by which any persons, goods or property is or may be transported from one place to another along the ground or upon a highway excepting devices exclusively moved by human power or used exclusively upon stationary rails. The term vehicle includes, but is not limited to, trailers, travel trailers or trailer coaches, semi-trailers and pole trailers.

4.2 MOTOR VEHICLE

Every vehicle which is self propelled, but not operating on rails. The term motor vehicle includes, but is not limited to, automobiles, trucks, truck tractors, motor homes, buses, mopeds, snowmobiles, motorcycles, off-road vehicles, earth moving and construction equipment.

4.3 INOPERABLE VEHICLE OR MOTOR VEHICLE

Every dismantled or distressed vehicle or motor vehicle which is incapable of performing the function for which it was designed or fabricated, or is incapable of being propelled and operated along the ground or a highway under its own power, or is incapable of being operated on highways of the State of Michigan by virtue of lacking equipment required by the Michigan Motor Vehicle Code, or which does not bear current and valid license plates. The term inoperable vehicle or motor vehicle does not include farm tractors or implements of husbandry.

4.4 DISMANTLED VEHICLE OR MOTOR VEHICLE

Every vehicle or motor vehicle from which component vehicle parts have been removed including but not limited to a broken window or windshield, wheels and tires, motor, transmission, body panels, etc.

Every vehicle or motor vehicle that has been wrecked, destroyed or damaged to the extent that it is incapable of performing the function for which it was designed or fabricated, or is incapable of being propelled and operated along the ground or a highway under its own power, or is incapable of being operated on highways of the State of Michigan.

4.6 VEHICLE OR MOTOR VEHICLE COMPONENT PARTS

All parts or accessories of vehicles and motor vehicles including, but not limited to, tires, wheels, body panels, motor and motor parts, transmissions, doors, trim, axles, etc.

4.7 PERSON

A human being, association or organization having legal rights and duties.

SECTION V - STANDARDS AND REGULATIONS

5.1 No person shall accumulate, place, store, or permit the accumulation, placement or storage of inoperable vehicles or motor vehicles or vehicle or motor vehicle parts for a period of time exceeding seven (7) consecutive calendar days or 168 consecutive hours on any land in Bloomer Township except as specifically permitted by this section.

5.2 No inoperable vehicles or motor vehicles may be accumulated, placed or stored outside of a fully enclosed building or an opaquely fenced or landscaped enclosure designed and maintained to screen the view of such vehicles and motor vehicles from adjoining properties during all seasons of the year.

5.3 No person shall accumulate, place, store or permit the accumulation, placement or storage of vehicle or motor vehicle component parts outside of a fully enclosed building or an opaquely fenced or landscaped enclosure designed and maintained to screen the view of such vehicles and motor vehicle parts from adjoining properties during all seasons of the year.

SECTION VI - NUISANCE

The accumulation, placement and storage of refuse in violation of this ordinance shall constitute a nuisance per se.

SECTION VII - ABATEMENT

It is the duty of any person who creates, causes, allows, suffers or permits the existence of vehicles or motor vehicles, vehicle or motor vehicle component parts as described in Sections

same. The term "abate" or "abatement" shall include removal, repair, disposal, containment within a fully enclosed building or eliminate the nuisance condition by an opaquely fenced or landscaped enclosure designed and maintained for screening of view from adjoining properties during all seasons of the year.

SECTION VIII - VIOLATIONS AND PENALTY

Any person who violates any provisions of this Ordinance shall receive a written notice of the violation. The violation shall be abated within 30 days from the date of the written notice of violation. If cause for hardship can be proven, an additional 30 day period may be granted to abate the violation. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500.00, or imprisonment in the County Jail for 90 days, or both, such fine or imprisonment, together with court costs, in the discretion of the court.

SECTION IX - ENFORCEMENT

The Supervisor is hereby authorized to enforce this ordinance, and may delegate the enforcement to any administrative official, or employee of the township. The township may seek abatement of a nuisance and such relief as may be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance under Section VIII hereof.

SECTION X - REPEAL

This ordinance shall repeal and supercede any other Bloomer Township Ordinances and parts of ordinances that duplicate or conflict with the provisions of this ordinance.

SECTION XI - SEVERABILITY

The various parts, sections, subsections, sentences and paragraphs of this ordinance are severable. If any part, section, subsection, sentence and paragraph of this ordinance is judged unconstitutional or invalid, then the remainder of the ordinance shall not be affected by such judgement.

SECTION XII - EFFECTIVE DATE

I, J. Michael Ranger, Bloomer Township Clerk, certify that this document is a true and complete copy of Ordinance Number 93-1 adopted by the Bloomer Township Board of Trustees on a motion by