

FREDERIC TOWNSHIP
DISMANTLED OR INOPERABLE MOTOR VEHICLE ORDINANCE
Ordinance No. 2000-3

THE TOWNSHIP OF FREDERIC ORDAINS:

Section 1. Definitions.

- A. “Motor Vehicles” are hereby defined as any wheeled vehicle, which is designed to be self-propelled. **By way of illustration, the following list, while not exclusive, are examples of vehicles which are considered to be motor vehicles for purposes of this Ordinance: Automobiles; Motorcycles (both street motorcycles and those motorcycles designed for off-road or trail riding); All-Terrain Vehicles; Off-Road Vehicles; and any home-manufactured vehicle which is on wheels and is propelled by an engine; motor, or other mechanical or electrical device; and Go-carts.**
- B. “Inoperable motor vehicles” are defined as motor vehicles, which by reason of dismantling, disrepair, lack of licensing or other cause are either incapable of being propelled under their own power or **those vehicles which while mechanically capable of being propelled** are prevented by law from being propelled on a public highway, **or other areas open to the public.**
- C. “Dismantled and partially dismantled motor vehicles” are defined as motor vehicles from which a part or parts integral to the operation of such motor vehicle, or a part or parts required by any law or regulation to be present on a motor vehicle, has been removed or **are** missing.
- D. **A “garage” or “service station” is a facility, which engages in servicing and repairing of motor vehicles.**
- E. **A “garage bay” is that indoor portion of a garage or service station whose square footage area is capable of housing one automobile for repairs and servicing and which contains equipment (such as hoists) capable of making the motor vehicle accessible for repairing or servicing of the motor vehicle.**
- F. A “junk dealer” is a person who owns or operates a lawful junkyard located within the Township.
- G. “Farm operation” means an active enterprise primarily involving the commercial production, harvesting, and storage of plant and animal products useful to human beings on a site or sites within the Township having a combined area of ten (10) or more acres.
- H. A “person” means any individual, firm, corporation, partnership, association, Limited Liability Company, limited partnership, or any other legal entity.
- I. “Public Highway” is any publicly maintained way upon which any part thereof is open to the use of the public for the purposes of vehicular travel.
- J. **A “sight barrier fence” is a fence made of wood, or comparable material, which limits the ability of pedestrians or persons driving motor vehicles, who are adjacent to the property storing or repairing motor vehicles, to see inoperable motor vehicles being stored or repaired on the premises.**

Section 2. Prohibition.

No person shall park or store, or knowingly allow another person to park or store for a period of thirty (30) consecutive days, **one (1)** or more dismantled, partially dismantled or inoperable motor vehicles outside a building such that the dismantled, partially dismantled or inoperable motor vehicles can be seen from any public highway or seen from any adjoining land owned by another person. This section shall not apply to junk dealers, farm operations, or to garages and service stations openly and actively engaged in making service repairs for the public. **However, for those businesses exempted from the prohibitions identified in this section, such as junk dealers, farm operations, garages and service stations, the exemption identified in this Ordinance shall only inure to the benefit of the exempted business if the business erects and maintains a sight barrier fence around the perimeter of the property where the motor vehicles are stored or repaired. Any sight barrier fence shall be 6 feet in height, measured from the ground. To the extent that a business which would otherwise be entitled to an exemption from the prohibited conduct identified in this section, fails to comply with the sight barrier fencing requirement, that business shall not receive the benefit of the exemption from the prohibited conduct identified in this section of the Ordinance and may be cited for a violation of this section. Further, as relates to garages and service stations, those businesses' receipt of the benefit of the exemption from the prohibited conduct identified in this section shall be conditioned upon the business having not more than five inoperable motor vehicles per garage bay, for a period greater than 7 days, on the business property. If a garage or service station has more than five inoperable motor vehicles per garage bay, for a period greater than 7 days, on their property, the garage or service station involved shall not receive the benefit of the exemption from the prohibited conduct identified in this section of the Ordinance and may be cited for a violation of this section.**

Section 3. Nuisance

A violation of Section 2 of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 4. Penalty

Any person who shall violate any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 5. Enforcement Officer

The **Township Constable** is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. **In the event the Township Constable is unable to perform his/her duties, the Zoning Administrator may issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court or may authorize a designee to do so.**

Section 6. Civil Action

In addition to enforcing this Ordinance through the use of a municipal infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7. Severability

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion of application.

Section 8. Effective Date

This Ordinance shall be come effective thirty (30) days after its first publication.

TOWNSHIP OF FREDERIC

By: _____
Brian Hulbert, Supervisor

By: _____
Nancy L. Bindschatel, Clerk

