

**WHITEFISH TOWNSHIP
JUNK VEHICLE ORDINANCE
ORDINANCE NO. 10042012B**

**THE TOWNSHIP OF WHITEFISH, COUNTY OF CHIPPEWA, STATE
OF MICHIGAN**

Adopted: October 4, 2012
Effective 30 days after publication

TITLE

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

PURPOSE

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

The Township of Whitefish, Chippewa County, ordains:

Section 1. Legislative Findings

A. It is hereby determined that there exists on privately owned parcels of land within Whitefish Township accumulation of junk vehicles, boats, snowmobiles, trailers, trailer coaches or parts thereof and that such accumulation of vehicles, boats, snowmobiles, trailers, trailer coaches or parts thereof constitutes a hazard to the public health, safety and welfare of the residents of Whitefish Township for the reason 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 in an area visible to public or neighbor view, or the maintenance of a dismantled, abandoned, or an unused motor vehicle, boat, snowmobile, trailer, trailer coach, or parts thereof upon any privately owned parcel of land located in residential, commercial, or recreational forest zoned districts should be regulated. Nothing herein is 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 Whitefish Township Zoning Ordinance provisions, and said activities must not constitute a nuisance or annoyance to adjoining property owners or occupants or violate the Whitefish Township 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 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, snowmobile, 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 lesser thereof or vehicles, trailers or trailer coaches which are on the premises of a licensed junk dealer, or a operational seasonal motor vehicle such as (ex.) plow truck; 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, boat, snowmobile, trailer, or trailer coach from which some part or parts which are ordinarily a component of such vehicle have been removed or is missing.

Abandoned vehicle. The term “abandoned vehicle” shall include without limitation, any vehicle, boat, snowmobile, 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, unusable, dismantled, abandoned, wrecked, or junk vehicles, boats, snowmobiles, trailers or trailer coaches, or any parts thereof, shall not be permitted or allowed on any parcel of land in the Township of Whitefish, unless said vehicle, boat, snowmobile, trailer, or trailer coach, or parts thereof, shall be kept in a secured area whereas it is not visible to public or neighbor view; 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, boats, snowmobiles, 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 Ordinance Enforcement Officer, in cases where undue hardship would be caused by a strict enforcement of this section.

(e) The presence of any unusable, wrecked, or dismantled vehicle, or parts or tires of motor vehicles, boats, snowmobiles, trailers, or trailer coaches outside of a secured area upon any premises in Whitefish 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, boats, snowmobiles, trailer, or trailer coach or parts thereof or the person having charge, custody or control of the motor vehicle, boat, snowmobile, 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, boat, snowmobile, trailer, or trailer coach, or the part thereof is located, and both persons shall be responsible for the removal thereof.

Section 4. Prima Facie Proof

(a) In any litigation arising under this Ordinance, testimony that any vehicle, boat, snowmobile, 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, boats, snowmobiles, trailers or trailer coaches.

(a) Upon the discovery of any vehicle, boat, snowmobile, trailer or trailer coach placed, stored or parked in violation of this Ordinance, the Ordinance Enforcement Officer of the Township shall check the appropriate records to determine the owner of the property upon which the vehicle is located. The Ordinance Enforcement Officer shall write a report which will generate a written notice to be delivered by personal service or registered mail to the last known address of the owner of the premises on which said vehicle is located. This notice shall contain the following information:

1. That the vehicle, boat, snowmobile, trailer, trailer coach or parts thereof is in violation of Township ordinance and that it is to be removed or repaired within thirty (30) days after giving of such notice.
2. The date and time the violation will be referred to the courts for legal action if the vehicle, boat, trailer or trailer coach or parts thereof is not removed.
3. The year, make and vehicle identification number of the vehicle, trailer or trailer coach, if available.

In the event of demonstrated hardship, the Ordinance Enforcement Officer 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, boat, snowmobile, trailer, or trailer coach on any street, alley, or highway within the Township of Whitefish.

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 parts thereof is maintained in violation of the terms of this Ordinance shall be a separate offense.

Section 7. Penalty. Any person(s) who violates any provisions of this Ordinance shall be responsible for a “Civil Infraction” and shall pay a fine of \$500 per offense. The cost of elimination of the vehicle, boat, snowmobile, trailer, or trailer coach or parts thereof by the Township, including reasonable attorney fees, may be collected in a lawsuit against the owner of the property. The provisions of this Ordinance may also be enforced by suit for injunction, damages, or other appropriated legal action.

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 30 days after adoption.

Whitefish Township

By: _____
William C. Mangham
Whitefish Township Supervisor

By: _____
Wanda Knox
Whitefish Township Clerk