

**MELROSE TOWNSHIP
DISMANTLED OR INOPERABLE MOTOR VEHICLE
ORDINANCE**

Ordinance No. 1 of 2004

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Melrose, Charlevoix County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles within the Township of Melrose; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MELROSE ORDAINS:

Section 1 - Definitions

- A. "Motor vehicles" are hereby defined as any vehicle which is self-propelled and designed to be operated on a public highway. This definition shall not include garden tractors, lawn mowers or other self-propelled vehicles that are not designed to be lawfully operated on a public highway. (definition amended by Ordinance 4-04, Decemberr 2004)
- 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 are prevented by law from being propelled on a public highway.
- 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 is missing.
- D. A "junk dealer" is a person who owns or operates a lawful junkyard located within the Township.
- E. "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.
- F. A "person" means an individual, firm, corporation, partnership, association, limited liability company, limited partnership, or any other legal entity.
- G. "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.

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, two (2) 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 equipment, snow removal vehicles, or to garages and service stations openly and actively engaged in making service repairs for the public.

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 Supervisor and Zoning Administrator are hereby designated as the authorized township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 6 - Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil 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 not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 8 - Headings

Section headings are for convenience only and are not to be construed in the interpretation of

this Ordinance.

Section 9 - Effective Date

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

Ordinance No. 1-04 was adopted on the 10th day of August, 2004 by the Melrose Township Board of Trustees as follows:

Motion by: Al Reeves
Seconded by: Barb Kaiser
Yeas: 4
Nays: 1
Absent: 0

TOWNSHIP OF MELROSE

Annette Longcore, Clerk

Michael J. Webster, Supervisor

Adopted: 10 August, 2004
Publication Date: 20 August, 2004
Effective Date: 4 September, 2004

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