

DISMANTLED OR INOPERABLE MOTOR VEHICLE ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 1

Adopted: February 16, 1998

Effective: April 3, 1998

DISMANTLED OR INOPERABLE MOTOR VEHICLE ORDINANCE

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township, enacted pursuant but not limited to, *Michigan Public Act 246 of 1945*, as amended; to prescribe a penalty for the violation of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Mancelona Township Dismantled or Inoperable Motor Vehicle Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to promote and secure the public health, safety, and general welfare of persons, property owners, and property in the Township of Mancelona, by establishing reasonable regulations regarding the existence, placement, storage, or keeping of dismantled or inoperable motor vehicles, and the existence of situations which annoy, injure, or endanger the peace, general welfare, order, health, or safety of the public in their persons or property located within the Township of Mancelona.

SECTION III

DEFINITIONS

For purposes of this Ordinance, certain terms and words as used herein shall have the following meanings:

A. Motor vehicle- every vehicle which is designed to be self-propelled, including, but not limited to, automobiles, motor homes, trucks, tractors, motorcycles, mopeds, snowmobiles, and recreational vehicles, and/or new or used parts thereof or therefrom.

B. Inoperable motor vehicle - a motor vehicle, which, by reason of dismantling, disrepair, lack of licensing, mechanical or safety defects, or other cause, is either incapable of being propelled under its own power or are prevented by law from being so propelled.

C. Motor vehicle trailer - any type of device designed to be pulled by a motor vehicle, including, but not limited to, tractor trailers, travel trailers, motorcycle trailers, snowmobile and recreational vehicle trailers, and/or new or used parts thereof or therefrom.

D. Unusable motor vehicle trailer - a motor vehicle trailer, which by reason of dismantling, disrepair, mechanical or safety defects, or other cause is incapable of being used for the purpose for which it was designed or manufactured.

E. Dismantled or partially dismantled motor vehicle and/or motor vehicle trailer - a motor vehicle or a motor vehicle trailer from which some part or parts ordinarily a component of such a motor vehicle or a motor vehicle trailer has been removed or is missing.

F. Junk dealer - a person, firm or corporation licensed by the Township under its Junkyard Ordinance.

G. Totally enclosed structure - a structure which is sealed on top and on all sides, such as a house, garage or storage shed with a roof, floor, walls or doors around its perimeter.

H. In Public View - an item that can be seen from any public property, street, roadway, highway or right-of-way or from any adjoining property. Adjoining property includes, but is not limited to, property located in the vicinity or located on the opposite side of any street, roadway, highway or right-of-way of the property where the item is located.

I. Person - a natural person and also includes corporations, partnerships, and associations and their officers and officials existing under or authorized to exist under the laws of the State of Michigan or of any other state or any foreign country.

J. Owner - the person or persons whose name appears on the title or registration of a motor vehicle or motor vehicle trailer.

SECTION IV PROHIBITION

No person shall park or store, or permit the parking or storage upon their property, any inoperable motor vehicle, unusable motor vehicle trailer, or dismantled or partially dismantled motor vehicle or motor vehicle trailer in public view on any property within the Township of Mancelona for more than seven (7) days, unless the same is inside of a totally closed structure. No person shall park any such vehicle on any street, roadway, highway, or right-of-way. Each day that such a motor vehicle or motor vehicle trailer is so parked or stored shall be construed as a separate violation of this Ordinance. This section shall not apply to junk dealers duly licensed by the Township of Mancelona or to repair shops, garages, and service stations openly and actively engaged in making service repairs for the public.

SECTION V PENALTY

Any person who shall violate or assist in the violation of any provision of this ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$ 500.00, or imprisonment in the county jail for a period not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the judge imposing sentence, plus costs. Every day that such violation shall continue shall constitute a separate misdemeanor under the provisions of this Ordinance.

SECTION VI ABATEMENT

It is the duty of the owner of the motor vehicle or motor vehicle trailer, the owner of the property where the motor vehicle or motor vehicle trailer is parked

or stored, and the person who parked or stored the motor vehicle or motor vehicle trailer, to remove any such motor vehicle or motor vehicle trailer, which are in violation of this Ordinance, from any property within the Township of Mancelona.

If such a motor vehicle or motor vehicle trailer is not removed, the Mancelona Township Supervisor, after receiving authorization by the Township Board, shall take such steps as are necessary to remove any motor vehicle or motor vehicle trailer parked or stored in violation of this Ordinance. The cost of removal by Mancelona Township, including reasonable attorney fees and costs, may be collected in a lawsuit against the owner of the motor vehicle or motor vehicle trailer, the person who parked or stored the motor vehicle or motor vehicle trailer, and the owner of the property where the motor vehicle or motor vehicle trailer is parked or stored.

SECTION VII

ENFORCEMENT

The Township Supervisor is hereby authorized to enforce this ordinance. The Supervisor may delegate the enforcement of this ordinance to the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or any other delegatee permitted by law. Prosecutions may be commenced by Appearance Ticket issued by the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or by a Complaint and Warrant from the District Court.

SECTION VIII

SEPARATE COURT ACTION

Nothing in this Ordinance shall prohibit the Township or any interested party from seeking such other relief as may be permitted by law or in equity regarding the violation of this Ordinance.

SECTION IX

VALIDITY

If any section, provision, or clause of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity

shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION X

REPEAL

The previous Dismantled or Inoperable Motor Vehicle Ordinance and all ordinances, parts of ordinances, resolutions or parts of resolutions, in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

SECTION XI

EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days from the date of its publication in the Antrim County News.

Dated: 4-3-78



MARGARET CHAPMAN, Clerk
Mancelona Township

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on February 16, 1998, at 7:00 p.m.:

PRESENT: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

ABSENT: none

Ordinance No. 1, the DISMANTLED OR INOPERABLE MOTOR VEHICLE ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on *March 4*, 1998, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.


MARGARET CHAPMAN, Clerk
Mancelona Township