

STATE OF MICHIGAN

**COUNTY OF LEELANAU
TOWNSHIP OF KASSON**

JUNK AND INOPERABLE VEHICLE ORDINANCE

ORDINANCE NO. 2018- 02

**AN ORDINANCE TO REGULATE THE STORAGE OF JUNK AND INOPERABLE
VEHICLES AND JUNK VEHICLES**

THE TOWNSHIP OF KASSON ORDAINS:

SECTION 1 SHORT TITLE

This ordinance shall be known and may be cited as the “Kasson Township Junk and Inoperable Vehicle Ordinance”.

SECTION 2 PURPOSE

The purposes of this ordinance are to:

- A. Promote and protect the health, safety, and general welfare of the residents and property owners in the Township.
- B. Limit the outdoor storage of junk and inoperable and junk vehicles for the purpose of protecting property values and the health, safety, and welfare of residents of the Township.
- C. Protect the Township’s natural resources.

SECTION 3 AUTHORIZATION

This ordinance is authorized and enacted pursuant to MCL 41.181 and other applicable laws.

SECTION 4 DEFINITIONS

For the purpose of this ordinance, the following terms shall have the following meanings:

A. **FARM** means a business enterprise engaged in agricultural production (and otherwise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock, and trees, and:

1. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use; or
2. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, primarily devoted to agricultural use, which has produced a gross annual income from agriculture of two hundred dollars (\$200.00) per year or more per acre.; or
3. Has been designated by the Michigan Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income of one thousand dollars (\$1,000.00) or more from an agricultural use.

B. **JUNK** means:

1. Old scrap ferrous or nonferrous material, trash, rubber, worn tires, cloth, paper, rubbish, refuse, litter, unused furniture;
2. Materials from demolition, waste building materials;
3. Any abandoned, scrapped, dismantled or wrecked (including parts of or items held for salvaging parts), automobiles, vehicles, boats, trailers, mobile homes, appliances, or other machines and vehicles.

C. **INOPERABLE VEHICLE** (“IV”) means any or all of the following:

1. Any vehicle or motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or state of disrepair.
2. Any vehicle or motor vehicle which cannot be legally operated on public streets or highways by reason of lacking the equipment required by State Motor Vehicle Code and/or other laws of the State of Michigan.
3. Any vehicle or motor vehicle which is not currently licensed, or for which the vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets and highways under the provisions of the State Motor Vehicle Code, or other applicable provisions of the laws of the State of Michigan.

The definition of “inoperable vehicle” does not include any of the following:

1. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased, or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery; or
2. A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility which has all licenses or registrations required by the State of Michigan; provided, further, that all vehicles and motor vehicles stored on the premises of the repair shop or impoundment facility must be stored either entirely within a building or within an area completely enclosed by a fence not less than seven feet in height, and so that any vehicle or motor vehicle cannot be seen from any public right of way or from adjacent property.
 - a. A fence utilized to meet the requirements of this provision shall be well maintained and shall be constructed of materials that are designed for fencing purposes, such as chain link fence with privacy slats, a wooden fence with continuous or overlapping pickets, or a substantial equivalent. Used or discarded materials such as concrete, railroad ties, pallets, tree stumps, trash, tires, junk, or other similar material shall not be used for fencing purposes.
 - b. Notwithstanding the above requirements, a vehicle or motor vehicle that is stored on the premises of a repair shop and which is subject to this provision may be stored outdoors, in an unenclosed area, for not more than seven total days during the course of repairing such vehicle or motor vehicle.

D. JUNK VEHICLE (“JV”) means any or all of the following:

1. Any vehicle or motor vehicle which by reason of damage resulting from an accident, dismantling, disrepair or other cause that is incapable of being propelled under its own power, or which is missing a major component part, including, but not limited to:
 - a. The engine
 - b. The transmission
 - c. The right or left front fender
 - d. The hood
 - e. A door allowing ingress or egress from the vehicle’s passenger compartment
 - f. The front or rear bumper
 - g. The right or left rear quarter panel
 - h. The deck lid, tailgate, or hatchback
 - i. The trunk floor pan

- j. The cargo box of a pickup
 - k. The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame
 - l. The cab of a truck
 - m. The body of a passenger vehicle
 - n. The window glass
 - o. The wheels
2. Any vehicle or motor vehicle that is unsafe for operation in the manner for which it was designed, manufactured, or modified by reason of damage resulting from an accident, dismantling, disrepair, or other cause.
 3. Any vehicle or motor vehicle that is unsafe for operation in the manner for which it was designed, manufactured, or modified by reason of its inability to comply with any code, regulation, or statutes established by the State of Michigan governing the operation of such vehicle or motor vehicle.
 4. Any vehicle or motor vehicle which has been so damaged or dismantled so as to be a total loss.
 5. Any component part of a vehicle or motor vehicle, including tires and wheels, which by reason of disrepair, damage, or other cause is incapable of functioning or being operated in the manner for which it was designed, manufactured, or modified.
 6. The definition of “junk vehicle” does not include any item excluded from the definition of “inoperable vehicle” under Section 4 of this ordinance.

E. PERSON means an individual, partnership, corporation, limited liability company, voluntary association or other entity.

F. TOTAL LOSS means where the cost to fully repair a damaged or dismantled vehicle or motor vehicles exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally-recognized appraisal book or method.

G. VEHICLE means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

SECTION 5 UNLAWFUL ACTS

On One’s Own Land It shall be unlawful for a person to store or accumulate Junk, IVs or JVs on a parcel of land, other than that occupied by a licensed, commercial junkyard, permitted under zoning, unless all of the following conditions are met:

- A. At no time shall there be more than two (2) IVs or JVs or, alternatively, more than two (2) large items of junk, or the equivalent in volume – abandoned, scrap, dismantled or wrecked (including parts of) automobiles, farm equipment, trailers, mobile homes, and all other machines, etc. – on the parcel. For the purposes of this Section, a large item of junk consists of either a single piece of Junk, such as a wrecked trailer or refrigerator, or several pieces of Junk of a combined size of no more than three (3) cubic yards.;
- B. No IV, JV or Junk is visible from a road or from adjacent parcels, or is located inside a building;
- C. Any Junk, IV or JV is consolidated on one part of the parcel;
- D. Any Junk, IV or JV is not a nuisance.

SECTION 6 FARM EXCLUSION

Farms: Section 5 of this Ordinance shall not apply to farms, providing the storage of the IV, JV or Junk on a farm that meets the following standards:

- A. Any Junk, IV or JV is of such character that it is being kept on site for future use and application for the farm and the IV, JV or Junk has been utilized previously on the farm;
- B. The junk, IV or JV is not visible from a road or from adjacent parcels or the Junk, IV or JV is inside an enclosed building;
- C. The depositing of the Junk, IV or JV is not a violation of the Solid Waste Act and does not or constitute fill in violation of any other state or local law;
- D. The Junk, IV or JV is not a nuisance.

SECTION 7 PERSONS AUTHORIZED TO ENFORCE THIS ORDINANCE AND TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS

The following persons are authorized to enforce this Ordinance and to issue municipal civil infraction citations under this Ordinance pursuant to MCL 600.8701-8735, as amended of the Revised Judicature Act:

- A. Township Ordinance Enforcement Officer;
- B. Township Zoning Administrator;
- C. Leelanau County Sheriff Deputies; and

- D. Township Supervisor and all other persons authorized by Resolution of the Township Board.

SECTION 8 ADMINISTRATIVE ENFORCEMENT PRIOR TO THE INITIATION OF COURT ENFORCEMENT PROCEEDINGS

Prior to commencing a Court enforcement action and the issuance of a Municipal Civil Infraction Citation, the person(s) designated by the Township to enforce this Ordinance by issuing municipal civil infraction citations shall:

- A. Document facts to identify the basis of the violation of this ordinance.
- B. Meet or communicate with the owner or occupant of the land to explain the violation.
- C. Identify necessary measures to correct the violation. The Enforcement Officer will provide detailed comprehensive instruction and information that will allow self-compliance with the desired goals of this ordinance. This guidance will include; date/time of Community clean up days, sanitation companies servicing the local area for bagging materials and dumpster rental, and information on local companies for disposal of junk vehicles.
- D. Notify the owner or the occupant of the property in writing to remove or eliminate Junk, JVs or IVs from such property within twenty one (21) days after service of notice to the owner/occupant.
- E. Notice to the owner or occupant of property shall be in writing and shall be served either personally, or by posting the notice on the building or property, or by first class mail, or by any combination of the foregoing methods.
- F. Failure by the owner or occupant of the property to comply with such notice within the time allowed shall constitute a violation of this Ordinance. Thereafter, the person authorized to enforce this ordinance may issue a municipal civil infraction citation in accordance with the notice and other procedures of MCL 600.8701-8735, as amended of the Revised Judicature Act.

SECTION 9 MUNICIPAL CIVIL INFRACTION PENALTIES

Any person violating this Ordinance shall be deemed to be responsible for a municipal civil infraction and shall be subject to the schedule of civil fines set forth below along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. A Violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law, including injunctive orders requiring removal of junk/blight from Property and allowing the Township to

remove junk/blight from property if the person fails to do so, and to recover the Township's costs in doing so.

- A. First Offense: Fined \$100.00 plus applicable and associated additional cost incurred in enforcement by the Township.
- B. Second Offense: Fined \$200.00 plus applicable and associated additional cost incurred in enforcement by the Township for each continuing violation of a previous violation which person had been previously determined responsible or admitted responsibility.
- C. If the person responsible for the municipal civil infraction shall fail to pay any fines or costs as set forth within this Section (including any and all costs incurred by the Township, Township officials or their representative in removing or causing to be removed any Junk, IVs or JVs from property), within 30 days after payment is ordered, the Township may obtain a Lien against the land, building, or structure containing the Junk, IVs or JVs. The Lien may be enforced and discharged in accordance with the procedures in the Revised Judicative Act for municipal civil infractions, MCL 600.8701-8735, et seq, as amended, the manner prescribed by the General Property Tax Act, MCL 211.1 to 211.151, et seq, as amended.

SECTION 10 SEVERABILITY

This Ordinance and the various parts, sections, sub-sections, phrases, sentences, paragraph, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrases, or clause is adjudged unconstitutional or invalid, it shall not affect the remainder of the Ordinance.

SECTION 11 REPEAL

This Ordinance repeals any prior Kasson Township Junk Ordinance.

SECTION 12 EFFECTIVE DATE AND ADOPTION

This Ordinance shall take effect on the 30th day following its publication as required by law.

Date Approved: August 14, 2018

Moved by: Traci Cruz, Seconded by: Tad Carter

Those Voting in Favor: Carter, Cruz, B. Noonan, R. Noonan, Julian

None Absent or Voting Against

CERTIFICATION

I, Traci Cruz, Clerk of the Township of Kasson, Leelanau County, Michigan, do hereby certify that the above is a true and correct copy of the Kasson Township Junk and Inoperable Vehicle Ordinance of 2018 as adopted by the Kasson Township Board at a meeting held on the 14th day of August, 2018, at which a quorum was present.

Date: August 14, 2018

/s/ Traci Cruz

_____, Clerk
Kasson Township