

ORDINANCE NO. 03-005

INOPERABLE VEHICLE ORDINANCE

AN ORDINANCE TO REPEAL AND RESTATE THE JAMESTOWN CHARTER TOWNSHIP INOPERABLE MOTOR VEHICLE ORDINANCE, ORDINANCE NO. 104; TO RESTATE THE REGULATIONS REGARDING INOPERABLE VEHICLES WITHIN THE TOWNSHIP FOR THE PROTECTION OF THE HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS AND PROPERTY WITHIN THE TOWNSHIP; TO PROVIDE A PENALTY PROVISION FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

JAMESTOWN CHARTER TOWNSHIP, COUNTY OF OTTAWA, MICHIGAN HEREBY ORDAINS:

Section 1. Purpose. Inoperable Vehicles are, or in the future may be, stored in a dangerous or unsanitary manner in yards or other places within the Township. The places in which such Vehicles are, or in the future may be, stored tend to become overgrown with weeds, littered with rubbish, and infested with rodents and insects. Such conditions tend to attract children and endanger their lives and health, spread disease, invite plundering, create fire hazards or other safety and health hazards, create or extend blight, interfere with the enjoyment or reduce the value of private property, and interfere with the comfort and well being of the public. Adequate protection of public health, safety, and welfare requires that Inoperable Vehicles be regulated and controlled, and that is the purpose of this Ordinance.

Section 2. Repeal and Restatement. The Jamestown Charter Township Inoperable Motor Vehicles Ordinance, being Ordinance No. 104, is hereby repealed in its entirety and replaced with this Ordinance as of the effective date of this Ordinance.

Section 3. Definitions. The following listed terms and phrases are defined for purposes of their use in this Ordinance; these definitions shall apply to the interpretation and enforcement of this Ordinance unless the context clearly indicates to the contrary:

- A. "Person" shall mean any individual, firm, partnership, association, corporation, company, or organization of any kind.
- B. "Vehicle" shall include:
 - 1. Any self-propelled or towed vehicle designed or used on the public highways to transport passengers or property as defined in MCL 257.79, which is required to be registered for use upon the public streets and highways of this State under the Motor Vehicle Code (MCL 257.1 et seq.); and also includes any wheeled vehicle which is self-propelled or intended to be self-propelled.
 - 2. Any vessel as defined in MCL 324.80104(q) and required to be numbered under Part 801 of the Natural Resource and Environmental Protection Act, MCL 324.80101, et seq. ("NREPA").
 - 3. Any new or used component parts of a Vehicle.
- C. "Inoperable Vehicle" shall include any Vehicle which, by reason of dismantling, disrepair, or any other cause whatsoever:

1. Is incapable of being propelled under its own power or in the case of devices designed to be towed, is incapable of being towed by a vehicle;
 2. Lacks all of the necessary component parts to make it operable and serviceable as a Vehicle and/or otherwise fails to comply with applicable provisions of the Motor Vehicle Code or Part 801 of NREPA;
 3. Does not display or have affixed current license plates, tags and/or numbers as required by the State for the purpose of operating such Vehicle; or
 4. Any parts or components, new or used, of a Vehicle.
- D. "Public Safety Officer" shall include law enforcement, fire, medical, or other emergency response personnel.
- E. "Responsible Parties" shall include, in the case of an Inoperable Vehicle, the following persons:
1. The owner of record of the real property upon which the Inoperable Vehicle is located;
 2. The lessee or occupant of the real property upon which the Inoperable Vehicle is located; and
 3. The registered owner of the Inoperable Vehicle.

Section 4. Parking or Storing of Dismantled or Inoperable Vehicles. Except as otherwise allowed by the terms of this Ordinance, no person shall park or store, or permit or cause to be parked or stored any Inoperable Vehicle upon any public or private property within the Township.

Section 5. Notice to Remove.

- A. The Township Ordinance Enforcement Officer or a Public Safety Officer shall prepare a written notice clearly identifying the Inoperable Vehicle and the location within the Township. Such notice shall be posted on the Vehicle and personally delivered or sent via first class mail to the Responsible Parties. Such notice shall require the Responsible Parties to remove the Inoperable Vehicle, within ten (10) days of the date of the notice. The notice shall further state that failure to so remove the Inoperable Vehicle shall constitute a violation of this Ordinance.
- B. The notice required by subparagraph (A) above shall not be required to be sent to a Responsible Party if that Responsible Party has received a notice under this Ordinance within the preceding eighteen (18) months for the specific Inoperable Vehicle in question.

Section 6. Applicability of Ordinance.

- A. Each Responsible Party shall be individually liable for any violation of this Ordinance.
- B. This Ordinance shall not apply to any Inoperable Vehicle located within a wholly enclosed structure in compliance with applicable zoning and building regulations.
- C. This Ordinance shall not apply to any owner of record or lessee of the real property who is not the registered owner of the Inoperable Vehicle if the owner of record or

lessee gives written notification to the Township Ordinance Enforcement Officer within ten (10) days of the date of the Notice to Remove provided under Section 4 of this Ordinance that such Vehicle is on the owned or leased property in question without the consent of the owner of record or the lessee and authorizes in writing the Township Ordinance Enforcement Officer or a Public Safety Officer to remove the Vehicle pursuant to law, including, without limitation, Section 252a of the Motor Vehicle Code, MCL 257.252a.

- D. This Ordinance shall not apply to Vehicles owned or in the possession of commercial vehicle sales or service businesses or other businesses properly permitted and/or licensed by the Township.
- E. This Ordinance shall not apply to farm implements used in farming operations and while on farm land.

Section 7. Penalties.

- A. Failure to Remove: If a Responsible Party, after receiving a Notice to Remove pursuant to Section 4 of this Ordinance, fails to so remove the Inoperable Vehicle then:
 - 1. The Inoperable Vehicle shall constitute a nuisance and be subject to all fines and penalties and remedies provided in Section 7.B and also applicable to nuisances generally; and
 - 2. The Township may remove the Vehicle or its parts and dispose of them in accordance with law, including, without limitation, Section 252a of the Motor Vehicle Code, MCL 257.252a.
- B. A person who fails or refuses to comply with a Notice to Remove issued under this Ordinance within the prescribed time is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days and/or a fine or not more than \$500.00, with each day that such violation(s) continue being a separate violation. Such penalties are cumulative and in addition to the right of the Township to such other judicial remedies, including, without limitation, injunctive relief for the abatement of the violation(s) in a court of competent jurisdiction.


Section 8. Repeal. All resolutions, ordinances, orders, or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.


Section 9. Administrative Liability. No officer, agent, employee, or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person or entity as the result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 10. Severability and Captions. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, phrase, word, section, subsection, part, or provision is declared unconstitutional, void, or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any remainder of this Ordinance. The captions included at the beginning of each section are for convenience only and shall not be considered a part of this Ordinance.

Section 10. Effective Date. This Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on June 23, 2003.

This Ordinance shall become effective thirty (30) days following its publication in a newspaper of general circulation within Jamestown Charter Township.


James Miedema
Township Supervisor


Ruth Pruis
Township Clerk

CERTIFICATE

I, Ruth Pruis, Clerk for Jamestown Charter Township, Ottawa County, Michigan, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Jamestown Charter Township Board, held on June 23, 2003. The following members of the Jamestown Charter Township Board were present at that meeting: Brouwer, Nyenhuis, Pruis

Rau and Shaarda and the following members of the Jamestown Charter Township Board were absent: Miedema and Sipe.

The Ordinance was adopted by the Township Board with members of the Board Brouwer, Rau, Pruis, Shaarda, Nyenhuis voting in

favor and members of the Board -0- voting in opposition to the Ordinance.

The Ordinance was published in the ADVANCE NEWSPAPERS on July 1, 2003.


Ruth Pruis
Township Clerk