

Effective June 25, 1999

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

Ordinance No. 17

AN ORDINANCE TO PROHIBIT THE OPEN STORAGE OF CERTAIN VEHICLES, TO PROVIDE EXCEPTIONS, TO DECLARE OPEN STORAGE OF CERTAIN VEHICLES A NUISANCE AND TO PROVIDE ENFORCEMENT THROUGH MUNICIPAL CIVIL INFRACTIONS.

THE TOWNSHIP OF CLEARWATER ORDAINS:

Section 1 - Definitions

- A. "Motor vehicles" are hereby defined as any wheeled vehicle which is designed to be self-propelled.
- 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 so propelled.
- C. "Dismantled and partially dismantled motor vehicles" are defined as motor vehicles from which some part or parts ordinarily a component of such motor vehicle has been removed or is missing.
- D. A "junk dealer" is a person, firm or corporation licensed by the Township under a Junkyard Ordinance, if any.
- 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 having a combined area of ten (10) acres or more.
- F. A "Person" shall mean a person, firm, sole proprietorship, corporation, partnership, association, limited liability company or other entity.

Section 2 - Prohibition

No person shall park or store more than two (2) dismantled, partially dismantled or inoperable motor vehicles outdoors on any premises within the limits of the Township for a period of more than thirty (30) days continuously. This section shall not apply to junk dealers duly licensed by the Township, to garages and service stations openly and actively engaged in making service repairs for the public, to farm operations, nor

to dismantled, partially dismantled or inoperable motor vehicles stored in a closed building or stored so that they cannot be seen from any public highway or seen from any adjoining land owned by another person.

Section 3 - Nuisance

Except in a licensed junkyard or farming operation, the presence of more than two (2) dismantled, partially dismantled or inoperable motor vehicle outdoors for a period of more than thirty (30) days continuously on any premises within the limits of the Township 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/Civil Infraction

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. Any action taken under this Section shall not prevent civil proceedings for abatement or termination of the prohibited activity.

Section 5 - Enforcement

The Township Zoning Administrator and Township Supervisor 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

Nothing in this Ordinance shall prohibit the Township or any interested party from seeking equitable or injunctive relief to eliminate a nuisance or to insure compliance with 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 effect 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 its first publication.

TOWNSHIP OF CLEARWATER

By: David Grimm
David Grimm, Supervisor

By: Julie K. Vance
Julie K. Vance, Clerk