

Dismantled and Inoperable Vehicles Ordinance

An ordinance to regulate the storage of dismantled, partially dismantled or inoperable motor vehicles or parts thereof, to authorize the Township abate the nuisance and providing penalties for violations.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

Section 1. Title.

This ordinance shall be known as the Madison Charter Township Dismantled and Inoperable Vehicles Ordinance.

Section 2. Determination by Township.

It is hereby determined that the storage of dismantled, partially dismantled and inoperable motor vehicles or parts thereof upon any private property within the Township tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease and is contrary to the public peace, health, safety and general welfare of the community.

Section 3. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- 3.1 Dismantled or partially dismantled motor vehicle means any motor vehicle from which some part which is ordinarily a component of such motor vehicle has been removed or is missing.
- 3.2 Inoperable motor vehicle means any motor vehicle which, by reason of dismantling, lack of repair, or other cause, is incapable of being propelled under its own power.
- 3.3 Motor vehicle means any wheeled vehicle which is designed to be self-propelled and is not operable upon rails.

Section 4. Storage restrictions.

- 4.1 It is unlawful for any person to store or place, or permit to be stored or placed, a dismantled, partially dismantled or inoperable motor vehicle or any parts thereof, on any parcel of land in the Township, platted or unplatted, or any street adjacent

thereto, unless either such motor vehicle or parts thereof shall be kept in a wholly enclosed garage or other wholly enclosed structure, provided that, any bona fide owner or occupant of any parcel of land may store one such vehicle on such parcel of land for a period of time not to exceed a total of 48 hours, if such vehicle is registered in the owner or occupant's name.

- 4.2 This section shall not apply to motor vehicles which are upon the premises of any licensed, new or used automobile dealer, gasoline service station, automobile repair garage, or junk yard; provided however, that the preceding shall not be construed to permit a use of land not allowed by applicable zoning ordinances".

Section 5. Public nuisance declared.

The presence of a dismantled, partially dismantled or inoperable motor vehicle, or parts thereof, on any parcel of land in violation of the terms of this section is hereby declared to be a public nuisance.

Section 6. Nuisance abatement.

Whenever the Township or its officials and agents determines that a dismantled, partially dismantled or inoperable motor vehicle or parts thereof have been parked on private property, a written notice of violation shall be issued. The Township ordinance enforcement officers are authorized to enter the subject property to post written notice. Such written notice shall be posted conspicuously on the vehicle, and shall direct the owner to cease storing such vehicle and remove it to proper storage or disposal location. The notice shall further state that failure to comply with the terms of the notice shall result in confiscation of the violating vehicle or parts of such vehicle by the Township's designated towing service. The owner of the vehicle or the real estate upon which it is parked, will have fourteen (14) days from the date of receiving such notice to either remove the vehicle or file an appeal to the Township Board. The Township, by its designated towing service, is hereby authorized to remove any such motor vehicle, or parts or tires of such vehicle, found to be in violation of the conditions of this section, after the fourteen (14) days period has elapsed, provided that an appeal has not been filed. This provision does not prohibit the Township from also issuing a municipal civil infraction citation to either the owner of the vehicle or the real estate on which it is parked, or both.

Section 7. Costs of removal and storage; notice; disposal.

- 7.1 Any dismantled, partially dismantled or inoperable motor vehicle or parts thereof, removed from any premises in the Township pursuant to this section, may be held by the Township's designated towing service until claimed by the owner. The claiming owner shall pay to the Township's designated towing service the costs of removal and storage. Upon removal of the vehicle or parts, the Township shall immediately send written notice to the last known address of the owner of such vehicle or parts or, if the owner's address is unknown, to the owner of the land such vehicle or parts were removed from. This notice shall inform the owner that the owner has fourteen (14) days from the date of mailing of the notice in which to

reclaim the property, and that should the owner fail to do so within the time limit, then the motor vehicle so seized shall be deemed to be abandoned and the Township by its designated towing service shall dispose of the vehicle in accordance with the provisions of the Michigan Vehicle Code relating to the disposal of abandoned vehicles.

- 7.2 In addition to any costs payable to the Township's designated towing service, if the Township incurs any costs in the process of abating any nuisance under this ordinance, the actual cost incurred by the Township in doing so, together with a twenty-five dollar (\$25) administration fee, shall be charged against the owner of the vehicle and/or the owner of the premises where the nuisance existed.
- 7.3 The amount owed to the Township shall be collected in the manner specified in the in Ordinance ~~40~~, the Single Lot Special Assessment Ordinance of the Charter Township of Madison.

Section 8. Violations and Penalties.

- 8.1 Any person violating any provision of this Ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 29, the Charter Township Municipal Ordinance Violations Bureau Ordinance.
- 8.2 In addition to the foregoing, for any violation of this Ordinance, the Township may bring an action in a court of competent jurisdiction seeking abatement of the nuisance.

Section 9. Repealer


All Ordinances or sections of ordinances previously enacted which are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 10. Effective Date.

This ordinance shall become effective thirty (30) days after the date of publication.

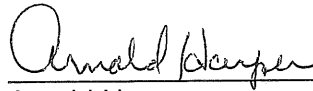
YEAS: (7) Richardson, Daniels, Bovee, Harper, Rodgers, Roback &
NAYS: (0) None Liedel
ABSENT: (0) None

Ordinance declared adopted on July 8, 2014.


Lawrence Richardson
Supervisor for the
Charter Township of Madison

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Arnold Harper, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on July 8, 2014 and published in the Daily Telegram, a newspaper circulated in the Charter Township of Madison on July 16, 2014.



Arnold Harper
Township Clerk for the
Charter Township of Madison