

TOWNSHIP OF ROSS
COUNTY OF KALAMAZOO, STATE OF MICHIGAN
ROSS TOWNSHIP **ORDINANCE NO. 116**

AS AMENDED BY ORDINANCE NO. 140

Adopted: January 5, 1993/December 9, 1997

Effective: February 20, 1993/January 21, 1998

MOTOR VEHICLE STORAGE AND REPAIR ORDINANCE

An ordinance to secure the public peace, health, safety, welfare and protection of the environment of and for the residents and property owners of the Township of Ross, Kalamazoo County, Michigan, by the regulation of the outdoor parking, storage and repair of motor vehicles, or new or used motor vehicle parts or junk therefrom, within the Township; to provide civil sanctions and civil remedies for the violation of this ordinance; and to repeal Ordinance No. 32 of the Township of Ross and any other ordinance or parts of ordinances in conflict herewith.

TOWNSHIP OF ROSS
KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and may be cited as the Ross Township Motor Vehicle Storage and Repair Ordinance.

SECTION II

PURPOSE

The purpose of this ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled or nonoperating motor vehicles, or new or used motor vehicle parts, upon public and private premises within the Township; to provide restrictions concerning the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; to prevent degradation of the environment caused by such vehicles; and to minimize the devaluation of property values and the psychological ill effects of the presence of such vehicles and parts upon adjoining residents and property owners.

SECTION III

DEFINITIONS

For the purpose of enforcing the provisions of this ordinance, certain terms and words used herein shall have the following meaning:

a. A motor vehicle shall be deemed "inoperable" where any of the following conditions exist:

1. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
2. Where it does not have all of its main component parts properly attached.
3. Where any other or additional conditions exist which cause the vehicle to be incapable of being

driven under its own power, lawfully, upon the public streets.

b. "Main Component Parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for the vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended.

c. "Person" shall mean an individual, firm, corporation, or other entity of any kind.

d. "Agricultural vehicle" means a motor vehicle or conveyance designed and intended for agricultural use.

SECTION IV

REGULATIONS

No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises owned, leased, rented or occupied or possessed by such person any motor vehicle, including a motor vehicle for sale, or new or used motor vehicle parts, or agricultural vehicle, unless one or more of the following conditions exist:

1. Such vehicle is currently and validly licensed for operation upon the public streets, and is not inoperable, and has all of its main component parts attached.
2. Such vehicle or parts are located in a duly licensed and properly zoned junkyard, salvage yard,

or new or used car dealer's lot or storage yard, where such uses or operations are legally authorized under the Township Zoning Ordinance, and are conducted in conformance therewith.

3. Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Ross Township Zoning Ordinance and registered with the State of Michigan pursuant to 1974 PA 300, as amended, and is locked, and currently and validly licensed for operation upon the public streets, and is not a public nuisance.
4. Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle; provided that the premises shall not contain any such vehicle for longer than 14 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles and notwithstanding that no one such vehicle remains upon the premises for more than said 14 day period.
5. Such vehicle is either (a) an unlicensed motor home or other type of recreational vehicle in fully

operating condition, or (b) a modified vehicle in fully operating condition, such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured (not more than one such vehicle may be allowed upon any premises pursuant to this subsection); provided that any such motor home/recreational vehicle or modified vehicle shall comply with all of the following restrictions:

- i. No such vehicle shall be parked or stored in the front yard area of any premises;
- ii. Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located;
- iii. Any such vehicle shall at all times be completely screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by solid ornamental fencing, terrain, trees or other plantings.
- iv. Upon written application, the Supervisor of Ross Township or the Ross Township Police Chief shall have authority to grant a waiver from the vehicle storage location requirements set forth in "i" and/or "ii" above if the Supervisor/Police Chief reasonably determines (1) that there are special circumstances beyond the control of the applicant that make it unfeasible or impractically difficult to locate the modified vehicle in full compliance with these requirements; (2) that no adjoining property owner will be materially adversely affected by the waiver, and (3) that the spirit and purposes of these regulations will still be observed. A waiver granted pursuant to this section shall be in writing and may include any conditions (including limits on the time length of the waiver) reasonably deemed necessary by the

Supervisor/Police Chief to assure satisfaction of the aforementioned standards.

- v. If a trailer used for transporting the vehicle is also stored outdoors on the premises, the vehicle must be stored upon the trailer.
6. Such vehicle: (a) is in operating condition, (b) has all of its main component parts attached, (c) is for sale by the owner or occupant of the premises, and (d) is posted with a "For Sale" sign. This provision shall be limited to allowing the outdoor storage of one such vehicle per lot or parcel at any one time and shall only permit the outdoor storage of such vehicle for no more than 30 days.
7. Such vehicle is an agricultural vehicle as defined in this ordinance and is used or usable for agricultural purposes on the premises where located.
8. A special permit is first obtained therefor for a period of not to exceed 30 days from the Supervisor of Ross Township or the Ross Township Police Chief to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional 30-day periods upon a showing of due

diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION V

NUISANCE

Any motor vehicle parking, storage, placement or repair activities in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided for.

SECTION VI

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION VII

SANCTIONS FOR VIOLATION; ENFORCEMENT

a. Any person or entity of any kind who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense within 3-year period*	\$ 75.00	\$500.00
--- 2nd offense within 3-year period*	150.00	500.00
--- 3rd offense within 3-year period*	325.00	500.00
--- 4th or more offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay court costs of not less than \$9.00 or more than \$500.00 as imposed by the court; and may also be ordered to pay all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. Each day that a violation exists shall constitute a separate offense.

Any violation of this Ordinance shall also constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.

b. This ordinance shall be enforced by the Supervisor of the Township of Ross, by an officer of the Ross Township Police Department, by the Ordinance Enforcement Officer(s) of the Township of Ross, or by such other person or persons as the Township Board may designate from time to time.

SECTION VIII

REPEAL

Ordinance No. 32 (Automobile Parking and Storage Ordinance, adopted June 3, 1969, effective July 7, 1969), and all other ordinances or parts of ordinances in conflict herewith shall be and

the same are hereby repealed, except that this Ordinance shall not be construed to repeal any provision on the same subject in the Ross Township Zoning Ordinance.

SECTION IX

EFFECTIVE DATE

This ordinance shall take effect on February 20, 1993.

Martha Chambers, Clerk
Township of Ross

POSTED
7/31/97
KOD