

ORDINANCE NO. 92-1

AN ORDINANCE TO REGULATE THE STORAGE OF INOPERABLE AND DISMANTLED MOTOR VEHICLES: TO REGULATE PUBLIC NUISANCES EXISTING BY REASON OF INOPERABLE AND DISMANTLED MOTOR VEHICLES; TO PROTECT PRIVATE PROPERTY IN RELATION THERETO; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS THEREOF, AND TO REPEAL ORDINANCE NO. 30 IN ITS ENTIRETY.

THE VILLAGE OF LAKEVIEW ORDAINS:

Section 1. Short title. This Ordinance shall be known and may be cited as the Village of Lakeview Inoperable Vehicle Ordinance.

Section 2. Definitions. In the interpretation of this Ordinance, the following definitions shall apply, except where the context clearly indicates that another meaning is intended:

I. "Private premises" shall mean any lot or parcel of land owned or occupied by an person whether or not improved with any dwelling, house, building or other structure and whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway porch or steps belonging or appurtenant to any dwelling, house, building, or other structure erected thereon.

II. "Public place" shall mean any and all streets, sidewalks, boulevards, alleys, or other public ways, and any and all public parks, squares, parking lots, grounds, and buildings.

III. "Inoperable motor vehicle" shall mean any machine, lawn mower, lawn tractor, truck, tractor, motorcycle, snowmobile, all terrain vehicle, automobile or any other type of motor vehicle defined as such by the Michigan Motor Vehicle Code, which by reason of accident, mechanical condition, disrepair, or other cause is apparently not operational and safe as required by Section 683 of Act 300 P.A. 1949, as amended, or does not have current Michigan registration and does not display a current registration plate from another state.

IV. "Dismantled motor vehicle" shall mean the whole or any remaining portion or parts of what was

originally a machine, truck, tractor, motorcycle, automobile or any other type of motor vehicle defined as such by the Michigan Motor Vehicle Code.

V. "Special purpose vehicles" shall mean tractors, vehicles and machinery currently used for farming purposes, or mobile equipment, machinery and equipment used in the current operation of a business permitted by the Zoning Ordinance in that location.

VI. "Person" shall mean any person, firm, partnership, corporation, company or organization of any kind

VII. "Screen" shall mean fully enclosed buildings, walls, or fence which completely obscures vision but shall not include the use of tarps, covers, or the like.

Section 3. Construction. This Ordinance shall not be construed as repealing any ordinance of the Village of Lakeview now in effect, or hereafter made effective, relating to rubbish, garbage, refuse, trash, or junk, but shall be construed as supplementary to any such ordinance.

Section 4. Prohibition of Outdoor Storage.

I. "Public Place". It shall be unlawful within the Village of Lakeview to park, keep, maintain, accumulate, or permit to remain on any public place, any inoperable or dismantled motor vehicles, or parts thereof. It shall be the responsibility of the owner of any inoperable or dismantled vehicle to keep such vehicle from being parked on any public place in violation of this ordinance.

II. "Private Premises". It is unlawful within the Village of Lakeview to park, keep, maintain, accumulate, or permit to remain on any private premises, any inoperable or dismantled motor vehicle, or parts thereof, unless such vehicle or parts thereof are screened so as to completely

obscure the same from view from public places and from neighboring private premises. It shall be the responsibility of both the owner and any private premises and the person in control of such premises to maintain the premises free of inoperable or dismantled vehicles. It shall further be the responsibility of the owner of any inoperable or dismantled vehicle to keep such vehicle from being parked on any private premises in violation of this Ordinance.

Section 5. Notice of Violation. When the enforcing officer has reason to believe that private premises where a violation of this Ordinance exists are leased so as not to be in the immediate control of the owner of the premises, the enforcing officer may send a notice of violation by first class mail to the owner at his last known address. It shall be the responsibility of the owner within ten (10) days of the date of such notice to either remedy the violation or provide the enforcing officer with the name and address of the person in immediate control of the premises. The failure of the owner to remedy the violation or so respond shall be deemed to be a violation of this Ordinance. The provisions of this section shall not preclude the enforcing officer from otherwise issuing a violation pursuant to Section 4 to the owner of the premises, the person in control of the premises or the owner of the offending inoperable or dismantled vehicle.

Section 6. Permits.

I. Notwithstanding the provisions of Section 4, upon a showing of unusual hardship, payment of an application fee and the filing of an application as hereinafter provided, a person may secure from the Village Manager or Police Department a permit for outdoor storage of an inoperable or dismantled vehicle. Permits shall not be issued for any one inoperable or dismantled vehicle for a period exceeding sixty (60) days.

II. Application for Permit. Application for a permit for outdoor storage of an inoperable or dismantled motor vehicle shall be made to the Village Manager or Police Department when any inoperable or dismantled motor vehicle has been parked upon private premises in the Village by payment of an application fee in the amount as set by resolution by the Lakeview Village Council, filing an application on a form furnished by the Village Manager or Police Department and supplying the following information thereon:

1. The address of the premises where the inoperable vehicle is to be parked;
2. The name and address of the owner or person in control of the premises where the inoperable or dismantled motor vehicle is parked;
3. The name and address of the registered owner of the inoperable or dismantled motor vehicle;
4. A description of the inoperable or dismantled motor vehicle for which a permit is sought; as to make, model, year of manufacture, last license issued and condition of the vehicle;
5. The estimated length of time, not to exceed sixty (60) days, for which the permit is being requested in order to restore the vehicle to operation condition;
6. A statement of the hardship necessitating the application and;
7. The signature of the applicant.

I. Issuance and Posting of Permit. The Village Manager or Police Department of the Village of Lakeview may issue a permit for outdoor storage of inoperable or dismantled motor vehicles upon a finding of hardship. Such permit shall be valid for a period not to exceed sixty (60) days from the date of application. A copy of such permit shall be posted inside the vehicle for which it was issued by affixing it to the windshield or window of the inoperable or dismantled motor vehicle so as to be readily visible at all times. No permit shall be transferable to any other person or vehicle.

II. Conditions of Permit. Every permit for outdoor storage of an inoperable or dismantled motor vehicle on private premises shall be subject to the following conditions:

1. No safety hazard shall be created or maintained thereby;
2. All broken glass or partially detached parts shall be either removed and disposed of as rubbish or secured in a manner to prevent hazard;
3. Trunk or storage compartments shall be kept locked or otherwise secured to prevent possible entrapment of a child;
4. Wheels or tires shall not be removed from the vehicle except for repairs;
5. Current license plates shall be kept on the vehicle;
6. The vehicle shall not be elevated or blocked in an unsafe manner;
7. All parts or components removed from the vehicle shall not be stored in the open;
8. No waste oil or other fluid shall be allowed to flow upon the ground or pavement, including but not limited to, any substance which is (a) classified as hazardous, toxicant, a pollutant or contaminant by the State of Michigan or the United States, (b) named in or covered by the categorical pretreatment standards set by the United States, or (c) regulated by the Fire Code of the State of Michigan.
9. All information furnished by the applicant on the application shall be correct. Any false statement will be a violation of this Ordinance.
10. Repair of vehicles of others is prohibited.
11. No more than one permit for outdoor storage of an inoperable or dismantled motor vehicle shall be issued for a private premise at any given time.
12. No repairs shall be made on any vehicle between the hours of 10:00 pm and 8:00 am.

I. Renewal of Permit. A permit may be renewed by the Village Manager only, upon the filing of a new application, payment of an application fee and by filing a written statement by the applicant stating that repair or restoration of the inoperable or dismantled motor vehicle has been commenced and will be completed before the expiration of a thirty (30) day renewal period. Such application for renewal shall be made before expiration of the original permit and a renewed permit which is issued shall not be valid for a period in excess of thirty (30) days after expiration of the original permit. A renewed permit shall be subject to the same terms and conditions as the original permit. Only one renewal permit may

be issued for any one vehicle.

II. Revocation; Notice; Order to Cease Storing. Any permit issued under this Ordinance may be revoked by the Village Manager when any condition of the permit is violated. Notice of such revocation together with a notice to cease outdoor storing of said vehicle shall be delivered to the permittee at the address stated on the application. The permittee shall thereafter remove the vehicle from the premise within the 72 hours after receiving said notice or screen the vehicle so as to completely obscure it from view from the public places and from neighboring private premises. Failure to so remove or screen such vehicle within 72 hours shall constitute a violation of this Ordinance.

Section 7. Permits; Denial or Revocation; Hearing; Demands and Review. Any person whose permit is revoked, or any person whose application for a permit is denied, shall have the right to a hearing before the Village Council of the Village of Lakeview, provided a written request therefore is filed with the Village Manager within ten (10) days following the date of receipt of the notice of revocation or within ten (10) days following the denial of the application for a permit.

Section 8. Abatement by Village

I. If a condition in violation of Section 4(B) is not removed or corrected within ten (10) days after mailing or giving personal notice, or recurs or continues to exist, the Village Manager or his or her duly authorized representative is hereby authorized and empowered to arrange and pay for the removal of the inoperable or dismantled motor vehicle and immediately bill the expense thereof to the owner or person in control of such property. For such purpose, the Village Manager or his duly authorized representative is hereby authorized and empowered to

enter upon the premises of any such public or private land within the Village at a reasonable time and under reasonable conditions to accomplish the appropriate corrective action.

II. If a condition in violation of subsection (6)(F) is not removed or corrected within the 72 hours after revocation as provided therein or recurs or continues to exist, the Village Manager or his or her duly authorized representative is hereby authorized and empowered to arrange and immediately bill the expense thereof to the owner or person in control of such property. For such purpose, the Village Manager or his duly authorized representative is hereby authorized and empowered to enter upon the premises of any such public or private land within the Village at a reasonable time and under reasonable conditions to accomplish the appropriate corrective action.

III. If any bill rendered pursuant to subsection (A) or subsection (B) shall remain due and unpaid for a period of thirty (30) days after the bill is mailed, it shall thereafter accrue interest at the rate of six (6%) percent per annum from the date for the completion of the work ordered by the Village Manager or his duly authorized representative; and the Village Council may, at its discretion, order the collection thereof by suit at law or may assess the same against the property; and such assessment shall constitute a lien upon the property from the date of completion of the work and may be billed as part of the tax applicable to the property.

Section 8. Exceptions. The provisions of this Ordinance shall not apply to special purpose vehicles, nor to commercial or industrial businesses duly licensed to operate within the Village where motor vehicles are stored as part of its operation.

Section 9. Public Nuisance Per Se. A violation of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 10. Penalties. A person who violates any provision or provisions of this Ordinance, upon conviction, shall be punished with a fine not exceeding Five Hundred (\$500.00) Dollars, or imprisonment in the County Jail of Montcalm County, Michigan, for a period not to exceed ninety (90) days, or both, in the discretion of the Court. Each day of the violation shall be considered a separate offense.

Section 11. Severability. The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

Section 12. Repeal and Savings Clause. Ordinance No. 30, "An Ordinance to regulate the outdoor storage of dismantled, partially dismantled or inoperable motor vehicles, machinery, and equipment in the Village of Lakeview and to provide penalties for the violation thereof", is hereby repealed in its entirety.

The repeal of Ordinance No. 30 does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment pending or incurred prior to repeal of Ordinance No. 30.

Section 13. Effective Date. The provisions of this Ordinance shall become effective twenty (20) days after its adoption and shall be published by brief notice in a newspaper circulated in the Village, stating the date of enactment and the effective date of the Ordinance, a brief statement as to the subject matter of the Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the Village Office.

ADOPTED BY THE LAKEVIEW VILLAGE COUNCIL THIS 23RD DAY OF MARCH, 1992.

Edward J. Jonaitis

Everil G. Manshum