

ORDINANCE #55

THE TOWNSHIP OF SANDS, COUNTY OF MARQUETTE, STATE OF MICHIGAN VEHICLE AND TRAILER PARKING AND STORAGE

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Sands, Marquette County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, travel trailers, new or used parts thereof, within the Township of Sands; and to provide penalties for the violation of this Ordinance or parts of ordinances in conflict herewith.

THE TOWNSHIP OF SANDS, MARQUETTE COUNTY, MICHIGAN, ORDAINS:

Section 1: Name

This Ordinance shall be known and cited as the Township of Sands Vehicle and Trailer Parking and Storage Ordinance.

Section 2: Purpose

The purpose of this Ordinance is to limit and regulate the outdoor storage, parking of vehicles, the accumulation of junk, unused or partially dismantled or non-operating motor vehicles, house trailers, or tractor trailers, or new or used parts thereof within the Township of Sands; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the degradation of the environment caused by such vehicles, trailers, and parts thereof; the devaluation of real property and the ill effects of the presence of such vehicles or trailers upon adjoining residents and property owners.

Section 3: Definitions

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

- A. The term "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a road, including trailers, excepting devices moved by human power.
- B. The term "Motor Vehicle" means every vehicle which is self-propelled by means of an engine, and shall include, but not be limited to, automobiles, trucks, vans, buses, truck tractors, motorcycles, motorbikes, bulldozers, front end loaders and other types of construction equipment, logging skidders, snowmobiles, all-terrain vehicles (ATV's), and boats.
- C. A vehicle is "Inoperable" when it is dismantled for the sale, salvage, repair or reclamation of parts, and does not have all of its main component parts attached, or when the vehicle, if eligible for operation upon the public roads, is incapable of such operation in a lawful manner upon the public roads.
- D. The term "Main Component Parts" means fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment necessary for the vehicle to be lawfully operated upon the public roads pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended;
- E. The term "Plow Truck" means an unlicensed motor vehicle with snow removal equipment attached used for the sole purpose of removing snow.
- F. The term "Person" means an individual, firm, corporation, or other entity of any kind.

Section 4: Regulations

- A. No person shall park, store, maintain or place upon any public right-of-way or public property, or upon any premises within the Township of Sands, any motor vehicle, house trailer, tractor trailer, new or used parts, or junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate laws and/or ordinances of the Township, County, or State of Michigan except for the following:
1. Duly licensed and operable vehicles or trailers with all main component parts attached at any given time;
 2. Two vehicles or trailers, or a combination thereof, that is temporarily inoperable because of mechanical failure and is not in any manner dismantled, and have all main component parts attached. Such vehicles or trailers may remain upon private property for no more than 14 days;
 3. One vehicle in fully operating condition, such as a stock car, plow truck, or modified motor vehicle that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any residential premises, except during the racing season or for the purpose of snow removal;
 4. One inoperable vehicle that is under restoration for the purpose of a hobby;
 5. One vehicle that is in operable condition, which is for sale by owner, has a "For Sale" sign displayed, said vehicle shall not be allowed to be in the same place for more than 30 days;
 6. Vehicles being used for agricultural practices;
 7. No more than 3 inoperable vehicles provided they are at all times 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 natural barriers.
- B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or part upon any public right-of-way or public property or on any property within the Township of Sands for more than 14 days unless such repair, redesign, modification and dismantling is done within a fully enclosed building and does not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provision of the Sands Township Ordinances.
- C. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a violator because of unforeseen circumstances, the Ordinance Enforcement Officer of the Township is authorized to suspend enforcement for no more than 30 days provided no adjoining property owner or occupant is unreasonably and adversely affected and the spirit and purpose of the Ordinance are still observed. The Executive Committee of Sands Township Board, upon application and payment of the fee, may upon hearing grant further suspension of immediate enforcement based upon a showing of undue hardship or practical difficulty. The Executive Committee of Sands Township Board may grant suspension of enforcement but only to a date certain.

Section 5: Nuisance

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

Section 6: Construction

This Ordinance shall not prevent the operation of any duly licensed and properly zoned junk yard, salvage yard, garage, golf course, body, or paint shop where such uses or operations are legally authorized under *other ordinances* of the Township of Sands, and are conducted in conformance therewith.

Section 7: Severability Clause

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 the Ordinance other than said part of portion thereof.

Section 8: Penalty

- A. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) per each such infraction. Every day that a violation continues to exist shall constitute a separate infraction. Such penalty provision shall not preclude any other civil action against a violator for injunctive or other relief as provided under MCL 600.8727.
- B. This Ordinance shall be enforced by the Sands Township Ordinance Enforcement Officer, Supervisor, Local Law Enforcement, and/or any other such person the board may designate.

Section 9: Repeal and Effective Date

I, Lee Yelle, the elected Clerk of Sands Township, certify that amendments to the Vehicle and Trailer Parking and Storage Ordinance, Ordinance #55, were duly adopted at a regular meeting of the Sands Township Board on March 13, 2018, with a motion by David Kallio, supported by Justin Yelle.

*Ayes –Justin Yelle, Justin Murawski, Darlene Walch, David Kallio, Lee Yelle
Nays – None*

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Effective Date – Date of Publication March 19, 2018*

signature on file in office
Lee Yelle, Clerk