

ARTICLE R 46

SECTION R 46.01 DISMANTLED CAR ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN, A MUNICIPAL CORPORATION, BY THE REGULATION OF THE OUTDOOR PARKING AND STORAGE OF MOTOR VEHICLES, TRACTOR TRAILERS, AND NEW OR USED PARTS OF JUNK THEREFROM, WITHIN THE TOWNSHIP OF FRUITLAND: TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND TO REPEAL ANY ORDINANCES OF PARTS OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF FRUITLAND, ORDAINS:

SECTION R 46.02 TITLE

This Ordinance shall be known and cited as the Fruitland Township Dismantled Car Ordinance.

SECTION R 46.03 PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose within the Township; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

SECTION R 46.04 REGULATIONS

- A. No person, firm or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises that is primarily used or is zoned for any type of residential purpose within the Township, any motor vehicle, house trailer, or tractor trailer or new or used parts or junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County, or state of Michigan, except for the following:
1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 2. Vehicles or trailers that are temporarily inoperable because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed fourteen (14) days.
 3. Not more than one (1) vehicle in fully operating condition such as a stock car or modified car that has been redesigned 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 such residential premises.

- B. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-away or public property or on any property primarily used or zoned for any type or residential purpose for a period in excess of twenty-four (24) hours except such shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Fruitland Township Zoning Ordinance. Any such work within such twenty-four (24) hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating conditions.
- C. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed fourteen (14) days, provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of this Ordinance are still substantially observed.

SECTION R 46.05 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 which may subject the violator to civil damage and the fines and penalties herein provided for.

SECTION R 46.06 CONSTRUCTION

This Ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Fruitland Township Zoning Ordinance, and shall be in addition to any other laws, or Ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

SECTION R 46.07 SAVING 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 or portion thereof.

SECTION R 46.08 PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance, or aids or abets another person in violation of this ordinance, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

In addition to the imposition of the foregoing fines and penalties, the Township Building and Zoning Inspector, any Township police officer, or such other officer as the Township

Board may designate, may cause any vehicle, trailer, or parts thereof, which violate the provisions of this ordinance to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of said officer, and the cost thereof assessed against the owner of such vehicle, trailer, or parts thereof, or of the premises on which the same are located. Any sums realized on the sale of the same may be retained by the Township to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums retaining after such reimbursement shall be returned to the owner of such vehicle, trailer, or parts thereof.

In addition to the penalties provided hereunder for the violation of any of the provisions thereof, the Township may apply to any court of competent jurisdiction to restrain any person from the continued violation of any of the provisions of this ordinance.

SECTION R 46.09 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Published: May 24, 1965

Amended: April 18, 2005 to amend numbering, article and section identification

Published: April 24, 2005

Effective: May 01, 2005

Amended: July 16, 2012

Published: August 12, 2012

Effective: September 11, 2012