

**LEE TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 2023

VEHICLE STORAGE AND REPAIR ORDINANCE

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Lee, Allegan County, Michigan, by the regulation of the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft and new or used parts or junk therefrom, within the Township; to provide civil sanctions and remedies for the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Name.

This Ordinance shall be known as the Lee Township Vehicle Storage and Repair Ordinance.

Section 2. 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 non-operating vehicles, including any conveyance, trailer, boat, aircraft or new or used parts thereof upon 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; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

Section 3. Prohibitions.

- a. No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within the Township any vehicle, including any conveyance, boat, aircraft, or trailer of any kind or new or used parts therefrom unless one or more of the following conditions exist:
 1. Such parking or storage is located within a fully enclosed building;
 2. A special permit is first obtained therefor for a period of not to exceed 45 days from the Township Supervisor or such other officer or official as the Township Board may designate 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 this Ordinance are still observed;

3. Such vehicle or conveyance is licensed or registered by the State of Michigan, is an operable vehicle or conveyance, has all of its main component parts attached, as hereinafter defined, and is, in fact, regularly operated for its designed purpose;
 4. Such vehicles, boats, trailers, aircraft or conveyances are located in a duly-licensed and lawfully-operated junkyard, salvage yard, new or used car dealer's lot or storage yard;
 5. Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, provided such vehicle or vehicles are locked, licensed by the State of Michigan, and are not a public nuisance;
 6. Such vehicle, boat, trailer, aircraft or conveyance, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not in any manner a dismantled vehicle; and the premises do not contain any such vehicle, boat, aircraft, trailer or conveyance for longer than 14 days in any one year. "Main component parts" shall, for the purpose of this Ordinance, mean those parts required by State law or by necessity for its operation upon a public highway, waterway or airway.
- b. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle, boat, trailer, aircraft or conveyance or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any other property which is not licensed and authorized as a service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, except for such occasional minor work by the owner thereof as may be required to maintain the same in normal operating condition and which will not constitute a nuisance or annoyance to adjoining property owners or occupants.

Section 4. Nuisance.

Any parking, storage, placement, or operations, in violation of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the sanctions and costs provided for herein.

Section 4. Notice of Violation.

The owner and/or the occupant of any property upon which any violation of this Ordinance is found shall be notified in writing to remove or eliminate such violation within 10 days after service of the notice. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where good-faith efforts to remove or eliminate such violation are in progress. Failure to comply with such notice within the time allowed shall constitute a violation of this Ordinance

Section 5. Sanctions and Enforcement.

Any person, firm, association, partnership, corporation or governmental entity which violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined in Michigan law which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$ 75.00	\$500.00
2 nd Offense within 3-year period*	150.00	500.00
3 rd Offense within 3-year period*	325.00	500.00
4 th 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 costs which may include all expenses, direct and indirect, to which Lee Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

The building official and any deputy sheriff enforcing Township ordinances pursuant to an interlocal agreement between the Township and the county sheriff are hereby authorized to issue and serve appearance tickets under this Ordinance and as provided by MCL 764.9c(2).

Section 6. 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 7. Effective date.

This Ordinance shall take effect thirty (30) days after publication as required by law.

Moved by member Moore, supported by member Cericola to adopt the foregoing Ordinance.

Ayes: Black, Cericola, Lowery, Moore, & Christensen

Nays: None

Absent/Abstentions: None

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Lee Township, Allegan County, Michigan, at a meeting held on May, 13, 2002. I further certify that the Ordinance was published on May, 23, 2002 in the Allegan County News. I further certify that a copy of this Ordinance was filed with the Allegan County Clerk on May, 24, 2002.

Donna L. Christensen
Township Clerk