

BURR OAK TOWNSHIP ORDINANCE NO 2002-2

VEHICLE STORAGE AND REPAIR

ADOPTED: June 3, 2002  
EFFECTIVE: July 22, 2002

An ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of Burr Oak Township, St. Joseph County, Michigan, by the regulation of the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft, motorcycle, snowmobile, all terrain vehicle and new or used parts or junk there from; to provide civil sanctions and remedies for the violation of this ordinance; and to repeal any conflicting provisions of other Burr Oak Township ordinances.

THE TOWNSHIP OF BURR OAK

ST JOSEPH COUNTY, MICHIGAN

ORDAINS

SECTION 1

NAME

This ordinance shall be known as the Burr Oak Township 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, unlicensed, partially dismantled or inoperable vehicles, 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 III

DEFINITIONS

*Person* as used in this ordinance means any individual, firm, corporation, limited liability company, partnership, trust, or any other entity.

*Vehicle* as used in this ordinance means any conveyance, trailer, boat aircraft, motorcycle, snowmobile, all terrain vehicle, or new or used parts from or for such vehicles.

## SECTION IV

### REGULATIONS

- (A) No person shall park or store or permit to be parked or stored upon any premises within Burr Oak Township any vehicle unless one or more of the following conditions exists:
1. Such parking or storage is located within a fully-enclosed building.
  2. A special permit is first obtained therefore for a period not to exceed 45 days from the Zoning Administrator of Burr Oak Township 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 these regulations are still observed.
  3. If the vehicle is an automobile, the automobile displays a current and valid license plate, is operable, and has all of its main component parts attached;
  4. If the vehicle is something other than an automobile, it is operable and has all of its main component parts attached.
  5. Such vehicle is located in a duly licensed and properly zoned junkyard, salvage yard, new or used care dealer's lot, automobile repair facility or storage yard where such uses or operations are legally authorized under the Township Zoning Ordinance;
  6. Such vehicle is 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; and/or
  7. Such vehicle is temporarily inoperable for a period not to exceed 14 days and, if the vehicle is an automobile, it is licensed/registered by the State of Michigan.
- (B) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition, in which case the work shall be accomplished within fully enclosed buildings, shall not constitute a nuisance or annoyance to adjoining property owners or occupants; and shall not violate any provisions of the Burr Oak Township Zoning Ordinance.
- (C) The foregoing shall not be construed to prohibit the storage of farm machinery, vehicles, equipment, and material used for agricultural purposes upon an operating farm of not less than (20) acres. Farm equipment not in use but stored for parts shall be stored in an area totally obscured from adjacent premises and roads by natural land contours, evergreen screening or fencing.

## SECTION V

### NUISANCE

Any parking, storage, placement or operations 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

Any person 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 which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
• 1 <sup>st</sup> Offense within 3 – year period*	\$ 75.00	\$ 500.00
• 2 <sup>nd</sup> Offense within 3 – year period*	\$ 150.00	\$ 500.00
• 3 <sup>rd</sup> Offense within 3 – year period*	\$ 325.00	\$ 500.00
• 4 <sup>th</sup> 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, incurred by Burr Oak Township in connection with 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.

## SECTION VIII

### REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.



