

SOUTH BRANCH TOWNSHIP
DISMANTLED OR INOPERABLE MOTOR VEHICLE ORDINANCE
Ordinance No. 22 as Amended on January 12, 2010

The Township of South Branch Ordains:

Section 1. Definitions

“Motor vehicle” means any wheeled vehicle which is designed to be self-propelled.

“Inoperable motor vehicle” means a motor vehicle, which by reason of dismantling, disrepair, lack of licensing or other cause is either incapable of being propelled under its own power or is prevented by law from being propelled on a public highway.

“Dismantled and partially dismantled motor vehicle” means a motor vehicle from which a part or parts integral to the operation of such motor vehicle, or a part or parts required by any law or regulation to be present on a motor vehicle, has been removed or is missing.

“Junk dealer” means a person who owns or operates a lawful junkyard located within the Township.

“Farm operation” means an active enterprise primarily involving the commercial production, harvesting, and storage of plant and animal products useful to human beings on a site or sites within the Township having a combined area of ten (10) or more acres.

“Person” means an individual, firm, corporation, partnership, association, limited liability company, limited partnership, or any other legal entity.

“Public Highway” means any publicly maintained way upon which any part thereof is open to the use of the public for the purposes of vehicular travel.

Section 2. Prohibition.

No person shall park or store, or knowingly allow another person to park or store dismantled, partially dismantled or inoperable motor vehicles on property in violation of both of the following: (a) the dismantled, partially dismantled or inoperable motor vehicles are parked or stored outside a building such that the dismantled, partially dismantled, or inoperable motor vehicles can be seen from any public highway or seen from any adjoining land owned by another person and (b) three (3) or more dismantled, partially dismantled or inoperable motor vehicles are present on the property at any time each day for a period of thirty (30) consecutive days. This section shall not apply to junk dealers, farm operations, or to garages and service stations openly and actively engaged in making service repairs for the public.

Section 3. Nuisance

A violation of Section 2 of this Ordinance is hereby declared to be a public nuisance, a nuisance per se and is hereby further declared to be offensive to the public health, safety and welfare.

Section 4. Penalty

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

Section 5. Enforcement Officer.

The Zoning Administrator or other person named by the Township Board is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court

Section 6. Civil Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 7. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance shall be invalid, such invalidity shall not affect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

Section 8. Effective Date

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF SOUTH BRANCH

By: _____
Tom Kozlowski, Supervisor

By: _____
Lynn George, Clerk