

## ORDINANCE NO. 59

### JUNK OR DISMANTLED VEHICLES ORDINANCE

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Martin, Allegan County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, and new or used parts of junk therefrom, within the Village of Martin; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

#### THE VILLAGE OF MARTIN, ORDAINS:

##### SECTION 1; NAME

This ordinance shall be known and cited as the "Village Junk or Dismantled Vehicles Ordinance".

##### SECTION 2: 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 Village; 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 3: REGULATIONS

(1) 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 Village, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Village, County, or State of Michigan, except for the following:

a. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.

b. 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 14 days.

c. Not more than one 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.

(2) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as 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 provision of the Village Zoning Ordinance. Any such work within such 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 frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

(3) In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Building and Zoning Inspectors of the Village are 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 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the ordinance are still substantially observed.

#### SECTION 4: 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 damages and the fines and penalties herein provided for.

#### SECTION 5: 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 Village Zoning ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

#### SECTION 6: PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a civil infraction and shall be subject to a civil fine for a first offense of \$100.00. A second repeat offense shall be subject to a civil fine of \$100.00. Any repeat offenses thereafter shall be subject to a civil fine of \$100.00. Each day that a violation continues to exist shall constitute a separate violation.

#### 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: PUBLICATION**

This Ordinance shall be published in a paper that has general circulation for the Village of Martin and County of Allegan, qualified under state law to publish legal notices, within one week after its adoption and the same shall be recorded in the Village of Martin's Book of Ordinances, and such recording authenticated by the signatures of the Village President and Village Clerk.

**SECTION 9: EFFECTIVE DATE**

This Ordinance shall be effective after publication and shall take effect on December 1, 2008.

**SECTION 10: REPEALER**

This Ordinance repeals Ordinance Number 28: "Control and Regulate the Parking or Storage of Unlicensed, Dismantled or Partially Dismantled Motor Vehicles.

Adopted on November 10, 2008

ATTEST:

Joyce Merrill  
Joyce Merrill  
Village Clerk

Gary Brinkhuis  
Gary Brinkhuis  
Village President

I hereby certify that the foregoing ordinance was, on November 17, 2008, published in the Penasee Globe, a newspaper circulated in the Village of Martin.

Joyce Merrill  
Joyce Merrill  
Village Clerk

Dated: November 17, 2008

# VILLAGE OF MARTIN ALLEGAN COUNTY, MICHIGAN NOTICE OF ADOPTION OF ORDINANCE NO. 59

To: The Residents and Property Owners of the Village of Martin, Allegan County, Michigan, and Any Other Interested Persons;

**PLEASE TAKE NOTICE** that at a regular meeting of the Village Board of Trustees held on November 10, 2008, the Board adopted Ordinance No. 59, an Ordinance to Regulate Junk or Dismantled Vehicles.

## ORDINANCE NO. 59: JUNK OR DISMANTLED VEHICLES ORDINANCE.

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Martin, Allegan County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, and new or used parts of junk therefrom, within the Village of Martin; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

### SECTION 1: NAME

The name of this Ordinance is the "Village Junk or Dismantled Vehicles Ordinance."

### SECTION 2: 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 Village.

### SECTION 3: REGULATIONS

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 Village, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk therefrom, unless the same is wholly contained within a fully enclosed building. Excepted are: Duly licensed and operable vehicles or trailers with substantially all main component parts attached; Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours.

### SECTION 4: 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 damages and the fines and penalties herein provided for.

### SECTION 5: 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 Village Zoning ordinance.

### SECTION 6: PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a civil infraction and shall be subject to a civil fine for a first offense of \$100.00. A second repeat offense shall be subject to a civil fine of \$100.00. Any repeat offenses thereafter shall be subject to a civil fine of \$100.00.

### SECTION 7: SEVERABILITY CLAUSE

The provisions of this ordinance are hereby declared to be severable.

### SECTION 8: PUBLICATION

A summary of this Ordinance shall be published in a paper that has general circulation for the Village of Martin and County of Allegan.

### SECTION 9: EFFECTIVE DATE

This Ordinance shall be effective after publication and shall take effect on December 1, 2008.

### SECTION 10: REPEALER

This Ordinance repeals Ordinance No. 28.

**VILLAGE OF MARTIN**  
Joyce Merrill, Clerk  
P.O. Box 234  
1586 S. Main Street  
Martin, MI 49070

*Penasee Globe*  
*Nov. 17, 2008*