

VILLAGE OF AUGUSTA

ORDINANCE NO. 113

ADOPTED: June 25, 1973

EFFECTIVE: July 25, 1973

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Augusta, Kalamazoo County, Michigan, a Municipal Corporation, and 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 Village of Augusta; to provide penalties for the violation of this Ordinance and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE VILLAGE OF AUGUSTA

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I.

NAME

This Ordinance shall be known and cited as the Village of Augusta 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, unused, partially dismantled or non-operating vehicles, including any conveyances, trailers, boats, aircraft or new or used parts thereof upon premises within the Village; to provide restrictions concerning the repairing of said vehicles; to thereby avoid injury and hazards to children and others attracted to such vehicles; and to prevent the devaluation of property values and the psychological illeffects of the presence of such vehicles within the Village.

SECTION III.

REGULATIONS

- a. No person, firm or Corporation shall park or store upon any premises within the Village of Augusta, any vehicle, including any conveyance, boat, aircraft, or trailer of any kind or new or used parts therefrom, unless permitted by any zoning ordinance of the Village of Augusta or any other Village of Augusta Ordinances, and unless one or more of the following conditions exist:

1. Said vehicle or parts are located within a fully enclosed building.
2. A special permit is first obtained therefore from an officer or official of the Village as may be designated by the Village Council, to be granted only in special hardship cases beyond the control of the applicant, or special or peculiar circumstances exist, where no adjoining property owner is adversely effected thereby and where the spirit and purpose of these regulations are still observed.
3. Said vehicle is licensed by the State of Michigan, as an operable vehicle and has all of its main component parts attached.
4. Said vehicle or vehicles are located in a duly licensed junk yard or salvage yard or in a new or used car dealers lot (said business uses, completely existing, shall not be effected by this Ordinance).
5. Said vehicle or vehicles (which shall not exceed four in number at any one time) are awaiting repairs at a service station, garage, paint shop or body shop, providing they are locked, licensed by the State of Michigan, are not a public nuisance and are not upon the premises for more than 14 days in any one year.
6. Said vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, is licensed by the State of Michigan, is not in any manner a dismantled vehicle and the premises do not contain any such vehicle for longer than 14 days in any one year.
 - b. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or parts thereof upon any public right-of-way or public property or on any property which is not primarily used as a commercial repair garage or commercial auto body shop, new or used car dealer or licensed junk yard (providing such uses are authorized by other Ordinances of the Village on the particular property where such use is being conducted). Furthermore, no repairing, redesigning, modifying or dismantling work or operations upon any vehicle or parts thereof are allowed which constitute a nuisance or annoyance to adjoining property owners or which violate any provisions of any Ordinance of the Village. Any such work shall not, however, consist of any major repair, redesigning, modifying or dismantling work, but only such occasional minor work by the owner thereof as may infrequently be required to maintain a vehicle or parts thereof in normal operating condition.

SECTION IV.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 civil damages and fines and penalties as herein provided.

SECTION V.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 effect any portion of the Ordinance other than said part or portion thereof.

SECTION VI.PENALTY

Any person, firm or Corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for not to exceed 90 days, or by both such fine and imprisonment. Each day the violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the Village Building Inspector or any Village Police Officer or such other officer as the Village Council may designate, may cause any vehicle 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 or parts thereof, or of the premises in which the same are located. Any sums realized on the sale of same may be retained by the Village to reimburse it for the costs incurred in such removal and sale, to the extent of such cost. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, or parts thereof.

SECTION VII.

REPEAL

All Ordinances or parts of Ordinances in conflict herewith, including Ordinance No. 76 adopted November 11, 1963, effective December 3, 1963, be and the same are hereby repealed; however, legal proceedings presently pending under an Ordinance which is hereby repealed may proceed to judgement or decision and shall not be effected by this Ordinance.

SECTION VIII.

EFFECTIVE DATE

This Ordinance shall take effect on July 25, 1973.

Gerald P. Hollaway
GERALD HOLLAWAY, PRESIDENT
VILLAGE OF AUGUSTA

Marcea C. Schwartz
MARCEA C. SCHWARTZ, CLERK
VILLAGE OF AUGUSTA

CERTIFICATE OF CLERK

I, MARCEA SCHWARTZ, Clerk of the Village of Augusta, did post notice of said Ordinance No. 113 on the 26th day of June 1973, at the U. S. Post Office, Village Hall Bulletin Board and Askler's Pharmacy.

Marcea Schwartz
Marcea Schwartz, Clerk
VILLAGE OF AUGUSTA