

ONTONAGON VILLAGE ORDINANCE 2016 NO. 1,
JUNK AND JUNK VEHICLE ORDINANCE

AN ORDINANCE TO PROVIDE FOR CONTROL AND REGULATION OF OUTDOOR PARKING, ACCUMULATION, STORAGE AND/OR ABANDONMENT OF JUNK, INCLUDING JUNK MOTOR VEHICLES, AND JUNK FARM EQUIPMENT, WITHIN CERTAIN AREAS TO BE DESIGNATED IN THE VILLAGE OF ONTONAGON, TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1: INTENT & TITLE

1.1 It is hereby determined by the Village Council of the Village of Ontonagon, that the public peace, health, safety and welfare of the citizens of the Village is threatened by virtue of outdoor parking, storage and abandonment of junk, including junk motor vehicles, wreckage and parts of such vehicles, junk equipment, and other litter, refuse and debris throughout the Village of Ontonagon. It is further determined that such accumulation constitutes a nuisance and that it is essential to protect the public peace, health, safety and welfare of the people, that Village regulation of junk, including junk automobiles and junk equipment, be provided within the framework of governing law.

1.2 This ordinance shall be known and cited as the Ontonagon Village Junk and Junk Vehicle Ordinance.

SECTION 2: PURPOSE

2.1 The purpose of this ordinance is to establish a Village control program designed to reduce unregulated junk, including abandoned motor vehicles, wreckage and parts thereof, and junk machinery accumulation throughout the Village to the extent permissible by state law, and nothing in this ordinance shall be construed to abrogate or effect the authority of the State under 1966 PA 219, being MCIA 252.201 et seq; MSA 9.391 (11) et seq. Or under Sections 248 to 249 of the Michigan Motor Vehicle Code, being MCLA 257.248-257.249: MSA 9. 1947-9, 1948. It is the purpose of this ordinance to supplement state law for control of junk yards and the regulation of junk, as hereinabove set forth.

SECTION 3: DEFINITIONS

3.1 Contractor Equipment - The term "contractor equipment" shall mean any heavy

equipment, dump trucks, log trucks & pups, cranes, backhoes, loaders, graders, bulldozers, skid-steers, feller-bunchers, skidders, man lifts, bucket trucks or any other commercial grade machinery or equipment typically used by loggers, building and excavating contractors. This does not include similar equipment used for or intended for generally accepted agricultural practices.

3.2 Junk - The term "junk" shall mean waste, used, discarded or second-hand materials including but not limited to scrap iron and other metals, appliances, lumber, building materials, machinery parts, paper, rags, tires, bottles and other debris.

3.3 Junk Motor Vehicle - The term "junk motor vehicle or junk vehicle" shall mean any motor vehicle that is not licensed, insured and in operating condition.

3.4 Junk Equipment - The term "junk equipment" is defined as inoperable, unrepairable or unused equipment including vehicle parts or accessories, semi-tractor trailers, construction equipment, machinery, machinery parts, ATV, UTVs, snowmobiles, motorcycles, campers, boats, boat engines, bicycles, lawnmowers, or any other equipment and parts thereof.

3.5 Junk Yard - The term "junk yard" shall mean an open area where waste, used or second-hand materials are lawfully bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The accumulation in excess of two hundred (200) square feet of junk equipment, junk or debris shall be deemed a junk yard.

3.6 Private Premises - The term "private premises" shall mean any lot or parcel of land owned or occupied by any person, firm or corporation whether or not improved with any dwelling, house, building or other structure, whether inhabited or temporarily or continuously uninhabited or vacant.

3.7 Residential Property - Shall mean any lot or parcel of land used or permitted to be used as a permanent place for a dwelling.

3.8 Village - Shall mean the Village of Ontonagon, Michigan.

SECTION 4: NUISANCE

4.1 Any parking, storage, accumulation, placement of junk, junk motor vehicles or junk equipment on private premises, the parking and storage of contractor equipment on residential properties or the operation of an unlawful junk yard in violation of the provisions of this

ordinance are hereby declared to be public nuisance which may be enjoined pursuant to governing law or for which the violator may be subjected to a suit for civil damages, as well as fines and penalties herein provided.

SECTION 5: PRIMA FACIE EVIDENCE

5.1 The ownership, occupation or use of land by any person, firm or corporation upon which junk, junk motor vehicles or junk equipment are accumulated, stored, or placed in excess of thirty (30) days shall be prima facie evidence that such person, firm or corporation is in violation of this ordinance.

SECTION 6: REGULATIONS

6.1. Except to the extent permitted under state law or Village ordinance, an owner, tenant or manager of private property, or whether the past registered owner of (any motor) vehicle or transferee on a bill of sale covering such vehicle, shall not permit the parading, storage or accumulation thereof upon any public right of way, public property or private premise within the Village, of any junk motor vehicles, junk equipment, debris, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building, except for the following:

6.1.1 Motor vehicles in operating condition held as stock in trade by a regularly license dealership of new or used motor vehicles or equipment use in the operation of such dealership;

6.1.2 Motor vehicles or parts thereof located in lawful junk yards or the places of business or wreckers duly licensed by State or Village authority, pursuant to governing state law;

6.1.3 Motor vehicles temporarily inoperable due to minor mechanical failure, but which are not in any manner dismantled, and have substantially all main component parts attached, may remain upon private property for not to exceed an aggregate total of thirty (30) days;

6.1.4 Motor vehicles for sale and / or unlicensed in operating condition may be retained for not more than twelve (12) months.

6.2 No owner, tenant, person, firm or corporation shall permit the accumulation and storage of junk, junk equipment, or debris on residential property or private premises within the Village.

6.3 On any commercial or industrial property where accumulation of any junk, junk equipment

or debris maybe necessary to the operation of that particular business, any such materials shall be disposed of on a regular basis, be wholly contained within an enclosed building or enclosed by a fence and hidden from the customers and public view.

6.4 The parking, or storage of contractor equipment at a residential property or on any property where residential uses are permitted is prohibited, except during legitimate timber harvest or construction activities on the property or stored within an enclosed building.

6.5 As to any lawful junk or salvage yards, repair garages, auto body or paint shops operating within the Village, which shall be licensed pursuant to governing state law or the provisions of a Village ordinance shall be in addition to and not in conflict with other laws and ordinances respecting junk and junk vehicles.

6.6 In event of special or peculiar hardship due to unforeseen circumstances by reason of the application of the provisions of this ordinance, Enforcement Officer may grant up to a thirty (30) day stay in any proceeding brought for violation of this ordinance, provided that the Enforcement Officer shall have discretion to consider unreasonable or adverse effect to owners or occupants of adjoining property in considering application for such stay to the end that the spirit and purpose of this ordinance may be substantially carried out.

SECTION 7: CIVIL INFRACTIONS & ENFORCEMENT

7.1 Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a civil infraction and a fine of not more than \$100.00 Each day that said violation goes unabated shall be considered a new violation subject to an ongoing \$100.00 fine.

7.2 The forgoing penalties shall not prohibit the Village from seeking injunctive relief against a violator in a court of competent jurisdiction or other appropriate relief as may be provided by law.

7.3 The Village Council may designate the Ontonagon County Sheriff's Department and/or other such officers of the Village as Enforcement Officers to investigate and issue citations for the violation of this ordinance

SECTION 8: SAVING CLAUSE

8.1 The provisions of this ordinance are hereby declared to be severable and if any clause, word, section or provision is declared void and unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said ordinance shall remain in force.

SECTION 9: EFFECTIVE DATE

9.1 This Ordinance shall become effective ten (10) days after adoption and publication.

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Ontonagon, County of Ontonagon, State of Michigan, at a regular meeting held on Monday, January 11, 2016.

Marcia Aho-Black, Village Clerk

Adopted:
Published:
Effective As Of:

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