

ORDINANCE NO. 5 OF 2018

**AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF PERSONS RESIDING IN CLARENDON TOWNSHIP AND TO PROTECT PROPERTY IN THE TOWNSHIP AGAINST BLIGHT AND DECAY, BY REULATION OF THE STORAGE AND DISPOSITION OF INOPERABLE OR UNUSABLE VEHICLES AND PORTABLE STRUCTURES, ADOPTED PURSUANT TO 246 PA 1945, AS AMENDED; AND TO REPEAL ORDINANCES IN CONFLICT HEREWITH.**

**CLARENDON TOWNSHIP ORDAINS:**

**SECTION 1. DEFINITIONS.** These words, terms, and phrases, when used in this ordinance, shall have the meanings given to them in this section, unless the context clearly indicates a different meaning:

- 1.01 *Inoperable Vehicle.* Any motor vehicle which has been wrecked, junked, dismantled, partly mantled, discarded, abandoned, or which as a result of lack of maintenance, damage, or missing components cannot be readily caused to function as a vehicle. An unlicensed vehicle shall be considered inoperable for purposes of this ordinance.
- 1.02 *Mobile Home or House Trailer.* A portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling.
- 1.03 *Motor Vehicle.* Any self-propelled machine designed or adapted to travel across the ground, whether or not on a road and including, but not limited to, automobiles, trucks, buses, motor homes, motorbikes, motorcycles, motor scooters, go-carts, and golf carts.
- 1.04 *Nuisance.* An act, omission, defect, or condition that threatens danger to or which may be detrimental to the lives, health, or safety of the public.
- 1.05 *Premises.* A parcel or tract of land titled in or leased to the same person or people and including any buildings and other improvements or appurtenances.
- 1.06 *Travel Trailer.* A portable structure build on a chassis and intended to be towed from place to place behind a passenger vehicle or light truck with no facility for permanent connection to utilities and designed for use as a temporary lodging but not as a dwelling.
- 1.07 *Truck Camper.* A portable structure without its own chassis but intended to be affixed to the bed of a light truck and designed for use as a mobile temporary lodging.

- 1.08 *Unenclosed Premises.* Any part of premises not fully enclosed and protected from the elements and from view by a building or other structure.

## **SECTION 2. NUISANCE DECLARED.**

The presence of any of the following on any unenclosed premises in the Township is declared to be a nuisance and offensive to the public safety, health, and general welfare of the Township and its residents:

- 2.01 Any inoperable motor vehicle. Any motor vehicle which is not currently licensed or has not been moved for ninety (90) days shall be presumed to be inoperable, but the presumption shall not limit the definition of inoperable motor vehicles in this ordinance or the application of this ordinance to them. This prohibition shall not be deemed to apply to a lawfully operated, licenses automobile repair facility.
- 2.02 Any mobile home or house trailer which:
- 2.02.01 is not lawfully occupied under required zoning and occupancy permits (or has not been lawfully occupied on a continuous basis since a time when a permit was not required), or
- 2.02.02 is not affixed to the premises and connected to public or private utilities providing electric power, fuel, water, and sanitation facilities and does not qualify for an occupancy permit because it is not so affixed and provided with utilities, or
- 2.02.03 is unfit for human occupancy because it is wrecked, burned, otherwise damaged, partly dismantled, or for any other reason not habitable, or
- 2.02.04 does not qualify for an occupancy permit because it has not been occupied and could not be made to satisfy code and other requirements.
- 2.03 Any travel trailer which is not roadworthy and currently licensed. No travel trailer shall be stored in the open in any circumstance, other than in the side or rear lot areas.
- 2.04 Any truck camper which is not affixed to an operable vehicle and is wrecked, burned, otherwise damaged, partly dismantled, or for any other reason not habitable even as a temporary lodging. No truck camper shall be stored in the open in any circumstance other than in the side or rear lot areas.

## **SECTION 3. VIOLATIONS; ENFORCEMENT.**

- 3.01 The Township may abate or apply to a court for abatement of a nuisance under this ordinance in any manner provided by law, including direct abatement, removal, or injunction and may seek damages for the costs of enforcement and abatement actions.

3.02 Any person, firm, association, or corporation who shall violate this ordinance shall be responsible for a Class C Municipal Civil Infraction punishable by a fine of \$50 to \$500 and such other penalties as provided in the Clarendon Township Civil Infraction Ordinance.

3.03 The rights and remedies of the Township provided in this section are cumulative and in addition to all other remedies provided by law and in equity.

#### **SECTION 4. REPEAL.**

The Clarendon Township Inoperable Vehicle and Portable Structure Control Ordinance, ordinance number 2002-01, dated November 11, 2002, and all ordinances or parts of law in effect that are in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

#### **SECTION 5. SEVERABILITY.**

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect. Clarendon Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

#### **SECTION 6. SAVINGS.**

All suits, proceedings, or prosecution, whether civil or criminal, for causes arising, or acts done or committed prior to said amendment, may be commenced, maintained and/or prosecuted as if said amendment had not been made.

#### **SECTION 11. EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after the date of publication of this ordinance or a summary thereof pursuant to MCL 41.184, which publication shall take place within thirty days from the date of adoption and shall be in a local newspaper of general circulation.

This ordinance is hereby declared to have been passed and adopted by Clarendon Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve R. Schrock, Supervisor

ATTEST:

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Sharla Vincent, Township Clerk

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