

CLARENDON TOWNSHIP

Calhoun County, Michigan

Inoperable Vehicle and Portable Structure Control Ordinance

Ordinance No. 2002-01

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 the regulation of the storage and disposition of inoperable or unusable vehicles and portable structures, adopted pursuant to P.A. 1945, No. 246, as amended.

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 dismantled, discarded, abandoned, or which as a result of lack of maintenance, damage, or missing components cannot be readily caused to function as a vehicle.
- 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, tucks, 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, other improvements or appurtenances.
- 1.06 Travel trailer.** A portable structure built 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 90 days shall be presumed to be inoperable, but that 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, licensed 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 permanently 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

2.02.04 does not qualify for an occupancy permit because it has not been occupied and could not be made to satisfy code and other requirements, 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.

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 the 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 who owns or is in charge of any premises upon which a nuisance as defined in this ordinance is found to have occurred or to be present shall upon conviction be fined not more than \$ 1 00, together with the costs of prosecution, or shall be punished by imprisonment in the county jail for not more than 90 days for each offense, or may be both fined and imprisoned. Each day upon which a nuisance is present on premises in the township shall be deemed a separate offense.

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. Effective Date.

This ordinance shall take effect 30 days after the date of its publication in a newspaper circulating in Clarendon Township.

Adopted: November 11 , 2002.

Ayes: (5) Trustees *Cronk / Smith / Been, / Manke / O 'Dell*

Nays: () Trustees

Published: November 19 , 2002. Effective date: December18, 2002.