

**HENRIETTA TOWNSHIP
JACKSON COUNTY, MICHIGAN
SECOND AMENDMENT TO
DISMANTLED CAR ORDINANCE
ORDINANCE NO. 4**

An Ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of the Township of Henrietta, Jackson County, Michigan, for regulation of the outdoor parking and storage of motor vehicles, house trailers, and new or used parts or junk there from, within the Township of Henrietta; to provide penalties for violation of this Ordinance, and to repeal any Ordinances or parts of Ordinances in conflict therewith.

THE TOWNSHIP OF HENRIETTA ORDAINS:

This Ordinance shall be known and cited as the Second Amendment to the Henrietta Township Ordinance #4 Dismantled Car Ordinance.

SECTION I – 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, tractor trailers, or new or used parts thereof, upon premises within the Township; 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 II – REGULATIONS:

- A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any private premises within the Township, any motor vehicle, house trailer, tractor trailer, or new or used parts or junk there from unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building law of the Township, County or State of Michigan, except for the following:
- i. Duly licensed and operable vehicles or trailers with substantially all main component parts attached;
 - ii. 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 15 days;
 - iii. 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 is 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.
- B. In the event the foregoing regulations create a special or peculiar hardship beyond the control of a particular violator thereof due to unforeseen circumstances, the Building

and Zoning Inspector of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time, not to exceed 15 days, provided no adjoining property owner or occupant is unreasonably adversely affected thereby, and the spirit and purpose of the Ordinance are substantially observed; provided, however, no more than one permit shall be issued during a six month period, which affects a particular parcel of land, no matter whose name is on the permit.

SECTION III – 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 IV – CONSTRUCTION:

This Ordinance shall not prevent the operation of any salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the Henrietta Township Zoning Ordinance, and shall be in addition to any other laws or Ordinances regarding zoning, rubbish, refuse, litter, trash, or junk control and regulations.

This provision shall not prohibit the outdoor storage of bona fide farm equipment, farm implements, or farm vehicles.

SECTION V – PENALTIES:

Any person, firm, corporation or organization recognized by the State of Michigan, who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of Henrietta Township Ordinance 4 as amended, is guilty of a civil infraction, punishable as follows:

Civil Penalties:

1st offense - \$100.00 fine

2nd offense (committed within two years of the first offense) - \$200.00 fine

3rd and subsequent offenses - \$300.00

- A. **Criminal Penalties:** If the violator fails to pay the civil infraction penalty within the time set forth in the notice of violation, the Township official having the authority to enforce this Ordinance may consider such to be a criminal violation and subject to the penalties set forth herein. Notice of intent to seek criminal penalties shall be sent to the owners of the property or the owner of the vehicles in question by United States mail to the last known address of the person being notified. In the event that the address of one of the parties is not known or the notice has been returned to the Township as undeliverable, the notice to one party shall be considered as being sufficient notice to all parties as required by this Section.
- B. In the event the violator refuses to respond to the second notice in a timely manner, the enforcing Township officer may choose to have the vehicle removed or take criminal action. The enforcement officer shall give notice of its intent to do so in the

manner provided above. If such vehicle or violating material has not been removed within ten days from the date notice was sent, the enforcement officer shall have the authority to enter onto the property and authorize the removal of the items violating this Ordinance. The owner of the vehicle or material shall be given three days in which to pay all accumulated fines and costs, including reasonable attorney fees, to the Township. In the event that the violator has not paid such fines and costs within the time stated, the Township may dispose of such property in any means it deems appropriate. If the Township receives money as a result of such disposal, such shall become the property of the Township and may be deposited into the Township's general account.

- C. If the Township files a criminal complaint against the violator, which shall be charged as a misdemeanor, and which may result in a fine of up to \$500.00 plus costs, or a jail sentence of up to 91 days, or both fines/costs and jail time as determined appropriate by the Court.

SECTION VI – SEVERABILITY:

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 a court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION VII – REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE:

All ordinances or parts of ordinances that are not specifically repealed herein and that are in conflict with this Amendment to Ordinance are hereby repealed.

This ordinance shall become effective 30 days after publication following its adoption, as provided by statute.

Members Present: A. Faist, S. Dodge, L. Bamm, S. Keene, A. Grimes

Members Absent: None

Ayes: A. Faist, S. Dodge, L. Bamm, S. Keene, A. Grimes

Nays: None

Larry Bamm, Supervisor
Dated: July 11, 2012

Sally J. Keene, Clerk
Dated: July 11, 2012

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