

Township of Alcona
Ordinance Number 2022-04
Dismantled/Junk Car and Unregistered Vehicles

Ordinance to Provide for: the regulation of outdoor parking and/or storage of any motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats, and jet skis and any other vehicle that must be licensed by the Secretary of State, within the Township of Alcona, and to provide for penalties for the violation of this ordinance, and to repeal any ordinance or parts of ordinances in conflict herewith.

Section 1: Definitions

“Motor Vehicles” means any vehicle propelled or drawn by any power other than muscular to include, but not be limited to: automobiles, trucks, buses, tractors, trailers, motorcycles and like vehicles including but not limited to junk, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State.

“Junked, inoperable, wrecked or abandoned motor vehicles” means any motor vehicle which is:

- A. Inoperable or unable to operate under its own power, or,
- B. Is damaged or has parts removed from it in such a manner that the vehicle cannot be operated legally on the highways of the State of Michigan, or
- C. Which has not borne a valid and current license plate and/or registration within the last 12 months, and with a minimum of comprehensive insurance coverage.

Section 2: Purpose

- A. The purpose of this ordinance is to limit and/or restrict the outdoor storage, parking, or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State, including any new or used parts thereof, upon any premises located anywhere within the Township of Alcona; to thereby avoid injuries and hazards to children and others attracted to such vehicles and/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, and to insure that all parcels of property located within the Township of Alcona are compatible with this

ordinance's general intent to secure the public peace, health, safety, and welfare of its residents and property owners. However, cars otherwise lawfully upon the premises of a person/business licensed appropriately, doing permitted business selling used and/or new cars are exempt from the provisions hereof.

- B. Any vehicle qualifying as a junk vehicle pursuant to the provisions herein, presenting an environmental issue and/or an imminent environmental issue, regarding contamination to air, water and/or soil, shall allow the vehicle to be immediately rendered in a safe condition, and then either immediately removed, and/or kept at the same location, all at the discretion of the Township of Alcona.
- C. Furthermore, any vehicle qualifying as a junk vehicle, may be towed pursuant to the provisions as further set forth herein.
- D. If in fact any reasonable expense incurred on behalf of the Township of Alcona exceeds the value of the vehicle, then the Township of Alcona and/or the relevant repair and/or storage facility may apply for ownership through the change of ownership procedure as allowed by relevant state law.

Section 3: Violations

- A. No person, firm or corporation, shall park, store or place upon any public right-of-way or public property, or upon any premises that is located within the Township of Alcona, any accumulation of junk, wrecked, abandoned, unregistered, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State, either new or used, or any new or used parts or junk therefrom, unless the same is fully contained within an enclosed building and/or structure authorized by the Township of Alcona, and does not violate any other zoning or building laws of said Township, or Alcona County, or State of Michigan, and further that all such vehicles, accumulation of junk, wrecked, abandoned, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, trailers of any sort, including recreational vehicles, boats and jet skis, and any other vehicle that must be licensed by the Secretary of State, either new or used, or any new or used parts or junk therefrom shall be insured, properly registered, bearing appropriate licenses that are visible, and as operable and with substantially all main component parts attached therewith.
- B. 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, may remain upon any parcel(s) of property for a period not to exceed 14 days.

- C. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished within fully enclosed buildings, and will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of this ordinance. Any such work within such 24-hour period heretofore allowed shall not, however, consist of any major repair, redesigning, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.
- D. In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the authorized Township official 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 14 days provided no adjoining property owner or occupant is unreasonably adversely affected, thereby and the spirit and purpose of the ordinance are still substantially observed.

Section 4: Construction

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

Section 5: Penalties

- A. This ordinance may be enforced by way of civil infraction, or by way of misdemeanor. It shall also comply with the notice provisions as set forth in the relevant Civil Infraction Ordinance and/or any amendment thereto.
- B. Furthermore, any person found by an authorized Alcona Township official to be in violation of this ordinance, shall be obligated upon request, to provide documentation to satisfy the various provisions of this ordinance, or for failure to do so, same shall also constitute a violation of this ordinance. This documentation may include, but is not limited to appropriate licenser, insurance coverage, or any other information as required by this ordinance and/or as may be mandated by any other law.
- C. The fine set forth for violations of this ordinance shall be not less than \$100.00 and not more than \$500.00, and if prosecuted as a misdemeanor, imprisonment for no longer than ninety (90) days in jail, or cumulatively all of these penalties,

as well as any other penalty as deemed appropriate within the discretion of the sentencing Judge.

Section 6: Conflicting Laws

If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.

Section 7: Severability

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 8: Repeal

This ordinance shall repeal any and all dismantled/junk car ordinances previously enacted by the Township of Alcona.

Section 9: Election of Remedies

The method of this ordinance to address claimed violations shall be cumulative to any other legal remedies the Township may have at law.

Section 10: Effective Date

This ordinance shall become effective on October 11, 2022. At a regular meeting of the Alcona Township Board held on the 11 day of October, 2022, adoption of the foregoing ordinance was moved by Gauthier and supported by Bouchard.

Voting for: All

Voting against: None

