

VILLAGE OF MORLEY JUNK ORDINANCE NUMBER 09-2002

THE VILLAGE OF MORLEY ORDAINS:

Section 1: Purpose.

Nothing in this ordinance shall be construed to abrogate, affect, or supersede any applicable state law. It is the purpose of this ordinance to supplement existing laws and to regulate the storage and accumulation of junk in the absence of regulation by state Law.

Section 2: Definitions:

- A. The term "private premises" shall mean any lot or parcel of land owned or occupied by a person, corporation, or other entity, whether improved with any dwelling, house, building or other entity, or other structure. Whether inhabited or temporarily or continuously uninhabited or vacant.
- B. The term "Junk" shall mean old or scrap, ferrous or nonferrous materials, rope, rags, batteries, papers, plastic, rubber, tires, dismantled, wrecked or inoperable machinery, equipment, appliances, automobiles or other manufactured items, uninhabitable mobile homes, and all other trash or waste materials.
- C. The term "Motor Vehicle" shall mean any self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a highway.
- D. The term "junk motor vehicles" shall mean any automobile or other classic motor vehicle that is not currently licensed as required by state law and is inoperable for the purposes for which it was designed.
- E. The "fences (s)" shall mean a fence of wood, cement blocks, or other commonly used fencing material, not less than eight (8) ft or more than ten (10) ft in height, so constructed as to make the items prohibited not visible to public view.

Section 3: Regulations:

Except to the extent permitted under state law or city, village or township ordinances, on person corporation, or other entity, whether owner, tenant or manager of private property or whether the registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the parking, storage of accumulation thereof upon any public right of way, public property, or private premises within the village, of any junk, including junk motor vehicles, wreckage or parts, unless the same are wholly contained within a fully enclosed building. Completely walled enclosure or an otherwise screened by natural objects, plantings, fences or other appropriate means so as not to be visible to public view, except for the following:

- A. Articles used to farm or conduct farm operations in accordance with generally accepted agricultural and management practices under the Michigan Right to farm Act, being 1981 PA 93 as amended.
- B. Motor vehicles in operating condition eligible for use in accordance with the requirements of the Michigan Vehicle Code, being 1949 PA 300 as amended.
- C. Motor vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or Motor vehicles or parts thereof located in junkyards or the places of business of wreckers duly licensed by state or township authority, pursuant to governing state law.
- D. 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 a period not to exceed an aggregate total of 60 days.
- E. NO motor vehicle, or parts thereof, shall remain for the purpose or purposes of repairing, redesigning, modifying, dismantling or other similar operation, except pursuant to authority conferred by the state law upon any public right-of-way, or public property for a period in excess of 24 hours, or upon private property for a period in excess of 60 days, except such as shall be accomplished within full enclosed

buildings or completely fenced enclosures; provided further, that such repairing, redesigning, modifying, dismantling or other similar operation shall be conducted in conformity with any applicable zoning ordinance and in such a manner as not to annoy the owners or occupants of an adjoining property.

- F. In the event of special or peculiar hardship beyond the control of any individual or entity Due to unforeseen circumstances by reason of the application of the provisions of this ordinance. The administrator of this ordinance may grant the individual or entity a stay of enforcement for a period not to exceed six months, provided however, that in no case shall a stay be granted if such action would have unreasonable adverse effect to the owners or occupants of adjoining property.

Section 5. Nuisance-

Any parking, storage, accumulation, placement or operation in violation of the provisions of this ordinance are here declared to be a public nuisance, which may be enjoined pursuant to governing law, and/or for which the violator may be subjected to a suit for civil damages, in addition to the fines and penalties herein provided.

Section 6. Construction:

This ordinance shall not apply to any junkyards, salvage yards, or other operations licensed, to deal in junk, within the village, which shall be licensed pursuant to governing state law. This ordinance shall be in addition to and not in conflict with all other laws and ordinances respecting junk and junk vehicles.

Section 7 Saving, Clause:

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

Section 8. Penalty:

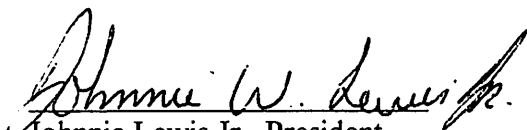
- A. Any person, corporation or other entity violating any of the provisions of this ordinance, shall be subject to a fine of not more than \$500.00 or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment. In addition, the person, corporation or other entity may as a part of sentence, be ordered to repay the costs of removing the junk found in violation hereof. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.
- B. In addition to the imposition to the foregoing fines, penalties and other legal remedies, and after a criminal conviction for violation of this ordinance the administrator of this ordinance may cause any junk found in violation hereof to be removed from the premises, impounded or destroyed or sold for junk, in the discretion of said administrator, and the costs thereof assessed against the owner of such junk or the owner of the premises on which same is located. Any sums realized on the sale of the same may be retained by the village to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sum remaining after such reimbursement shall be reimbursed to the owner of such junk.

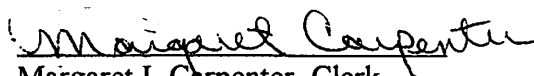
THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS AFTER PUBLICATION. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT ARE HEREBY REPEALED.

I hereby certify to the adoption of this ordinance at the September 9, 2002 council meeting and cause the same to be published as required by law. Yeas: 7 Nays: 0 Ordinance declared adopted.

Published September 13, 2002 in the Pioneer

Effective Date October 13, 2002.


Johnnie Lewis Jr., President


Margaret L Carpenter, Clerk