

STATE OF MICHIGAN
COUNTY OF LEELANAU
VILLAGE OF NORTHPORT

ORDINANCE NO. 120

AN ORDINANCE TO REGULATE JUNK

THE VILLAGE OF NORTHPORT ORDAINS:

SECTION 1 TITLE

This ordinance shall be known and cited as the “Village of Northport Junk Ordinance”.

SECTION 2 PURPOSE

The purposes of this ordinance are to:

- A. Promote and protect the health, safety, and general welfare of the residents and property owners in the Village.
- B. Limit the outdoor storage of junk and inoperable and junk vehicles for the purpose of protecting property values and the health, safety, and welfare of residents of the Village.
- C. Protect the Village’s natural resources.

SECTION 3 AUTHORIZATION

This ordinance is authorized and enacted pursuant to MCL 66.1, *et seq*, and other applicable laws.

SECTION 4 DEFINITIONS

For the purpose of this ordinance, the following terms shall have the following meanings:

- A. **JUNK** means:
 - 1. Old scrap ferrous or nonferrous material, garbage, trash, rubber, worn tires, cloth, paper, rubbish, refuse, litter, unused furniture;

2. Materials from demolition, waste building materials;
3. Any abandoned, scrapped, dismantled or wrecked (including parts of or items held for salvaging parts) vehicles, boats, trailers, mobile homes, appliances, or other equipment.

B. INOPERABLE VEHICLE (“IV”) means any or all of the following:

1. Any vehicle or motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or state of disrepair.
2. Any vehicle or motor vehicle which cannot be legally operated on public streets or highways by reason of lacking the equipment required by State Motor Vehicle Code and/or other laws of the State of Michigan.
3. Any vehicle or motor vehicle which is not currently licensed, or for which the vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets and highways under the provisions of the State Motor Vehicle Code, or other applicable provisions of the laws of the State of Michigan.

The definition of “inoperable vehicle” does not include any of the following:

1. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased, or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery; or
2. A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility which has all licenses or registrations required by the State of Michigan; provided, further, that all vehicles and motor vehicles stored on the premises of the repair shop or impoundment facility must be stored either entirely within a building or within an area completely enclosed by a fence not less than seven feet in height, and so that any vehicle or motor vehicle cannot be seen from any public right of way or from adjacent property.
 - a. A fence utilized to meet the requirements of this provision shall be well maintained and shall be constructed of materials that are designed for fencing purposes, such as chain link fence with privacy slats, a wooden fence with continuous or overlapping pickets, or a substantial equivalent. Used or discarded materials such as concrete, railroad ties, pallets, tree stumps, trash, tires, junk, or other similar material shall not be used for fencing purposes.

- b. Notwithstanding the above requirements, a vehicle or motor vehicle that is stored on the premises of a licensed repair shop and which is subject to this provision may be stored outdoors, in an unenclosed area, for not more than seven total days during the course of repairing such vehicle or motor vehicle.

C. JUNK VEHICLE (“JV”) means any or all of the following:

1. Any vehicle or motor vehicle which by reason of damage resulting from an accident, dismantling, disrepair or other cause that is incapable of being propelled under its own power, or which is missing a major component part, including, but not limited to:
 - a. The engine
 - b. The transmission
 - c. The right or left front fender
 - d. The hood
 - e. A door allowing ingress or egress from the vehicle’s passenger compartment
 - f. The front or rear bumper
 - g. The right or left rear quarter panel
 - h. The deck lid, tailgate, or hatchback
 - i. The trunk floor pan
 - j. The cargo box of a pickup
 - k. The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame
 - l. The cab of a truck
 - m. The body of a passenger vehicle
 - n. The window glass
 - o. The wheels
2. Any vehicle or motor vehicle that is unsafe for operation in the manner for which it was designed, manufactured, or modified by reason of damage resulting from an accident, dismantling, disrepair, or other cause.
3. Any vehicle or motor vehicle that is unsafe for operation in the manner for which it was designed, manufactured, or modified by reason of its inability to comply with any code, regulation, or statutes established by the State of Michigan governing the operation of such vehicle or motor vehicle.
4. Any vehicle or motor vehicle which has been so damaged or dismantled so as to be a total loss.
5. Any component part of a vehicle or motor vehicle, including tires and wheels, which by reason of disrepair, damage, or other cause is incapable of

functioning or being operated in the manner for which it was designed, manufactured, or modified.

The definition of “junk vehicle” does not include any item excluded from the definition of “inoperable vehicle” under Section 4(B) of this ordinance.

- D. **TOTAL LOSS** means where the cost to fully repair a damaged or dismantled vehicle or motor vehicles exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally-recognized appraisal book or method.
- E. **VEHICLE** means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

SECTION 5 UNLAWFUL ACTS

It shall be unlawful for a person to store or allow the accumulation of Junk, IVs or JVs on a parcel of land other than that occupied by a licensed, permitted junkyard, unless all of the following conditions are met:

- A. At no time shall there be more than one (1) IV or JV or, alternatively, more than one (1) large items of junk, or the equivalent in volume – abandoned, scrap, dismantled or wrecked (including parts of) automobiles, farm equipment, trailers, mobile homes, and all other machines, etc. – on the parcel. For the purposes of this Section, a large item of junk consists of either a single piece of Junk, such as a wrecked trailer or refrigerator, or several pieces of Junk of a combined size of no more than three (3) cubic yards.;
- B. No IV, JV or Junk can be visible from a road or from adjacent parcels.

SECTION 6 PERSONS AUTHORIZED TO ENFORCE THIS ORDINANCE AND TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS

The following persons are authorized to enforce this Ordinance and to issue municipal civil infraction citations under this Ordinance pursuant to MCL 600.8701-8735, as amended of the Revised Judicature Act:

- A. Village DPW Superintendent;
- B. Village Zoning Administrator;
- C. Village Administrative Coordinator;
- D. Leelanau County Sheriff Deputies; and
- E. All other persons authorized by Resolution of the Village Council.

SECTION 7 ADMINISTRATIVE ENFORCEMENT PRIOR TO THE INITIATION OF COURT ENFORCEMENT PROCEEDINGS

Prior to commencing a Court enforcement action and the issuance of a Municipal Civil Infraction Citation, the person(s) designated by the Village to enforce this Ordinance by issuing municipal civil infraction citations shall:

- A. Document facts to identify the basis of the violation of this ordinance.
- B. Meet or communicate with the owner or occupant of the land to explain the violation.
- C. Identify necessary measures to correct the violation. The Enforcement Officer will provide detailed comprehensive instruction and information that will allow self-compliance with the desired goals of the junk and blight ordinance. This guidance will include; date/time of Community clean up days, sanitation companies servicing the local area for bagging materials and dumpster rental, and information on local companies for disposal of junk vehicles.
- D. Notify the owner or the occupant of the property in writing to remove or eliminate Junk, JVs or IVs from such property within twenty one (21) days after service of notice to the owner/occupant.
- E. Notice to the owner or occupant of property shall be in writing and shall be served either personally, or by posting the notice on the building or property, or by first class mail, or by any combination of the foregoing methods.
- F. Failure by the owner or occupant of the property to comply with such notice within the time allowed shall constitute a violation of this Ordinance. Thereafter, the person authorized to enforce this ordinance may issue a municipal civil infraction citation in accordance with the notice and other procedures of MCL 600.8701, et seq, as amended of the Revised Judicature Act.

SECTION 8 MUNICIPAL CIVIL INFRACTION PENALTIES

Any person violating this Ordinance shall be deemed to be responsible for a municipal civil infraction and shall be subject to the schedule of civil fines set forth below along with costs which may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. A Violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law, including injunctive orders requiring removal of junk/blight from Property and allowing the Village to remove junk/blight from property if the person fails to do so, and to recover the Village's costs in doing so.

- A. First Offense: Fined \$100.00 plus applicable and associated additional cost incurred in enforcement by the Village.
- B. Second Offense: Fined \$200.00 plus applicable and associated additional cost incurred in enforcement by the Village for each continuing violation of a previous violation which person had been previously determined responsible or admitted responsibility.
- C. If the person responsible for the municipal civil infraction shall fail to pay any fines or costs as set forth within this Section (including any and all costs incurred by the Village, Village officials or their representative in removing or causing to be removed any Junk, IVs or JVs from property), within 30 days after payment is ordered, the Village may obtain a Lien against the land, building, or structure containing the Junk, IVs or JVs. The Lien may be enforced and discharged in accordance with the procedures in the Revised Judicative Act for municipal civil infractions, MCL 600.8701, et seq, as amended, the manner prescribed by the General Property Tax Act, MCL 211.1, et seq, as amended.

SECTION 9 SEVERABILITY

This Ordinance and the various parts, sections, sub-sections, phrases, sentences, paragraph, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrases, or clause is adjudged unconstitutional or invalid, it shall not affect the remainder of the Ordinance.

SECTION 10 REPEAL

This Ordinance repeals any prior Northport Village Junk or Nuisance Ordinance.

SECTION 11 EFFECTIVE DATE AND ADOPTION

This Ordinance shall take effect on the 20th day after its passage, or upon the date of its publication, which occurs first.

Date Approved: _____

Those Voting in Favor: _____

Those Voting Against: _____

Those Absent or Abstaining: _____

CERTIFICATION

I, Joni L. Scott, Clerk of the Village of Northport, Leelanau County, Michigan, do hereby certify that the above is a true and correct copy of the Northport Village Junk and Inoperable Vehicle Ordinance of 2016 as adopted by the Northport Village Council at a meeting held on the _____ day of _____, 2016, at which a quorum was present.

Date: _____

_____, Clerk
Village of Northport

Published: _____

Filed with the County Clerk: _____