

JUNK AND INOPERABLE MOTOR VEHICLE,
MACHINERY, EQUIPMENT AND TRASH ORDINANCE OF
MARCELLUS TOWNSHIP

ORDINANCE 2000 -0118-1

AN AMENDMENT TO ORDINANCE # 94-0420, COVERING THE KEEPING OF DISCARDED OR INOPERABLE MOTOR VEHICLES, MACHINERY, EQUIPMENT AND THE UNSIGHTLY ACCUMULATION OF DISCARDED ITEMS AND JUNK WITHIN THE TOWNSHIP OF MARCELLUS, COUNTY OF CASS, STATE OF MICHIGAN: AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF MARCELLUS, COUNTY OF CASS, MICHIGAN, ORDAINS THE FOLLOWING AMENDMENTS (AND RESTATEMENT OF) ORDINANCE 94-0420:

Section 1

For the purpose of this Ordinance a junk motor vehicle includes any motor vehicle which is not enclosed in a garage or other building and does not bear current valid license registration plates.

Section 2

It is declared to be unlawful for any owner or occupant of lands or other person to maintain or accumulate any junk motor vehicle (as defined), inoperable machinery or equipment in disrepair over 30 days which is not enclosed in a garage or other building within the Township of Marcellus.

Section 3

It is declared to be unlawful for any owner, occupant or other person to cause or allow the unsightly accumulation of junk motor vehicles, inoperable machinery, equipment, parts, used materials or trash on any premises they own, occupy or control anywhere within the Township of Marcellus.

Section 4

The preceding provisions shall not apply to any lawfully operated junk yards where the business of wrecking and salvage of inoperable motor vehicles is carried on with proper licenses and permits in an area properly zoned for such purposes or the outside storage of operable agricultural implements used by the owner seasonally or more often in agricultural operations conducted in accordance with applicable zoning regulations, state laws and other ordinances.

Section 5

The deposit, littering or unsightly accumulation within the Township of junk, junk equipment, rubbish, used materials or parts of or wrecked motor vehicles or machinery shall be considered an unlawful nuisance.

Section 6

The Township Supervisor shall have authority to grant waivers for defined periods of time to persons within the Township who acknowledge and are verified to be hobby collectors of farm machinery (including tractors) or antique motor vehicles if the collection is maintained within fences erected in accordance with Township zoning and Building Ordinances and State building codes which prevent such collections from being seen from all public rights of way contiguous with the property.

Section 7

Sanctions and Penalties.

A. Any person, corporation, partnership or limited liability company who shall violate any provision of the Ordinance or shall fail to comply with any of the requirements thereof or who conducts activities in violation of it shall be guilty of a Civil Infraction. Each day that a violation continues shall be deemed a separate offense. Any violation of this Ordinance is a Municipal Civil Infraction punishable by a Civil Fine plus costs determined by the District Judge in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1st offense within 3 year period *	\$75.00	\$500.00
2nd offense within 3 year period *	\$150.00	\$500.00
3rd offense within 3 year period	\$325.00	\$500.00
4th or more offense within 3 years	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offenses.

B. Any person, partnership, L.L.C. or Corporation who shall continue any work or activity after having been served with a stop work order of the Township Building Inspector, except work to be

work to remediate a violation of this ordinance, shall be in violation of this ordinance.

C. The Township Building Inspector, the Township Zoning Administrator or any law enforcement officer are authorized to individually issue Civil Infraction Citations for violations of this ordinance to issue "stop work" orders for known violations and issue notices to remediate ordinance violations within times certain.

Section 8

Upon authority of the Township Board the authorized attorney for the Township of Marcellus may institute all civil remedies for injunction, mandamus, abatement and all other appropriate proceedings and claims for relief to prevent, enjoin and require removal of any unlawfully maintained junk motor vehicles, inoperable machinery and other unsightly accumulations of trash, junk or used materials.

Section 9

Upon entry of any Court conviction/judgment under this Ordinance and the failure of a person so convicted/adjudged to remediate and remove all offensive or unsightly accumulations the Township may enter upon the lands owned or possessed by that person, individually or otherwise, and remove for disposal all unlawfully maintained junk motor vehicles, inoperable machinery, equipment and other accumulations. The reasonable costs of clean up, removal, and disposal may be levied and assessed against the affected real property and collected in the manner of other Township Taxes and assessments.

Section 10

This Ordinance shall take effect in the Township of Marcellus thirty (30) days after publication. All ordinances or parts of ordinances in conflict with this are hereby repealed.

ADOPTION BY TOWNSHIP BOARD

At a monthly meeting of the Township Board of the Township of Marcellus, Cass County, Michigan, duly called and held on the 18th day of January, 2000, there were present:

Richard E. Olsen, Supervisor

Ann M. Webb, Township Clerk
Keith Dodge, Township Treasurer
John A. Grib, Township Trustee
Paul M. Boshoven, Township Trustee

The following ordinance was offered by Olsen and supported by
Webb

The foregoing ordinance was legally adopted and passed by the Township Board of Marcellus
 Township, Cass County, Michigan, on the 18th day of January, 2000 at a regular
 monthly meeting by the following vote:

		VOTE Yes/No
<u>Richard E Olsen</u>	Supervisor	<u>yes</u>
<u>Ann M. Webb</u>	Township Clerk	<u>yes</u>
<u>Keith Dodge</u>	Township Treasurer	<u>yes</u>
<u>John A. Grib</u>	Township Trustee	<u>YES</u>
<u>Paul M. Boshoven</u>	Township Trustee	<u>YES</u>

CLERK'S CERTIFICATE OF PUBLICATION

I further certify that the foregoing ordinance was published in the Marcellus News, a newspaper of general circulation in the above Township, on January 27, 2000

Ann M. Webb
Ann M. Webb, Township Clerk

CLERK'S CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF CASS)

I, Ann M. Webb, Township Clerk of the Township of Marcellus, Cass County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Marcellus Township Board with reference to The Revised Junk and Inoperable Motor Vehicle, Machinery, Equipment and Trash Ordinance 2000-0118-1

I further certify that the attached is a true and correct copy of the Ordinance legally filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the ordinance was legally published, as appears by proof thereof on file in my office and that all this ordinance was adopted in accordance with all legal requirements at a regular meeting of the Township Board.

Date: 01/28/2000

Ann M. Webb
Township Clerk