

Approved: June 11, 2002
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Effective: July 28, 2002

ORDINANCE NO. 2 (amended)

VEHICLE AND TRAILER PARKING AND STORAGE ORDINANCE
FOR THE TOWNSHIP OF POWELL

An Ordinance to secure the public peace, health, safety, welfare and protection of the residents and property owners of the Township of Powell, Marquette County, Michigan, a municipal corporation, by the regulation of outdoor parking and storage of motor vehicles, tractor trailers, house trailers and new or used parts of junk therefrom, within the Township of Powell; to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

The Township of Powell, Marquette County, Michigan ordains:

Section 1. NAME

This Ordinance shall be known and may be cited as the Township of Powell Vehicle and Trailer Parking and Storage Ordinance.

Section 2. 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, or tractor trailers, or new or used parts thereof upon premises primarily used or zoned for any type of residential purpose 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 presences of such vehicles or trailers upon adjoining residents and property owners.

Section 3. DEFINITIONS

For the purpose of enforcing the provisions of this Ordinance, the following described terms and words, as used herein, shall have the following described meanings:

- A. The term "vehicle" shall be deemed to include motor vehicles, as well as trailers and

agricultural vehicles.

- B. The term "motor vehicle" shall be deemed to include every vehicle which is intended to move or transport persons or property which is self-propelled by means of an internal combustion engine, and shall include, but not be limited to, automobiles, trucks, vans, buses, truck tractors, motorcycles, motorbikes, motor scooters, mopeds, bulldozers, front end loaders and other types of construction equipment, logging skidders and snowmobiles.
- C. The term "trailer" shall be deemed to mean every vehicle which is not self-propelled and is designed and intended to carrying persons or property, and for being drawn by a motor vehicle.
- D. A vehicle shall be deemed "inoperable" where any of the following conditions exist:
- (1) Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof;
 - (2) Where it does not have all of its main component parts properly attached; or
 - (3) Where any other or additional conditions exist which cause the vehicle, if eligible for operation upon public streets, to be incapable of being operated in a lawful manner upon the public streets.
- E. The term "main component parts" shall be deemed to include all such parts or equipment as are necessary for a vehicle to be lawfully driven or drawn upon the public streets pursuant to the Michigan Vehicle Code, being Act Number 300 of the Public Acts of 1949, as amended, and shall include fenders, hood, wheels, radiator, motor, windows, doors, muffler, body, and essential engine parts.
- F. The term "person" shall mean an individual, firm, corporation, or other entity of any kind.
- G. The term "agricultural vehicle" shall mean a motor vehicle or conveyance designed and intended for agricultural use, and shall include, but not be limited to, garden

tractors, farm tractors, and other implements, either self-propelled or customarily towed, which are used in farming operations, but shall not include lawn mowers, Roto-tillers or other similar small equipment customarily associated with home gardening activities.

Section 4. PARKING AND STORAGE REGULATIONS

No person shall park or store or permit to be parked or stored upon any public or private premises within the Township of Powell owned, leased, rented, occupied or possessed by such person any vehicle, including a motor vehicle for sale, or new or used motor vehicle parts, any trailer or agricultural vehicle, unless one or more of the following conditions exist:

- A. Such parking or storage is located within a fully enclosed building; or,
- B. Such parking or storage:
 - (1) Does not occur in the front yard area of any premises; and,
 - (2) Such parking or storage as might occur in the side yard or rear yard area of any premises shall conform to the setback requirements set forth in the Zoning Ordinance of the Township of Powell for buildings or structures in the Zoning District wherein located and all other applicable provisions of said Zoning Ordinance; and,
 - (3) Any such storage or parking shall at all times be completely screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by solid ornamental fencing, terrain, trees, or other natural barriers; and,
 - (4) Such parking or storage is not otherwise prohibited by any other ordinance in effect within the Township of Powell, or;
- C. Such vehicle is:
 - (1) Not inoperable; and,
 - (2) Where subject to a license, currently and validly licensed for operation upon

- the public streets; and,
- (3) Such parking or storage is not otherwise prohibited by any other ordinance in effect within the Township of Powell; or,
- D. Such vehicle or parts are located in a duly licensed and properly zoned junkyard, salvage yard, or new or used car dealer's lot or storage yard, where such uses or operations are legally authorized under the Zoning Ordinance of the Township of Powell, and are conducted in conformance therewith; or,
- E. Such vehicle is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop legally authorized under the Township of Powell Zoning Ordinance, and registered with the State of Michigan pursuant to Act Number 300, Public Acts of 1974, as amended, and is locked, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not a public nuisance; or,
- F. Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and, where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner a dismantled vehicle; provided, however, that the premises shall not contain any such vehicle for longer than thirty (30) days in any one calendar year, calculated on a cumulative basis for the same or different vehicles, and notwithstanding that no one such vehicle remains upon the premises for more than said thirty (30) day period; or,
- G. Such vehicle is a modified vehicle in fully operating condition, such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured, provided that any such vehicle shall comply with all of the following restrictions:
- (1) No such vehicle shall be parked or stored in the front yard area of any

premises; and,

- (2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the Zoning District wherein located; or,

H. Such vehicle is what is commonly referred to as a "classic car" or an "antique car" or a similar type of vehicle which is in the process of engine, mechanical, or body restoration, provided that any such vehicle shall comply with the following restrictions:

- (1) No such vehicle shall be parked or stored in the front yard area of any premises; and,
- (2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required setback requirements applicable to buildings in the Zoning District wherein located and all other applicable provisions of said Zoning Ordinance; or,

I. Such vehicle:

- (1) Is in operating condition; and,
- (2) Has all of its main component parts properly attached; and,
- (3) Is for sale by the owner or occupant of the premises; and,
- (4) Is posted with a "For Sale" sign.

This provision shall be limited to allowing the outdoor storage of two such vehicles per lot or parcel at any one time; said vehicles shall be parked in the rear of the lot or parcel; or,

J. Such vehicle is an agricultural vehicle as defined in this Ordinance, which is not inoperable, and which is used or usable for agricultural purposes on the premises where located; or,

K. A special permit is first obtained therefor for a period of not to exceed thirty (30)

days from the Township Board of the Township of Powell, to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than two additional thirty (30) day periods upon a showing of due diligence and continued satisfaction of the criteria established by this Ordinance.

Section 5. NUISANCE

Any storage or parking activities in violation of the provisions of this Ordinance are hereby declared to be a public nuisance. In addition to the other remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, bate or remove any violations of this Ordinance. The imposition and payment of a civil penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 6. PENALTIES AND ENFORCEMENT

- A. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) per each such infraction. Every day that a violation continues to exist shall constitute a separate infraction. Such penalty provision shall not preclude any other civil action against a violator for injunctive or other relief.
- B. This Ordinance shall be enforced by the Supervisor of Powell Township, or by other person or persons as the Township Board may, by Resolution, from time to time, designate.
- C. The Township Supervisor is hereby authorized to issue civil infraction citations/appearance tickets to those persons in violation of the provisions of this

Ordinance.

Section 7. SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any clause, sentence, word or section, or provision is declared to be void or unenforceable, for any reason, by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than the part or portion thereof.

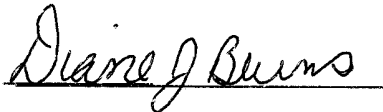
Section 8. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication.

Approved by the Township Board of Powell Township on the 11th day of June, 2002.


Sarah Pelto, Township Supervisor

Attest:



Township Clerk

