

TRAFFIC AND VEHICLES

41.000 MOTOR VEHICLE STORAGE AND REPAIR ORDINANCE NO. 111

Adopted: October 10, 1989
Effective: November 23, 1989

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

A. Title

This Ordinance shall be known and cited as the Cooper Township Motor Vehicle Storage and Repair Ordinance.

B. Purpose

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers, or tractor trailers, or new or used vehicle parts upon premises which are not zoned to permit such activities within the Township. This Ordinance is also to provide restrictions concerning the repair of said vehicles. It is further the purpose of this Ordinance to avoid injury and hazards to children and others attracted to such vehicles or trailers, to prevent degradation of the environment, to minimize the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

C. Definitions

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

1. A motor vehicle shall be deemed "inoperable" [inoperative] where any of the following conditions exist:
 - a. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 - b. Where it does not have all of its main component parts properly attached.
 - c. Where any other or additional conditions exist which cause the vehicle to be incapable of being driven under its own power, lawfully, upon the public streets.

2. "Main component parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for the vehicle to be lawfully driven upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended.
3. "Person" shall mean an individual, firm, corporation, or other entity of any kind.

D. Regulations

1. No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises within Cooper Township which is owned, leased, rented or occupied or possessed by such person any motor vehicle, house trailer, tractor trailer, or new or used motor vehicle parts unless one (1) or more of the following conditions exist:
 - a. Such vehicle is currently and validly licensed for operation upon the public streets, and is not inoperable [inoperative], and has all of its main component parts attached.
 - b. 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 Township Zoning Ordinance, and are conducted in conformance therewith.
 - c. Such vehicle is located at any authorized service station, garage, paint shop, or body shop legally authorized under the Cooper Township Zoning Ordinance and registered with the State of Michigan pursuant to 1974 PA 300, as amended, and is awaiting repairs or delivery to owners, and is locked, and currently and validly licensed for operation upon the public streets, and is not a public nuisance.
 - d. Such vehicle, although temporarily inoperable [inoperative] 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, that the premises shall not contain any such vehicle for longer than 14 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 14-day period. (*Amended by Ord. No. 167*)

- e. Such vehicle is: (1) is in operating condition, (2) has all of its main component parts attached, (3) is for sale by the owner or occupant of the premises, and (4) is posted with a for sale sign. The provision shall be limited to allowing the outdoor storage of one such vehicle per lot or parcel at any one time and not more than two vehicles are to be sold from said lot or parcel in any one year, and provided that the vehicle is displayed in the front or side yard but out of the road right-of-way and provided that the outdoor storage of any such vehicle be for not more than thirty (30) days. (*Amended by Ord. No. 167*)

- f. 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.
 - (2) Any such vehicle parked or stored in the side yard or rear yard area shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located.
 - (3) Any such vehicle 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 plantings.
 - (4) Upon written application, the Township Supervisor shall have authority to grant a waiver from the vehicle storage location requirements set forth in (1) or (2) above if the Township Supervisor reasonably determines: (a) that there are special circumstances beyond the control of the applicant that make it unfeasible or impractically difficult to locate the modified vehicle in full compliance with these requirements; (b) that no adjoining property owner will be materially adversely affected by the waiver; and (c) that the spirit and purposes of these regulations will still be observed. A waiver granted pursuant to this section shall be in writing and may include any conditions (including limits on the time length of the waiver) reasonably deemed necessary by the Township Supervisor to assure satisfaction of the aforementioned standards.
 - (5) If a trailer used for transporting the modified vehicle is also stored outdoors on the premises, the modified vehicle must be stored upon the trailer.

- g. A special permit is first obtained therefore for a period of not to exceed 30 days from the Supervisor of Cooper Township, or such other officer or official as the Township Board may designate, 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.

2. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any motor vehicle, house trailer, tractor trailer, or new or used motor vehicle parts upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition; and further provided that no such repair activities shall be conducted in such a manner as to constitute a nuisance or annoyance to adjoining property owners or occupants; and further provided that no such repair activities shall violate any provisions of the Cooper Township Zoning Ordinance.

E. Nuisance

Any parking, storage, repair, placement, or operations in violation of the provisions of this Ordinance are hereby declared to be a public nuisance, which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

F. Severability

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

G. Enforcement; violations and penalties

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

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| First offense..... | \$ 75.00 |
| Second offense within three years of first offense..... | \$ 150.00 |
| Third offense within three-year period..... | \$ 325.00 |
| Fourth offense within three-year period..... | \$ 500.00 |

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance. *[Amended by Ord. No. 132]*

H. Effective date [repeal of conflicting ordinances]

This Ordinance took effect on November 23, 1989. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 132, Eff. 08/25/1994]

[Amended by Ord. No. 167, Eff. 05/13/2000]