

TRAFFIC AND VEHICLES

**41.000 VEHICLE STORAGE AND REPAIR
 ORDINANCE NO. 267**

Adopted: January 8, 2024
Effective: February 15, 2024

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Cooper Charter Township, Kalamazoo County, Michigan, a municipal corporation, by the regulation of the outdoor storage of vehicles, tractor trailers, house trailers, and new or used parts or junk therefrom, within Cooper Charter 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 Charter Township Vehicle Storage and Repair Ordinance.

B. Purpose.

The purpose of this Ordinance is to limit and restrict the outdoor storage, repair or unreasonable accumulation of junk, unused, partially dismantled or non-operating motor vehicles, recreational vehicles, utility trailers, 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. “Motor vehicle: mean any self-propelled vehicle designed primarily for transportation of persons or goods.

2. “Recreational vehicle” shall mean any self-propelled or towed vehicle intended primarily for recreational purposes and shall include, but not be limited to motor homes, travel trailers, tent trailers, collapsible trailers, expandible trailers, pick-up coach campers, utility trailers, vehicle transporting trailers, camping trailers, boat trailers, snowmobiles, trail bikes or cycles, boats of any kind, all-terrain vehicles, and golf carts.

3. “Inoperable (inoperative)” shall mean a vehicle 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 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.
4. "Main component parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body, lights, 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.
5. "Person" shall mean an individual, firm, corporation, or other entity of any kind.
6. “Storage” shall mean the long-term accommodation of functioning and licensed vehicles and their component parts.
7. “Parking” shall mean the accommodation of functioning and licensed vehicles that are utilized on a consistent and regular basis for everyday operations.
8. “Utility Trailer” shall mean a nonmotorized, wheeled vehicle designed and constructed for the primary purpose of transporting goods, equipment, or materials. These trailers are typically hitched to a motorized vehicle, such as a car or truck, for towing.

D. Regulations.

1. Parking.

Parking of vehicles shall be regulated by Ordinance 120.310: Off-Street Parking Requirements of the Cooper Charter Township Zoning Ordinance.

2. Storage.

No person shall store or permit to be stored outside of a fully enclosed building upon any public or private premises within Cooper Charter Township which is owned, leased, rented or occupied or possessed by such person any motor vehicle, recreational vehicle, house trailer, tractor trailer, utility 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 Charter 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 shall comply with all of the following restrictions:
 - i. No such vehicle shall be stored in the front yard area of any premises.

- ii. Any such vehicle stored in the side yard or rear yard area shall conform to the required setback requirements for accessory buildings in the zoning district wherein located.
 - iii. Any such vehicle shall at all times be screened from the view of persons standing on adjoining roadways and the ground level of adjoining properties by either, or a combination of, a six (6) foot solid ornamental fence, terrain that conceals the vehicle, trees or other plantings at least six (6) feet in height.
 - iv. If a trailer used for transporting the vehicle is also stored outdoors on the premises, the vehicle must be stored upon the trailer.
- f. Special Permit
- i. Upon written application, the Township Supervisor shall have authority to grant a waiver from the vehicle storage location requirements set forth in D.2.e.i. and ii. above if the Township Supervisor, after consultation with the Zoning Administrator and Ordinance Enforcement Officer, reasonably determines: (a) that there are special circumstances beyond the control of the applicant that make it unfeasible or impractically difficult to locate the 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.
 - ii. A waiver granted pursuant to this section shall be in writing and may include any conditions (including a reduced time length of the waiver) reasonably deemed necessary by the Township Supervisor to assure satisfaction of the aforementioned standards.

- iii. A special permit may first be obtained for a period not to exceed 30 days. An additional 30 days may be granted if the Township Supervisor, after consultation with the Zoning Administrator and Ordinance Enforcement Officer, finds a special circumstance exists beyond the control of the applicant that warrants additional time. Any allowance beyond this second 30 days must be approved by the Cooper Charter Township Board.

3. Vehicle Repair.

No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any motor vehicle, recreational vehicle, utility trailer, 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 Charter Township Zoning Ordinance.

4. Vehicle Sales.

- a. Vehicle sales are prohibited on property zoned CBD, C-1, C-2, C-3, I-1, I-2, or I-3 unless legally authorized by the Cooper Charter Township Zoning Ordinance for such sales.
- b. Not more than one motor, unpowered, or recreational vehicle as defined herein may be sold on residentially zoned property if:
 - i. it is in operating condition,
 - ii. it has all its main component parts attached,
 - iii. it is for sale by the owner or occupant of the premises, and
 - iv. it 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 public or private road right-of-way and provided that the outdoor storage of any such vehicle is not more than thirty (30) days.

E. Nuisance

Any 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:

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]

[Amended by Ord. No. 267, Eff. 02/15/2024]