

ASHLAND TOWNSHIP ORDINANCE NO. 06-19

VEHICLE STORAGE AND REPAIR ORDINANCE

AS AMENDED BY ORDINANCE 6-9-15-1

Adopted: April 11, 2006

Effective: June 3, 2006

Amendments effective July ____, 2015.

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Ashland Township, Newaygo County, Michigan, a municipal corporation, by the regulation of the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft and new or used parts or junk therefrom, within said Township of Ashland; to provide civil sanctions and remedies for the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF ASHLAND

NEWAYGO COUNTY, MICHIGAN

ORDAINS:

SECTION I

NAME

This Ordinance shall be known and as the Ashland Township Vehicle Storage and Repair Ordinance.

SECTION II

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 inoperable vehicles, including any conveyance, trailer, boat, aircraft or new or used parts thereof upon premises within the Township; to provide restrictions concerning

the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; and to minimize the devaluation of property which may be caused by the presence of the same upon adjoining residents and property owners.

SECTION III

DEFINITIONS

- A. "Vehicle" means any vehicle, motorized or not, operated or designed to be operated on public or private highways, streets or roads.
- B. "Vehicle" also means any machine, motorized or not, that is or can be used as a pleasure vehicle on private property, such as boats, snowmobiles and dirt bikes.
- C. "Main Component Parts" means fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.
- D. "Inoperable" means a vehicle or machinery with any of the following conditions in existence:
 - 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.
 - 3. 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. Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose it was designed.

SECTION IV

REGULATIONS

- A.No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within Ashland Township any vehicle, including any

conveyance, boat, aircraft, or trailer of any kind or new or used parts therefrom unless one or more of the following conditions exist:

1. Such parking or storage is located within a fully-enclosed building.
2. A special permit is first obtained therefor for a period of not to exceed 60 days from the Supervisor of Ashland Township or such other officer or official as the Township Board may designate to be granted, only after a hearing before and approval by the Township Board 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. If a 60 day special permit is granted, the Township Board shall schedule a status review after the first 30 days of the granting of the permit.
3. Such vehicle or conveyance is licensed or registered by the State of Michigan, has a valid license plate for that vehicle displayed upon it, is an operable vehicle or conveyance, has all of its main component parts attached, as hereinafter defined, and is, in fact, regularly operated for its designed purpose;
4. Such vehicles, boats, trailers, aircraft or conveyances are located in a duly licensed and properly zoned junkyard, salvage yard, new or used car dealer's lot, automobile repair facility or storage yard where such uses or operations are legally authorized under the Township Zoning Ordinance.
5. Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, provided such vehicle or vehicles are locked, licensed by the State of Michigan, and are not a public nuisance.
6. Such vehicle, boat, trailer, aircraft or conveyance, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not in any manner a dismantled vehicle; and the premises do not contain any such vehicle, boat, aircraft, trailer or conveyance for longer than 14 days in any one year. "Main component parts" shall, for the purpose of this Ordinance, mean those parts required by State law or by necessity for its operation upon a public highway, waterway or airway.

- B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle, boat, trailer, aircraft or conveyance or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except as follows:
1. Such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition, subject to the 14-day cumulative annual provision contained in Section 2, below. ___.
 2. A temporarily inoperable vehicle because of minor mechanical failure has substantially of its main component parts attached, is currently and validly licensed for operation upon the public streets, and is not in any manner dismantled; may be temporarily stored or repaired out-of-doors provided that no premises shall contain any such vehicle for longer than 14 days in any one calendar year; calculated on a cumulative basis for the same of different vehicles and notwithstanding that no one such vehicle remains upon the premises for more than said 14-day period.
 3. Such vehicle is a hobby vehicle and is stored in accordance with the provisions of section IV. D. of this Ordinance”.
- C. The foregoing shall not be construed to prohibit the storage of farm machinery, vehicles, equipment and material used for agricultural purposes upon an operating farm of not less than ten (10) acres. Farm equipment not in use but stored for parts shall be stored in an area that is obscured from adjacent premises and roads.
- D. A person, firm, or corporation is permitted to store out-of-doors, house or maintain a single (1) motor vehicle that is unlicensed and/or inoperable for the purposes of restoring, maintaining, showing or tinkering with the same under the following conditions:
1. The person, firm or corporation has title to the vehicle(s);
 2. The vehicle(s) is stored within a fully enclosed building when not being restored or tinkered with.
 3. The vehicle(s) is located behind the main building, a shed or an outbuilding on the premises which obscures it from view from all public streets.
 4. In no event shall vehicle(s) not presently being worked on or tinkered with be parked in the front yard or driveway of a residential premises

and if presently being worked on, such front yard or driveway parking shall not occur for more than two (2) consecutive days.

5. Parts or portions of hobby vehicles kept under this provision must be in compliance with Section IV.B and C of this Ordinance.

SECTION V

NUISANCE

Any parking, storage, 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 the fines and penalties herein provided for. **SECTION VI**

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 this Ordinance other than said part or portion thereof.

SECTION VII

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 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-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Ashland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in

any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VIII

REPEAL

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed; however, legal proceedings presently pending on an Ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance.

SECTION IX

EFFECTIVE DATE

This Ordinance shall take effect on June 3, 2006.

Adopted: April 11, 2006.

ASHLAND TOWNSHIP
Margaret Goodmonson, Clerk
2019 W. 120th St.
Grant, MI 49327
(231) 834-7535

ASHLAND TOWNSHIP ORDINANCE NO. 06-20

LITTER ORDINANCE

AS AMENDED BY ORDINANCE NO. 6-9-15-1

Adopted: April 11, 2006

Effective: June 3, 2006

Effective date of amendments July _____, 2015

An Ordinance to protect the public health, safety and general welfare of persons and property within Ashland Township through the regulation, control and prohibition of the depositing of rubbish, waste, litter, and debris upon public and private property within the Township; to provide penalties for the violation thereof and to repeal any ordinances or parts of ordinances in conflict therewith.

ASHLAND TOWNSHIP

NEWAYGO COUNTY, MICHIGAN

ORDAINS:

SECTION I

NAME & PURPOSE

- A. This Ordinance shall be known and cited as the Ashland Township Litter Ordinance.
- B. Purpose. To protect the public health, safety and general welfare of persons and property within Ashland Township through the regulation, control, and prohibition of the depositing of rubbish, waste, litter and debris upon public and private property within the Township, to provide penalties for the violation thereof and to repeal any Ordinance or parts of Ordinances in conflict therewith.

SECTION II

DEFINITIONS

Litter as used in this Ordinance means all garbage, scrap and waste materials including, but not limited to, rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and/or discarded/unused appliances and equipment, cut or broken tree branches, and broken or discarded plaster, concrete, or brick building materials.

"*Litter* shall also include any machine, motorized or not, which is operated or designed to be operated for the purposes of agriculture, manufacturing, processing, construction, transportation or household use; such as, but not limited to washing machines, dryers, diskers, spreaders, bobcats, excavators, rollers, and combines."

SECTION III

REGULATIONS

- A. It shall be unlawful for any person, without the consent of the public authority having supervision of public property or the owner or occupier of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of litter or any other materials on any public or private property or waters within Ashland Township other than property designated and set aside for such purposes. The phrase "public or private property or waters" includes, but is not limited to, the right-of-way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters; any park, playground, building, refuge, or conservation or recreation area; and any residential, commercial, industrial, or farm properties or vacant or unimproved lands.
- B. It shall be unlawful for any person to aid, assist, or abet another to violate any of the provisions of the within Ordinance.
- C. The owner or occupant of any building or premises within the Township shall not permit or cause the outdoor storage of litter on such premises, subject to the following exceptions:
 - (1) Such litter is temporarily stored outdoors for not more than 14 days or for longer than any period which would cause the same to be odorifer-

ous or a breeding place of insects or rodents, whichever is the lesser period.

- (2) Such litter does not include garbage or other putrescible liquids or solids, is screened from the view of all adjacent properties and abutting public or private rights-of-way, and is being stored only between public litter collection times, which shall occur at least monthly.
- (3) Logs, branches, or other scrap wood may be neatly stacked outdoors on an occupied premises, provided such storage (1) does not exceed 640 cubic feet in area; (2) is not located within any required building setback areas as specified in the Ashland Township Zoning Ordinance; and (3) complies with all applicable "Fire Codes" and other ordinance requirements. The limitation of 640 cubic feet shall not apply to logs, branches, or other scrap wood stored and used in connection with a lawful industrial, commercial or agricultural operation on the site or in circumstances where the burning of wood is a source of heat for a residence.
- (4) Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Ashland Township Zoning Ordinance.
- (5) A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Ashland Township or such other officer or official as the Township Board may designate to be granted after a hearing before and approval by the Township Board and 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 one additional 45-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

SECTION IV

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible

for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 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-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Ashland Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION V

VALIDITY

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part or portion thereof so declared to be invalid.

SECTION VI

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VII

EFFECTIVE DATE

This ordinance shall take effect on June 3, 2006.

Adopted: April 11, 2006.

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