

GARFIELD TOWNSHIP
JUNK ORDINANCE TABLE OF CONTENTS

PREAMBLE.....	1
ARTICLE I NAME	1
ARTICLE II PURPOSE	1
ARTICLE III GENERAL PROVISIONS	2
ARTICLE IV - DEFINITIONS	2
ARTICLE V PROHIBITED ACTS	4
ARTICLE VI PROCEDURE	5
ARTICLE VII PENALTIES	5
ARTICLE VIII INAPPLICABILITY	6
ARTICLE IX EFFECTIVE DATE	6
ARTICLE X REPEAL	6

PREAMBLE

The Board of Garfield Township determines that the public peace, health, safety and welfare of the citizens of Garfield Township is threatened by the accumulation, storage, abandonment or discarding of garbage, rubbish, demolition and construction debris, junk, junk vehicles and parts of such vehicles, which can result in adverse soil and water pollution, fire hazard, injury to persons and public health by disease and pests, blight or potential blight where such conditions are exposed to public access in Garfield Township and where such activity is not otherwise regulated by state law, township or village ordinances.

ARTICLE I - NAME

This Ordinance shall be known and cited as the GARFIELD TOWNSHIP JUNK ORDINANCE. For the purposes of brevity, it shall be referred to hereinafter as the "Ordinance".

ARTICLE II - PURPOSE

The purpose of this Ordinance is to regulate and control the storage and disposal of junk within Garfield Township; to promote the public health, safety and welfare; to protect land and water resources; to provide for the safety of residents in the area; and, to regulate matters of legitimate Township concern, by; 1. Defining certain terms used herein. 2. Regulating the volume and conditions under which a person may store junk on one's own land. 3. Regulating and coordinating with zoning ordinances the use and operation of junk yards in the Township. 4. Providing for enforcement and a system of due process for removal of junk from one's land, and 5. Providing for other miscellaneous provisions necessary for regulation of Township affairs.

This Ordinance is enacted pursuant to Michigan Public Act 246 of 1945, as amended, being Michigan Compiled Law 41:181, et seq.

ARTICLE III - GENERAL PROVISIONS AND VALIDITY AND SEVERABILITY

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part directly involved in the controversy in which said judgment shall have been rendered.

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

Whenever any provision of this Ordinance refers to or cites a section of the Michigan Statutes and that Michigan Statute is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended Michigan Statute section or the section thereof that most nearly corresponds to the superseded section.

In the interpretation of this Ordinance, the following rules shall apply:

1. Words in any gender shall be deemed to include the masculine, feminine, and neuter.
2. Words used in the present tense shall include future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

ARTICLE IV DEFINITIONS

CLASSIC OR ANTIQUE CAR- A classic or antique car is defined as a motor vehicle over 25 years of age.

CONSTRUCTION AND DEMOLITION DEBRIS - Any type of solid waste consisting of waste building materials and rubble resulting from the construction, remodeling, repair and demolition of houses, commercial and industrial 5 buildings and other structures which includes but is not limited to metal, concrete, glass, brick, asphalt, and roofing materials.

DISTRESSED VEHICLE - Any motor vehicle or vehicle that has been wrecked, scrapped, ruined, junked, dismantled or damaged to such an extent that an owner or an insurance company considers it uneconomical to repair the vehicle.

GARBAGE - Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable not in an appropriately maintained composting operation, or not using generally accepted agricultural practices.

JUNK - Any manufactured goods, appliance, fixture, tires, furniture, machinery, boat or personal property, or any part of the preceding things or anything, whether of value or valueless, that is demolished or discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state, and shall include scrap ferrous or non-ferrous material, rubber,

cloth, paper, rubbish, refuse, litter, materials from demolition, waste building materials, refuse from industrial and manufacturing operations, junked, abandoned, scrapped, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines; excluding, however, the following items: items being held for a customer on the premises of a lawful vehicle or equipment repair shop while parts are being sought for its repair; and items and junk kept at a licensed junk yard.

JUNK MOTOR VEHICLE - Any motor vehicle which is

- (a) distressed,
- (b) missing a major component part,
- (c) used as a storage container, and is distressed or missing a major component part, or
- (d) is not capable of operation because of missing or broken parts and cannot be made operational by simple mechanical or electrical repairs or simple replacement of any part(s) in order to qualify for use under the Michigan Motor Vehicle Code, 1939 PA 300, as amended, and includes wreckage or any part(s) of a motor vehicle except for the following:
 - 1. Articles used to farm or conduct farm operations in accordance with generally accepted agricultural and management practices, under the Right to Farm Act, being 1981 PA93, as amended.
 - 2. A motor vehicle in operating condition eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, 1939 PA No. 300, as amended.
 - 3. A motor vehicle in operating condition held as stock in trade by a lawful and properly licensed dealer of new and used motor vehicles or equipment held as stock in trade.
 - 4. A motor vehicle or parts thereof located in junk yards or the places of business of wreckers duly licensed by state or township authority pursuant to state law or local zoning law.
 - 5. A motor vehicle temporarily inoperable due to minor mechanical or electrical failure but which is not a junk vehicle. Outdoor storage of temporarily inoperable vehicles shall not exceed thirty (30) days.

MAJOR COMPONENT PART - Means one or more of the following parts of a motor vehicle:

- 1. The engine.
- 2. The transmission.
- 3. The hood.
- 4. A door allowing ingress or egress from the vehicle's passenger compartment.
- 5. The deck lid, or hatchback.
- 6. The trunk floor pan.

7. The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame.
8. The cab of a truck.
9. The body of a passenger vehicle.
10. The right or left rear quarter panel.
11. The window glass.
12. Tires.

MOTOR VEHICLE - Any vehicle which, by design, is or is intended to be self-propelled, and by which any person or property is or may be carried or transported, except devices exclusively moved by human power and a mobile home.

PERSONS - Means an Individual, Sole Proprietorship, Partnership, Association, Firm, Trust, Company, or Corporation, Public or Private.

PUBLIC VIEW OR ACCESS - Means the ability of any person lawfully present or traveling upon public or private property to have a view of another premises upon which junk, junk vehicle(s), garbage, rubbish, or construction or demolition debris is stored or accumulated.

PREMISES - Means any lot or parcel of land owned or occupied by any person, vacant or improved with any dwelling, building or other structure; or public lands, or public right of way or easement.

RUBBISH - Means miscellaneous waste material resulting from housekeeping and ordinary commercial enterprises, including but not limited to, ashes, cartons, cans, bottles, metal, boxes, wasted papers, glass, bedding, crockery, wood, used lumber, paper, rags, tires or machinery parts.

RUINED - Means formless, useless or valueless.

SCRAPPED - Means having no value except as scrap metal.

WRECKED - Means the outward appearance of the specific item or vehicle is deformed, damaged or defaced.

YARD WASTE - Means leaves, grass clippings, vegetable or other garden debris, shrubbery, brush or tree trimmings that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

UNDEFINED WORDS - Any word not defined herein shall be interpreted within its common and approved usage or as defined in a standard dictionary.

ARTICLE V PROHIBITED ACTS

No person shall cause, allow or permit the accumulation, storage, abandonment or discarding of rubbish, junk, construction or demolition debris, or garbage, not including yard waste, in or upon any premises. No person shall cause, allow or permit the accumulation, storage, parking, abandonment or discarding of more than one junk vehicle in or upon any premises, unless the junk

vehicle(s), or any part thereof, shall be contained within a fully enclosed building, so that the junk vehicle(s) are not exposed to public access or view, and not contributing to the pollution of water or soils. Not more than one (1) modified vehicle in fully operating condition, such as a stock modified, redesigned, or reconstructed vehicle for the purpose other than that for which it was manufactured (such as a demolition derby car or monster truck), may be permitted on a premises in public view or access for more than ninety (90) days within a calendar year. Additional modified vehicles may be stored on a premises if the additional modified vehicles are parked or stored out of public view in a building, garage or other type of fully enclosed structure. Not more than one (1) classic or antique car may be permitted within public view or access on a premises; provided, however, that the vehicle shall be in operating condition and eligible for use in accordance with the requirements of the Motor Vehicle Code. Additional classic or antique cars may be stored on a premises if the additional classic or antique cars are parked or stored out of public view in a building, garage or other type of fully enclosed structure. Temporarily inoperable vehicles shall not be stored outdoors for more than thirty (30) days. No person shall cause, permit or allow junk, rubbish, garbage, junk vehicles, or construction or demolition debris, any of which is stored or accumulated on a premises in violation of this Ordinance, to be transferred to another premises for storage or accumulation in a manner that would also violate this Ordinance.

ARTICLE VI PROCEDURE - COMPLAINT

Any person may file a complaint for an alleged violation of this Ordinance by providing oral or written notification of the alleged violation to the Garfield Township office or the Newaygo County Sheriff's Office, or to some other authorized local official.

ISSUANCE OF CITATIONS - A citation for an alleged violation of this Ordinance may be issued by an authorized local official, including, but not limited to Garfield Township zoning official, a deputy of the Newaygo County Sheriff's Office. Such persons may issue a citation if he or she has a reasonable cause to believe an infraction has occurred, based upon either personal observation or upon the report of a person who has allegedly witnessed said infraction. Citations shall be served in accordance with the requirements of state law.

ARTICLE VII PENALTIES

A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for the first offense and not less than Five Hundred Dollars (\$500), nor more than One Thousand Dollars (\$1000) for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, expenses, and actual attorney's fees incurred by the Township, or by its designated enforcing authority, in enforcing the ordinance. For purposes of this section, "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within twelve (12) months after a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day that a violation occurs shall constitute a separate offense.

LIEN TO ENFORCE FINES, COSTS AND PENALTIES - The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this ordinance

shall be paid to the Township, or to its designated enforcing authority, immediately upon entry of the court order. If the civil fines, costs, assessments, damages and/or expenses are not paid within 30 days, the Township, or its designated enforcing authority, may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, assessment, damages and/or expenses with Newaygo County Register of Deeds. The lien may be enforced and discharged in the manner prescribed by the General Property Tax Act.

INJUNCTIVE RELIEF - A violation of this ordinance is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Township, or its designated enforcing authority, from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

ARTICLE VIII INAPPLICABILITY

The following shall not be considered a violation of this Ordinance. The outdoor storage, for not more than eight (8) days, of household waste in watertight storage receptacles designed for the temporary accumulation of trash prior to roadside pickup and disposal by a licensed waste hauler. New or used boats, recreational vehicles, or automobiles kept as stock in trade of a regularly established business in compliance with the zoning ordinance. Any junk yard which has obtained under a special land use permit issued by Garfield Township and met all the necessary licensing requirements. Body shops or automobile mechanic services that keep automobiles for stock or trade and are an established business under the Garfield Township Zoning Ordinance.

ARTICLE IX EFFECTIVE DATE

A notice of adoption and summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township, within 15 days after adoption. The Ordinance shall become effective 30 days after such publication.

ARTICLE X REPEAL

Garfield Township Ordinance Number 006 – Junk Ordinance is hereby repealed. All Township ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are repealed, but only to the extent that the terms conflict with the terms of this ordinance.

AYES Members: 4 NAYS Members: 0 GARFIELD
TOWNSHIP JUNK ORDINANCE DECLARED ADOPTED.

12/12/2013 date _____ Kristin Melvin, (Clerk) I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Garfield at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

_____, Kristin Melvin, Clerk.