

TUSCOLA TOWNSHIP ORDINANCE NO. 2020-3

TUSCOLA TOWNSHIP VEHICLE STORAGE AND REPAIR ORDINANCE

ADOPTED: May 19, 2020

EFFECTIVE: July 3, 2020

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Tuscola Township, Tuscola County, Michigan, a municipal corporation, by the regulation of vehicle storage and repair within said Township of Tuscola; to provide for violations and enforcement of this Ordinance; to provide for severability; to repeal any Ordinance or parts of Ordinances in conflict herewith; and to provide an effective date.

THE TOWNSHIP OF TUSCOLA

TUSCOLA COUNTY, MICHIGAN

ORDAINS:

SECTION I

NAME

This article shall be known and may be cited as the "Tuscola Township Vehicle Storage and Repair Ordinance."

SECTION II

PURPOSE

The purpose of this article is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled or non-operating vehicles, including any conveyance, trailer, boat, aircraft or new or used parts thereof upon vacant or occupied 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; to prevent degradation of the environment caused by such vehicles; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION III

DEFINITIONS

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

Agricultural vehicle means a motor vehicle or conveyance designed and intended for agricultural use.

Conveyance shall mean any trailer, as defined below, and any "house trailer" or "camper." The terms "recreational trailer," "camper," "recreational vehicle," "motor home," and "travel trailer" as utilized in this article shall be synonymous with and are intended to mean that group of conveyances which are capable of being moved on their own chassis or wheels upon a roadway or highway, either with or without its own engine; which can be utilized or occupied as a temporary residence or vacation structure for limited time periods, which are not designed to be permanently connected to electrical power, water, sewage and potable water utilities, whether or not said unit is licensed and operational for use as a vacation trailer or temporary dwelling.

Inoperable. A vehicle, trailer or conveyance 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.
- (3) For motor vehicles, 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) When any other or additional conditions exist which cause the vehicle, trailer or conveyance to be incapable of being used for the purpose for which it was designed.

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.

Person shall mean an individual, firm, corporation, or other entity of any kind.

Regularly used for its intended purpose means as follows:

- (1) For motor vehicles, passenger cars, vans and motorcycles designed primarily as individual or group private transportation, such vehicle must be used for passenger transportation at least one time in any calendar month.
- (2) For conveyances including travel trailers, motor homes, campers, recreational vehicles and recreational trailers, such item must be removed from the site for use as temporary off-site living quarters at least once every calendar year.
- (3) For snowmobiles, dirt bikes, ORVs, boats and other conveyances, the conveyance must be either:

- a. Stored on a fully licensed and operable trailer that is utilized and moved at least one time every season; or
 - b. Must be utilized at least one time per season if not stored on a trailer.
- (4) Unloaded trailers as defined herein must be used at least one time every 90 days and shall be licensed as required by the State of Michigan.

Trailer shall mean any wheeled but not motorized equipment designed or used to be pulled by a vehicle (as defined herein) on public or private highways, including but not limited to a truck trailer, flatbed trailer; equipment trailer, stock trailer, semi-truck trailer, boat or snowmobile trailer, cement roller on wheels, and motorcycle or dirt bike trailer. Conveyance shall also mean a motor home, camper, recreational vehicle or trailer.

Vehicle shall mean any motorized equipment operated or designed to be operated on public or private highways, streets or roads including any passenger vehicle, van, minibus, bus, truck, motorcycle, tractor, recreational vehicle, or other motorized vehicle. "Vehicle" also means any motorized machine which is designed to be used, is used, or can be used as a pleasure vehicle for the transportation of one or more persons or objects on private or public property, such as boats, snowmobiles, recreational vehicles, all-terrain vehicles and dirt bikes.

SECTION IV

REGULATIONS

- A. No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within the Township of Tuscola owned, leased, rented or occupied or possessed by such person 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 or in an area that is totally obscured from adjacent premises or adjacent roads or highways by natural land contours, evergreen screening or fencing;
 - (2) Such vehicle or conveyance has all of its main component parts attached, is licensed or registered by the State of Michigan and bears a valid and current Michigan license plate for that vehicle or conveyance, is an operable vehicle or conveyance as hereinafter defined, and is, in fact, regularly operated for its designed purpose;
 - (3) Such vehicle is a stock car or racing vehicle which is regularly used for the purpose of stock car showing or for racing and is stored upon a licensed trailer or conveyance with all of its main components attached within the side or rear-yard setbacks for the property in accordance with the Township Zoning Ordinance;
 - (4) Such vehicles, boats, trailers, aircraft or conveyances are located in a duly-licensed and properly zoned Salvage Yard, New and Used Automobile Sales, Auto Body Repair Shop, Gasoline Service Station, where such uses or operations are legally authorized and to the extent 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 article, mean those parts required by state law or by necessity for its operation upon a public highway, waterway or airway.

(i) Exception to sub-paragraph (6): A person, firm, or corporation is permitted to store out-of-doors, house or maintain up to two (2) motor vehicles that are 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 at least ninety percent (90%) covered by a tarpaulin or stored within a fully enclosed building when not being restored or tinkered with.
3. The vehicle(s) is located behind the main building on the premises, behind a fence, natural land contours or evergreen screening or behind a shed or outbuilding on the premises.
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 fourteen (14) consecutive days.
5. Parts of portions of hobby vehicles kept under this provision must be in compliance with Section 3 (B) and (C) of this Ordinance.

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 such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition and as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Tuscola Township Zoning Ordinance.

- C. Recreational vehicles, trailers and conveyances, designed as temporary living quarters may be parked and actually used as temporary living quarters on premises with a principal primary residential use only for not more than a cumulative 21 days in any one calendar year. The owner or user of such recreational vehicle shall ensure that during the periods of use as a temporary dwelling there is an adequate potable water supply and adequate waste handling facilities for the use.
- D. The foregoing shall not be construed to prohibit the storage of commercial farm machinery, vehicles, equipment and material used for commercial agricultural purposes upon an operating farm. Farm equipment not in use but stored for parts shall be stored in an area totally obscured from adjacent premises and roads.

SECTION V

NUISANCE

Any parking, storage, placement, repair activities, or operations in violation of the provisions of this article 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 article 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 article other than said part or portion thereof.

SECTION VII

VIOLATIONS AND ENFORCEMENT

- A. Any person or entity that violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

---	1st offense	\$ 100.00
---	2nd offense*	\$ 200.00
---	3rd or subsequent offense*	\$ 500.00

*within 3-year period 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, which the Township has incurred in connection with the municipal civil infraction.

- D. This ordinance shall be administered and enforced by the person designated by the Township Board as the Blight Enforcement Officer(s) of the Township, the Township Supervisor, or by such other person(s) as the Township Board may designate from time to time.

SECTION VIII

REPEAL

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed including but not limited to Ordinance No. 2.20A entitled the Tuscola Township Anti-Blight Ordinance; 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. This ordinance is not to be interpreted so as to vary the terms of or to create an inconsistency with the Tuscola Township Zoning Ordinance.

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

TUSCOLA TOWNSHIP
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