



VILLAGE OF EDWARDSBURG
COUNTY OF CASS, STATE OF MICHIGAN
ORDINANCE NO. 1990-116
ADOPTED: January 21, 2008
EFFECTIVE: May 17, 2008

Junk or Inoperable Vehicle Ordinance _____

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Edwardsburg, Cass 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 there-from, within said Village of Edwardsburg to provide civil sanctions and remedies for the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

SECTION 1 - 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-operational vehicles, including any conveyance, trailer, boat, aircraft or new or used parts thereof upon premises within the Village; 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 values which may be caused by the presence of the same upon adjoining residents and property owners.

SECTION II - REGULATIONS

- (A) No person, firm, or corporation shall park, store, or locate upon any public right-of-way or public property, or upon any premises primarily used or zoned for any type of residential purpose within the Village, any motor vehicle, house trailer tractor trailer, or new or used parts thereof, unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the Township, County, or State of Michigan, except for the following:
1. Such vehicle or conveyance licensed or registered by the State of Michigan, is an operable vehicle or conveyance, has all of its main component parts attached and is regularly operated for its designed purpose.
 2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
 3. Not more than one vehicle in fully operating condition, such as stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which is was manufactured, provided it is stored in a building or enclose in a solid, six foot fenced in area in the back yard. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.
 4. Motor vehicles, house trailers, tractor trailers, or new and used parts thereof located or situated in a licensed junk yard, salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the zoning ordinance of the Village.

(B) PROHIBITION OF REPAIRING, REDESIGNING, MODIFYING, A DISMANTLING OF VEHICLES

No repairing, redesigning, modifying, or dismantling work or operation shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or parts thereof upon any public right-of-way of public property or on any property primarily used or zoned for any type of residential purpose for a period in excess of 24 hours except such as shall be accomplished with fully enclosed buildings, as will not constitute a nuisance or annoyance to adjoining property owners or occupants, or as does not violate any provisions of the Village's Zoning Ordinance. Any such work within such 24-hour period thereto fore allowed shall not, however, consist of an major repair, redesigning, modifying, or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or part thereof in normal operating condition.

SECTION III - NOTICE TO REMOVE VEHICLE OR BRING INTO COMPLIANCE

The owner, if possible, and the occupant of any property upon which causes a vehicle(s) to be in noncompliance as set forth in Section II, shall be notified in writing to; license and make operable or remove vehicle(s) within fourteen (14) days after service of the notice upon such person. Such notice shall be served personally or by certified mail, return receipt requested, Additional time may be granted by the enforcement officer where bonafide efforts to remove vehicle(s) or store in a building

SECTION IV - ENFORCEMENT

This Ordinance shall be enforced by such persons who shall be so designated by the Village Board.

SECTION V – 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*	\$25.00	\$50.00
2nd Offense within 3-year period*	50.00	75.00
3rd Offense within 3-year period*	75.00	100.00
4th or More Offense* - May issue State of Michigan Uniform Civil Infraction Citation for a hearing in the 4 th District Court, Cass County, Michigan		

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 the Village of Edwardsburg has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$100.00 be ordered.

*In addition, the Village 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 VI - VIOLATIONS: CIVIL ACTION

The Village or any other person adversely affected by a violation of this Ordinance, may commence an action in the Circuit Court for Cass County for an injunction, or other appropriate remedy, to prevent, enjoin, abate correct or remove unlicensed inoperable vehicles, permitted, accumulated, stored or maintained in violation of this Ordinance, and to prevent, enjoin, abate or otherwise prohibit the continuation of such violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION VII - SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

SECTION VIII - SUPPLEMENTARY EFFECT

All ordinances of the Village heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.

SECTION IX - REPEAL OF CONFLICTING ORDINANCE

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but only to the extent of such conflict or inconsistency.

SECTION X -EFFECTIVE DATE

Provisions of this amendment ordinance shall take effect and be in force 30 days after publication.

SECTION XI - CERTIFICATION

I, Bernadine Tilbury, Clerk of the Village of Edwardsburg, Cass County, Michigan do hereby certify that the above Ordinance Amendment was passed on the 21st day of January 2008 and the vote thereon was as follows: Moved by -----

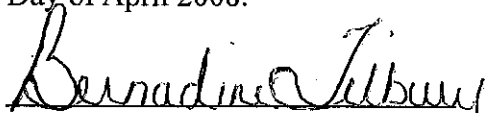
ROLL CALL VOTE:

YES: Scott Mackling, Nancy Stoner, Sherry Dannenberg, Jacque Tighe

NO: None

ABSENT: William Rauch, Bruce Campbell

I do further certify that the foregoing Ordinance Amendment was published in the Edwardsburg Argus, a newspaper circulated in the Village of Edwardsburg, Cass County, Michigan on the 17th Day of April 2008.



Bernadine Tilbury, Clerk