

VILLAGE ORDINANCE

NO. 116

INOPERABLE MOTOR VEHICLE ORDINANCE

*Replaced
2008*

AN ORDINANCE TO REGULATE INOPERABLE MOTOR VEHICLES AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE VILLAGE OF EDWARDSBURG ORDAINS:

Section 1. STORAGE - No person, firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle or parts thereof on any premises in the Village of Edwardsburg for a period of more than thirty (30) days continuously, and no person, firm or corporation shall permit any dismantled, partially dismantled or inoperable motor vehicle or parts thereof to remain on any premises in the Village of Edwardsburg for a period of more than thirty (30) days continuously. This section shall not apply to dismantled, partially dismantled or inoperable motor vehicles, or parts thereof stored in a closed building, or to dismantled vehicles, partially dismantled or inoperable motor vehicles stored in a duly established automobile wrecking establishment that has and is complying with all of the Ordinances of the Village of Edwardsburg and the Statutes of the State of Michigan, nor shall this Ordinance have any application to the storage of dismantled, partially dismantled or inoperable motor vehicles by a duly established garage or automobile dealership for a period of less than six (6) months.

Section 2. PERMIT - Any person, firm or corporation owning a dismantled, partially dismantled or inoperable motor vehicle, who is repairing or who is about to have the said motor vehicle repaired, may apply for a permit from the Village Clerks Office to allow the said motor vehicle to remain on the premises for a period of an additional thirty (30) days. A fee of \$5.00 for each permit issued shall be collected by the Village and paid into the General Fund.

Section 3. OUTDOOR STORAGE NUISANCE - The presence of any dismantled, partially dismantled or inoperable motor vehicle or parts thereof, outdoors on any premises in the Village of Edwardsburg is hereby declared to be a public nuisance and is hereby further declared to be offensive to the public health, welfare and safety.

Section 4. DEFINITIONS - Motor vehicles are hereby defined as any wheeled vehicles which are self-propelled or intended to be self-propelled. Inoperable motor vehicles are defined as motor vehicles which, by reason of dismantling, disrepair or other causes, are

incapable of being propelled under their own power. Dismantled and partially dismantled motor vehicles are defined as motor vehicles from which some part or parts, which are ordinarily a component of such motor vehicle, has been removed or is missing, or any automobile which has not been licensed for more than a year shall be considered as an inoperable motor vehicle.

Section 5. PENALTY - Any person, firm or corporation who shall violate or assist in the violation of any provision of this Ordinance shall be guilty of a misdemeanor or punishable by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the County Jail for a period of not exceeding Ninety (90) days, or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this Ordinance.

Section 6. ARRESTS - The Village Council, by its duly constituted police officers, may cause a Complaint to be made for the violation of the provisions of this Ordinance hereof.

Section 7. CIVIL PROCEEDINGS - In addition, the Village Council by its duly constituted officers, or any person owning real estate in the Village of Edwardsburg, may institute appropriate Court Proceedings to enjoin, abate and remove any such nuisance per se, or to prevent the continued violation of this Ordinance.

Section 8. REMEDIES CUMULATIVE - The remedies and penalties provided herein are cumulative and in addition to other remedies provided by law.

Motion by: James Locey

Supported by: Dorothy Smith

Ayes: 6

Nays: 0

Jackie Darr, Clerk

VILLAGE ORDINANCE

NO. 116

JUNK VEHICLE REMOVAL PROCEDURE

AN ORDINANCE OF AMENDMENT TO ORDINANCE NO. 116 ENTITLED:

AN ORDINANCE TO REGULATE INOPERABLE MOTOR VEHICLES AND TO PROVIDE A PENALTY FOR THE VIOLATION THEREOF.

THE VILLAGE OF EDWARDSBURG ORDAINS:

1. The Police Department tags junk vehicle.
2. If the vehicle is not removed within ten (10) days contact the village Enforcement Officer with pertinent information.
3. Village Enforcement Officer sends letter to junk vehicle owner granting additional five (5) days for removal of vehicle. Letter will contain free removal of vehicle information provided by Enforcement Officer.

FINES AND PENALTIES:

Misdemeanor fine is not more than \$500.00, or by imprisonment in the County jail not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist constitutes a separate offense.

The village board may cause any vehicle, or parts thereof, to be removed from the premises and the cost thereof assessed against the owner of said vehicle and may sell the same for reimbursement to the village for any costs incurred in such removal of sale of said vehicle/s.

If junk vehicle is not removed within five (5) days the Police Department advises the Enforcement Officer. If necessary the Enforcement Officer may issue a court appearance ticket.

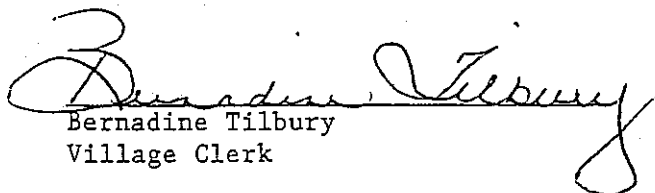
Enforcement Officer refers the case to the Village Attorney for action.

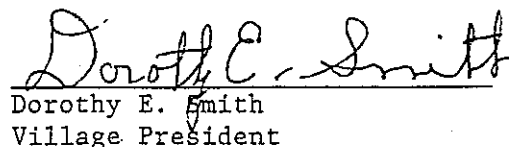
Village Attorney advises junk vehicle owner that legal action is being taken.

This Ordinance shall be published in full in the Edwardsburg Argus, a newspaper of general circulation in the Village, and shall be recorded in the Ordinance Book of the Village and such recording authenticated by the signatures of the Village President and Village Clerk.

This Ordinance is hereby determined by the Village council to be immediately necessary for the preservation of peace, health and safety of the Village and is therefore declared to have immediate effect.

Passed and adopted by the Village of Edwardsburg, Michigan on this 20th day of August, 1990.


Bernadine Tilbury
Village Clerk


Dorothy E. Smith
Village President