

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

ORDINANCE # 120-09

An ordinance to regulate the outdoor storage of Dismantled, Partially Dismantled or Inoperable Motor Vehicles on Private Property within the Village of Port Austin and to provide penalties for the violation thereof.

WHEREAS the Village of Port Austin, hereinafter referred to as “Village”, adopts:

Section 1 It is hereby declared to be unlawful for any person, firm or corporation to store on, place on or permit to be stored or placed on or allowed to remain on any private property within the Village of Port Austin, a dismantled, partially dismantled or inoperable motor vehicle or any parts of a motor vehicle, except within a completely enclosed building, or upon the premises of an authorized junkyard business.

Section 2 It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise dismantle any automobile, abandoned vehicle, or otherwise, except in a completely enclosed building, or upon the premises of an authorized junkyard, as may be permitted under the Zoning Ordinance of the Village of Port Austin.

Section 3 This ordinance shall not be construed to permit parking or placing of dismantled or partially dismantled vehicles on any road or area in the Village or in any front yard, as now or hereafter defined by said Zoning Ordinance.

Section 4 Proper Law Enforcement Officer may remove or cause to be removed any junk automobile or abandoned, dismantled, partially dismantled or inoperative automobile, or parts thereof, from any unenclosed private property in the Village after having notified in writing, the owner or occupant of such property of his intention to do so at least 14 days prior to such removal. Such notice shall be served personally upon the owner or occupant of the property, if occupied, or may be posted in a conspicuous place upon vacant or unoccupied property and such vehicles or parts thereof, to removal, shall be disposed of according to law. Such removal shall not excuse or relieve any person of the obligation imposed by this Ordinance to keep his property free from storage or accumulation of junk or abandoned, dismantled, partially dismantled or inoperative vehicles, or the parts of either, nor from the penalties for violation thereof.

Section 5 Definitions

(a) Motor vehicles are hereby defined as any wheeled vehicles which are self propelled or intended to be self propelled.

(b) Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power, or

are in violation of the Michigan Vehicle Code, or because of lack of insurance or registration are not eligible for public roadway use.

(c) Dismantled and partially dismantled motor vehicles are defined as motor vehicles from which name part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

Section 6 This Ordinance shall not be construed as repealing any Ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such Ordinance as well as any Statute of the State of Michigan relation thereto.

Section 8 The presence of a dismantled, partially dismantled, or inoperable motor vehicle or parts of a motor vehicle on any Village parcel of land in violation of the terms of this Ordinance is hereby declared to be a public nuisance.

Section 9 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 punishable by a fine of not more than five hundred dollars (\$500.00) 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. Violators shall be responsible for all fees and costs of removal, including towing and storage.

Section 10 The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion hereof.

Section 11 This Ordinance shall take effect ten (10) days after its adoption and publication.

Motion by: Rene Nichols Seconded by: Bill Hogan

Yeas: Hogan, Murawski, Nichols, Ranger, Andreski, Loewe Nays: 0

Absent: Bruce Abstain: 0

Ordinance Adopted on the 11th Day of May, 2009.

Thomas Rapson, Clerk

A. R. Loewe, President

Clerk Certification

I Thomas Rapson, Clerk of the Village of Port Austin, certify that:

- 1) A regular meeting on the ordinance was conducted in the Village Hall on the May 11th, 2009.
- 2) The ordinance was adopted on the May 11th, 2009.
- 3) The ordinance or a synopsis thereof was published on the 9th day of June, 2009.
- 4) The ordinance is effective 10 days thereafter, on the 19th day of June, 2009.

Thomas Rapson, Village Clerk