An ordinance to secure the public health, safety, and welfare of the residents and property owners of Lake Township, Missaukee County, Michigan, by the regulation of the outdoor parking, storage, and accumulation of junk, rubbish, debris, building materials, machinery, and motor vehicles; to provide penalties for the violation of this ordinance; and to repeal the prior Junkyard Ordinances No. 4 and No. 4A.

THE TOWNSHIP OF LAKE OORDAINS:

Section 1. Name:

This ordinance shall be known and cited as the Lake Township Motor Vehicle and Material Accumulation and Storage Ordinance.

Section 2. Purpose:

The purpose of this ordinance is to regulate and control the storage and accumulation of motor vehicles and materials within the Township in order to promote the health, safety, and welfare of the residents and property owners. This ordinance is specifically designed to:

A. Define certain terms used herein;
B. Regulate the volume and conditions under which a person may store motor vehicles and materials on private lands;
C. Provide for the enforcement and a system of due process for the removal of motor vehicles and materials held in the violation of this ordinance;
D. Repeal prior township ordinances dealing with junk yards and junk materials.

Section 3. Definitions:

A. "Building materials" include but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in construction of any structure.
B. "Debris" means the remains of anything broken down or destroyed; ruins; fragments.
C. "Farm" means a business enterprise engaged in agricultural production of crops, livestock, and trees, (and otherwise known as farms, ranches, dairies, nurseries, orchards) and;
1. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or
2. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, which has produced a gross annual income from agriculture of two hundred dollars ($200.00) per year or more per acre of cleared and tillable land, or
3. Has been designated by the Michigan Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of two thousand dollars ($2,000.00) or more.

D. "Junk" means:

1. Old scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse, litter;
2. Materials from demolition, waste building materials;
3. And junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

E. "Junk yard" - the collection, accumulation, storage and/or recycling of junk, building materials, or debris regardless of whether or not involved in a business enterprise, but shall not include any part of a landfill as defined in the Solid Waste Management Act, provided that the following building materials are exempted from this definition:

1. A building or construction site for a period of ninety (90) days while the construction is taking place;
2. A business which sells building materials or routinely uses building materials in its operations as long as the materials are kept and stored in an orderly fashion.

F. "Junk Motor Vehicle Sites" include but is not limited to any motor vehicle which has not been licensed for use on the highways of Michigan for a period in excess of sixty (60) days, and also shall include any motor vehicles which have been inoperable for any reason for a period in excess of sixty (60) days, PROVIDED that the following are excepted from this definition:

1. No more than one (1) unlicensed or inoperable motor vehicles on any tax parcel or adjoining tax parcels, unless stored in an enclosed building;
2. Unlicensed but operable vehicles which are kept as the stock and trade of a licensed and established new or used automobile dealership and vehicles or equipment used as stock and trade of a business which operates seasonally.
3. Vehicle on the premises of a state licensed automobile repair facility up to one hundred twenty (120) days. There may be renewal thereof upon furnishing the enforcement officer with reasonable proof that the offending vehicle is the subject of litigation and that additional time is required for disposition of settlement before the vehicle can be moved.

4. Inoperable farm machinery kept for replacement parts is excluded from this Ordinance, provided it is stored in an orderly fashion and is not an eyesore or a detriment to adjacent properties.

G. "Person" means an individual, firm, corporation, association, partnership, limited liability company, or trusts.

H. "Sealed container" means a covered, closable container which is rodent-proof, insect-proof, and watertight such as garbage cans with property fitting tops or plastic garbage bags which have been closed or twisted shut.

I. "Totally closed structure" means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable door around its perimeter.

J. "Rubbish" means worthless, unwanted material that is rejected or thrown out.

Section 4. Junkyard and Junk Motor Vehicle Sites Construction:

A junkyard or a junk motor vehicle site shall be constructed, designed and operated as follows:

A. Shall be designed to comply with one of the following:

1. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater and shall not be visible from a road or from adjacent parcels.

2. Shall be screened totally from view of a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above; or

3. Shall be kept in a totally closed structure.

B. Shall be set back from parcel boundaries at least 50 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road, whichever is greater.

C. Shall be designed and operated so that noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and at the nearest road.
D. Shall not be operated so that burning or incineration of junk or any other material results in smoke; and all emissions and effluent shall meet or exceed all applicable state and federal air pollution, surface and groundwater quality standards. The smoke ban does not apply to the burning of leaves, tree limbs, and vegetation.

E. Shall comply with Public Act 219 of 1966, as amended, (the Control of Junkyards Adjacent to Highways Act, being MCL 252.201 et seq.).

F. Shall not be operated so that any materials or junk can be blown about or allowed to scatter.

Section 5. Regulation:

Except as specifically authorized by state law, no person whether owner, tenant or manager of private property, or whether the registered owner or transferee on a bill of sale of a motor vehicle shall permit the parking, storage or accumulation upon any public right of way, public property or private premises within the township of any junk, junk motor vehicle sites, or building materials unless the same is set up and operated as set out in Section 4 of this ordinance.

Section 6. Rubbish Storage:

The keeping or storage of rubbish outside of a totally enclosed structure or sealed containers is not allowed.

Section 7. Enforcement and Penalties

A. Nuisance per se

Use of land or premises in violation of any provision of this Ordinance are declared to be a nuisance per se. The junkyard committee, its designee, or the Ordinance Enforcement officer shall inspect each alleged violation and recommend corrections to be made. The ordinance enforcement officer shall order corrections to be made, in writing to the owners of the premises, of all conditions found to be in violation. This written order shall be sent by first class mail to the last known address of the owner of the premises, and shall be deemed as delivered when sent as specified, or may be delivered in person.

B. Civil Remedy Excluding Municipal Civil Infraction

In the event that all violations are not corrected within thirty (30) days following the date of issuance of a written notice to correct, the Township Board may proceed with legal action, in addition to a municipal infraction, in any available court, to institute injunction, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided herein or by law.
Section 9. Amendments

The regulations and provisions incorporated within the text of this ordinance may be amended, supplemented, or changed by ordinance of the Lake Township Board of Trustees.

Section 10. Repeal

All ordinances or parts of ordinances in conflict herewith, including but not limited to Ordinance No. 4 (revised) and 4A, are hereby repealed.

Section 11. Effective date

This ordinance shall take effect thirty (30) days after publication.

Thomas R. Duddles, Supervisor

Bonnie J. Brown, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township Board on February 14, 2001.
LAKE TOWNSHIP
MISSAUKEE COUNTY
MICHIGAN

MOTOR VEHICLE AND MATERIAL ACCUMULATION AND STORAGE

This ordinance is specifically designed to:

A. Define certain terms used herein;
B. Regulate the volume and conditions under which a person may store motor vehicles and materials on private lands;
C. Provide for the enforcement of a system of due process for the removal of motor vehicles, and materials held in violation of this ordinance;
D. Deprive prior township ordinances dealing with junk yards and junk materials.

Section 3. Definitions:

A. "Building materials" include but is not limited to lumber, bricks, concrete or cinder blocks, plumbing or heating materials, electrical wiring or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in construction of any structure.
B. "Debris" means the remains of anything broken down or destroyed; ruins; fragments.
C. "Farm" means a business enterprise engaged in agricultural production of crops, livestock, and trees, (and otherwise known as farms, ranches, dairies, nurseries, orchards) and:
   1. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or
   2. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, which has produced a gross annual income from agriculture of two hundreds dollars ($200.00) per year, continued from page 8-B
C. Provide for the enforcement of a system of due process for the removal of motor vehicles and materials held in violation of this ordinance.
D. Deprive prior township ordinances dealing with junk yards and junk materials.

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E. Shall not be operated so that any materials or junk can be blown about or allowed to scatter.

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Section 5. Regulation:

Except as specifically authorized by state law, no person whether owner, tenant or manager of private property, or whether the registered owner or transferee on a bill of sale of a motor vehicle shall permit the parking, storage or accumulation upon any public right of way, public property or private premises within the township of any junk, junk motor vehicle sites, or building materials unless the same is set up and operated as set out in Section 4 of this ordinance.

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B. Civil Remedy Excluding Municipal Civil Infraction
In the event that all violations are not corrected within thirty (30) days following the date of issuance of a written notice to correct, the Township Board may proceed with legal action, in addition to a municipal infraction, in any available court, to institute injunction, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided herein or by law.

C. Municipal Civil Infraction Penalties
In addition or in the alternative to the above corrective actions, any person, firm, partnership, or corporation, or the officer, employee, agent, or partner of such firms, partnership, or corporation who violates, neglects, omits, or refuses to comply with the provisions of this Ordinance, shall be liable for a fine up to and not more than $500.00 under a Municipal Civil Infraction as defined by statute and with procedures established under the Lake Township Municipal Civil Infraction Ordinance No. 15. In order to promote compliance, for each day this Ordinance is violated, the offender shall be deemed to have committed a separate offense. In order for the Township to take action under a Municipal Civil Infraction, the notice provision under subparagraph A does not have to be met. Enforcement of a municipal civil infraction violations shall be by the township ordinance enforcement officer created under the Lake Township Ordinance No. 5, the Ordinance Enforcement Officer Ordinance.

Section 9. Amendments
The regulations and provisions incorporated within the text of this ordinance may be amended, supplemented, or changed by ordinance of the Lake Township Board of Trustees.

Section 10. Repeal
All ordinances or parts of ordinances in conflict herewith, including but not limited to Ordinance No. 4 (revised) and 4A, are hereby repealed.

Section 11. Effective date
This ordinance shall take effect thirty (30) days after publication.

/\ Thomas R. Duddles
Supervisor

Bonnie J. Brown, Lake Township Clerk, certifies that this Ordinance was adopted by the Lake Township Board on February 14, 2001.

/\ Bonnie J. Brown
Bonnie J. Brown, Clerk