

**MONTCALM TOWNSHIP
MONTCALM COUNTY, MICHIGAN**

(Ordinance No. 2024-110)

At a regular meeting of the Township Board for Montcalm Township held at the Township Hall on April 10, 2024, and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Township Board Member Foley, and seconded by Township Board Member Cousineau:

**AN ORDINANCE TO ADDRESS AND PROHIBIT INOPERABLE AND
JUNK VEHICLES, TRASH, JUNK, AND RELATED CONDITIONS
WITHIN THE TOWNSHIP.**

THE TOWNSHIP OF MONTCALM (the "Township") ORDAINS:

Article 1. ENACTMENT. The following Ordinance is enacted in its entirety as follows:

**MONTCALM TOWNSHIP'S TRASH, JUNK, AND JUNKED VEHICLE
ORDINANCE.**

Sec. 1. DEFINITIONS.

- A. "Motor vehicle" means any vehicle intended to be self-propelled by an internal combustion engine or electric means.
- B. "Motor vehicle parts" includes all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner on city streets or public highways.
- C. "Inoperable motor vehicle " means a vehicle which cannot be driven upon the public streets, highways, or other areas normally open to the public for reason including but not limited to being unlicensed or unregistered, wrecked, junked, abandoned, in a state of disrepair, or incapable of being moved under its own power including, without limitation, any vehicle or conveyance, including recreational vehicles, boats, and trailers, that are inoperable or not functional as intended.

License and registration requirements must be for typical residential or commercial vehicle travel; special, hobby, collectors, or other similar registration or licensing that only allows for limited special, hobby, collector, or other similar use does not satisfy the license and registration requirements.
- D. "Premises" means the exterior property of any lot or parcel of land owned or occupied by any person or corporation, etc., whether or not improved with any dwelling, house, building or other structure whether inhabited or temporarily or continuously uninhabited or vacant.
- E. "Total loss" means the cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal book or method.

F. The terms “trash,” “junk,” and “garbage” are used synonymously and shall mean, but are not limited to, the following:

- Used articles or used pieces of iron or any scrap metals, motor vehicle parts or bodies of machinery or junked or discarded machinery;
- Used or new lumber, or new or used building materials, for which no pre-Township approved construction project is scheduled within 30 days;
- Ashes, industrial by-products or waste;
- Cut or damaged tree, shrubbery, landscaping, or grass clippings;
- Empty or used cans, food containers, bottles, crockery, utensils, of any kind, boxes, barrels;
- Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter, used or intended for food that attends the preparation, use, cooking, cleaning in, or storing of meat, fish, fowl, fruit or vegetable, and the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food; and
- All other articles customarily considered trash, junk, or garbage, not housed in a permitted receptacle or stored inside a structure.

Sec. 2. STORAGE OF INOPERABLE MOTOR VEHICLES.

No person, firm, or corporation shall accumulate, store, place or permit the accumulation, storage, or placement of any inoperable motor vehicle in Montcalm Township, except as follows:

- A. This Section 2 shall not apply to the accumulation, storage, placement, or permitting of such vehicles in a commercial zoning district otherwise in compliance with all applicable Township ordinances.
- B. No more than three (3) such vehicles may be accumulated, stored, placed, or permitted on property zoned A-1 or R-1, and such accumulation, storage, placement, or permitting shall be for not more than thirty (30) successive days. Any such accumulation, storage, placement, or permitting is prohibited in a front yard other than on a designated and defined driveway.
- C. No more than one (1) such vehicle may be accumulated, stored, placed, or permitted on property zoned R-2 or R-3, and such accumulation, storage, placement, or permitting shall be for not more than thirty (30) successive days. Any such accumulation, storage, placement, or permitting is prohibited in a front yard other than on a designated and defined driveway.
- D. The prohibitions set forth in this Section 2 do not apply to such vehicles when accumulated, stored, placed, or permitted within a wholly enclosed building on the parcel.

Sec. 3. SANITATION.

- 1. Premises shall be maintained in a clean, safe and sanitary condition, free of any accumulated trash, junk, and garbage.

2. All trash, junk, and garbage must be stored in a watertight storage receptacle with a tightfitting and watertight cover that must remain closed. The trash, junk, and garbage in the container must be removed every eight days.
3. Any unlawfully constructed fencing or structures, or coverings, used to obscure or conceal items or conditions that otherwise constitute a violation are prohibited and constate a violation of this Ordinance.

Sec. 4. PRIMA FACIE EVIDENCE.

The ownership, occupation or use of land by any person, firm or corporation upon which an inoperable motor vehicle are accumulated, stored, or placed shall be prima facie evidence that such person, firm, or corporation accumulated, stored or placed such inoperable motor vehicle upon such land, or permitted such inoperable motor vehicle to be accumulated, stored or placed upon such land, or placed or permitted the presence of trash, junk, or garbage upon the land.

Sec. 5. PENALTIES FOR VIOLATION.

- A. Any person, firm, corporation, trust, partnership or other legal entity that violates or fails to comply with any provision of this Ordinance, whether as the owner or occupant of any premises whereupon any violation of this Ordinance exists, shall be responsible for a municipal civil infraction for which the fine shall be, in the discretion of the Court, and in addition to all other costs, damages, expenses, or legal avenues provided by law, \$100.00 for a first offense, \$150.00 for a second offense within two years of the first offense, and \$500 for a third offense within two years of the first offense.
- B. Any person, firm, corporation, trust, partnership or other legal entity that violates or fails to comply with any provision of this Ordinance, whether as the owner or occupant of any premises whereupon any violation of this Ordinance exists, which constitutes a fourth offense within two years of the first offense shall be guilty of misdemeanor and subject to a fine of no more than \$500.00, no more than 90 days in jail, or a combination of both.
- C. Any offenses after the two-year expiration periods listed hereabove have lapsed with no violations shall be considered a first offense.
- D. Each day that a violation continues to exist shall constitute a distinct and separate offense and shall make the violator liable for the imposition of a separate fine for each day.
- E. The Township of Montcalm is authorized to investigate and issue citations for the violations of this Ordinance.
- F. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law, including but not limited to entrance upon the premises in violation and remove the violative condition thereon, and the costs of such removal shall be paid by the owner or agent or occupant responsible for the property and shall be a lien upon such property and may be placed on the tax rolls to the full extent permitted by law.

Article 2. REPEALER.

Any other ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed. Specifically, Montcalm Township Ordinances No. 108, enacted May 6, 1998, and No. 109, enacted May 6, 1998, are hereby repealed in full upon the effective date of this Ordinance. The Township may continue enforcement and prosecution of Ordinance 108 and 109 subject matter until this Ordinance date takes effect.

Article 3. SAVINGS CLAUSE.

The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration does not void any or render inoperable any other part or portion of this Ordinance.

Article 4. EFFECTIVE DATE.

This Ordinance shall take effect 30 days after publication of the same or a summary of the provisions thereof in a local newspaper of general circulation within the Township.

The vote to adopt this Ordinance was as follows:

YEAS: Cousineau-Yes, Foley-Yes, Hyde-Yes, Hansen-Yes, Blomstrom-Yes

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED as of April 10, 2024.

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Board for Montcalm Township at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By:



Christine Foley
Montcalm Township Clerk