

**MUSKEGON CHARTER TOWNSHIP  
COUNTY OF MUSKEGON  
STATE OF MICHIGAN**  
AN ORDINANCE TO PROVIDE REGULATIONS FOR  
DISMANTLED, INOPERABLE, JUNK OR OTHER SUCH VEHICLES PROHIBITED AND  
DECLARED NUISANCES; EXCEPTIONS

Ordinance #13-17

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

**Section 1. Purpose.**

This ordinance is to provide regulation and storage of dismantled, inoperable, junk or other such vehicles prohibited and declared nuisances; storage of; exceptions.

**Section 2.** That the current language in section 58-22, Nuisance Parking be deleted in its entirety.

**Section 3.** That the current language in Article II, Outdoor Storage Sec. 18-26 through 18-30, be deleted in its entirety.

**Section 4.** The Chapter 50, ARTICLE IV, Sec. 50-81 Title be amended with language hereto as follows:

This article shall be known and may be cited as the “~~Abandoned, Inoperable and Junk Motor~~ Vehicles Ordinance.”

**Section 5.** That Chapter 50, ARTICLE IV. ~~Abandoned, Inoperable~~ **and** Junk Vehicles, Sec. 50-82, Purpose be amended to add language hereto as follows:

It is the purpose of this article to correct and alleviate circumstances and conditions which occur when a vehicle is currently or hereafter ~~abandoned,~~ inoperable, dismantled, partially dismantled, wrecked, or unlicensed, in places other than a properly designated area, which condition interferes and reduces the enjoyment of property, reduces the value of property, creates fire hazards, creates safety hazards, and tends to extend and aggravate urban blight and create hazards to the public health, safety, comfort, welfare, and happiness of the residents of the township, through the removal of inoperable or junk vehicles.

**Section 6.** That Chapter 50, ARTICLE IV. ~~Abandoned, Inoperable and Junk Vehicles,~~ Sec. 50-83 Definitions be amended to add language hereto as follows:

~~Abandoned vehicle means a vehicle which has remained on public property or private property for a period of 48 hours after a police agency or other governmental agency designated by the police agency has affixed a written notice of abandoned vehicle to the vehicle.~~

**Boat means any vessel, motorized or not, which is primarily used for the transportation of a person or persons across or through bodies of water. This includes, but is not limited to Motor Boats, Air Boats, Sailboats, Canoes,**

**Paddle Boats, Jet Skis, Hovercrafts, or any other Watercraft.**

***Camper* means any motor vehicle or trailer, which is primarily used for temporary or recreational housing or shelter of a person or persons. This includes but is not limited to Motorhomes, RVs, Winnebagos, 5<sup>th</sup> Wheels, Travel Trailers, Camper Trailers, and Pop-up Trailers.**

***Equipment* means any motorized or non-motorized implement, fixture, apparatus, or trailer which is generally used for construction or maintenance, or the housing of construction or maintenance equipment. This includes but is not limited to: Dump Trucks, Back Hoes, Front End Loaders, Bull Dozers, Cement Mixers, Cranes, Tractors, Farm Implements, Mobile Generators, Air Compressors, Lathes, Drill Presses, Milling Machines, Band Saws, Table Saws, Planers, Grinders, Sanders, Augers, Post Hole Diggers, Roofing Kettles, Lawn Mowers, Snow Blowers, and other equipment. This does not include hand tools or small portable power tools generally owned and operated, for use by an individual, for minor repairs or construction.**

***Junked ~~motor~~ vehicle* means any vehicle located outside of a structure and which is not lawfully licensed or which may be licensed but is inoperable or the condition of which is wrecked, junked, dismantled, partially dismantled, inoperative, or discarded.**

***Motor vehicle* means any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, tractors, go-carts, golf carts, and race cars.**

***Race car* means any motor vehicle designed for or modified for use on race tracks.**

***Recreational Vehicle* means any electric or fuel propelled motorized vehicle which is primarily used for transportation of a person or persons, but generally used for off-road and trail riding, which generally cannot be licensed or registered for use upon the highways of the State of Michigan. This includes but is not limited to: Golf Carts, Dune Buggies, Dirt Bikes, Mini Bikes, Three Wheeled and Four Wheeled ATVs or ORVs, Gators, Snowmobiles, and other Similar Vehicles.**

***Registration* means a certificate, plate, sticker, or other identifying object, issued by the State of Michigan, which permits the use of any recreational vehicle, boat, camper, equipment, or trailer, upon any highway, road, trail, body of water, or any other place, within the State of Michigan.**

***Seasonal vehicle* shall mean any operative vehicle normally licensed for only part of the year.**

***Subject property* means property at which an inoperable or junk vehicle is located.**

***Trailers* means any motorized or non-motorized vehicle, designed for hauling persons or property.**

**Vehicle means any boat, camper, equipment, junk vehicle, motor vehicle, race car, recreational vehicle, seasonal vehicle and trailer as defined in this Article.**

**Section 7.** That Chapter 50, Section 84 be amended to by adding thereto new language to read as follows:

Sec. 50-84. Dismantled, inoperable, junk or other such ~~motor~~ vehicles prohibited and declared nuisance; exceptions.

- (a) No person shall park, store, leave, or permit the parking, storing, or leaving, of any junked ~~motor~~ vehicle, whether attended or not, upon any public or private property within the township. The presence of a junked ~~motor~~ vehicle, or parts thereof, on private or public property is hereby declared a public nuisance, and is subject to being removed by the township to abate said nuisance.
- (b) This section shall not apply to the following vehicles, whether or not it is a junked ~~motor~~ vehicle, as defined:
  - (1) Any vehicle enclosed within a building on private property.
  - (2) Any operative vehicle on a sales lot of a licensed motor vehicle dealer.
  - (3) Any vehicle on the premises of a licensed auto repair shop for the purpose of repairing the vehicle, provided the location of said vehicle does not violate the zoning ordinance.
  - (4) Any one of the following, provided said vehicle(s) is (are) covered by a tarp or similar protective cover maintained in good condition,
    - a. One operative seasonal vehicle;
    - b. One antique vehicle (over 25 years old);
    - c. One operative unlicensed vehicle, temporarily stored while the owner is temporarily absent from the premises because of school attendance, in the military or confined to a hospital or other similar institution;
    - d. One operative race car; provided that, as regulated by the zoning ordinance, there shall be no repairing of the vehicle.
  - (5) Any registered and insured recreational vehicle.

**Section 8.** That Chapter 50, Section 85 be amended to by adding thereto new language to read as follows:

Whenever an ~~abandoned~~, inoperable, or junked ~~motor~~ vehicle is located ~~or found~~, as defined in this article, a written **violation** notice shall be served by the township by posting said notice to the dwelling at which the vehicle is located, ~~or mailing by first-class mail a copy of the said notice to the property owner and dwelling occupant of the subject property and by first-class mail to the vehicle owner, if known.~~

**Section 9.** That Chapter 50, Section 86 be amended to by adding thereto new language to read as follows:

~~Upon notice being provided as set forth above, the owner of the abandoned or junk vehicle, or the owner or occupant of the private property on which the same~~

~~is located, either or both of them, shall be responsible for the vehicle's removal. If said vehicle is not removed peaceably within the time specified in the notice, the vehicle is deemed abandoned and a public nuisance as set forth in the article herein, and the township may have the vehicle taken into custody and sold pursuant to article. All costs for the removal, storage, and sale, if necessary, shall be the responsibility of and paid by the registered owner of the vehicle or from the proceeds of sale.~~

**Within 10 days after service of the violation notice, the owner of the inoperable or junk vehicle and the owner and occupant of the subject property shall be responsible for removal of the offending vehicle. If the offending vehicle is not removed peaceably within 10 days after service of the violation notice, the offending vehicle is deemed a public nuisance and the Township, its agents and employees may enter upon the subject property and may remove the nuisance vehicle. Any expenses incurred by the Township shall be paid by the vehicle owner and by the owner and occupant of the subject property. If the expenses remain unpaid for 10 days after an invoice is mailed, the Township shall have a lien against the subject property in the amount of the expenses incurred. The lien shall be enforced in the same manner as a tax upon real property and collected as provided by law.**

**Section 10.** That Chapter 50, ARTICLE IV be amended to include sections 50-89 – 50-93

**Sec. 50-89. Prohibited Use.**

**The owner or person in control of a vehicle shall not allow it to collect or gather trash, junk, or other debris. The owner of a vehicle shall not allow it to be used for habitation by any person or animal; wild or domestic.**

**Sec. 5-90. Operability.**

**Any vehicle shall be in good, ready to use condition and operable. Any vehicle which appears to be in a state of disrepair will be considered to be inoperable. Visual cues used by a code enforcement officer to determine “a state of disrepair,” include, but are not limited to: flat or damaged tires; weeds or other plants growing in and through; the accumulation of junk or debris, missing or damaged parts or part covers; rotting wood or significantly rusted metal planks, roofs, floors, and rails; and large oil, gas, or other fluid leak stains.**

**Sec. 50-91. Registration.**

**Any vehicle shall be registered or licensed as follows:**

**(1) Recreational Vehicles:**

**Though recreational vehicles used on private property do not require any form of licensing or registration, any recreational vehicles which have been manufactured or modified so that they may be registered and licensed for use upon the highways of the State of Michigan must be registered, licensed, and insured in accordance with State law. Any license, registration, and insurance must be current and valid.**

**(2) Boats:**

**Any boat, vessel, or watercraft which must be registered or licensed for use within the State of Michigan must be registered and licensed in**

**accordance with State law. Any license or registration must be current and valid.**

**(3) Campers:**

**A camper or camper trailer which must be registered or licensed for use within the State of Michigan must be registered and licensed in accordance with State law. Any license or registration must be current and valid.**

**(4) Trailers:**

**Any trailer designed for being drawn by a motor vehicle must be registered and licensed in accordance with State law. Any license or registration must be current and valid.**

**Sec. 50-92. Exception.**

**A vehicle which is fully contained within an enclosed permanent structure is not subject to the requirements of operability or registration.**

**Section 11.** That chapter 50, ARTICLE VI be amended by adding new language thereto as follows:

**ARTICLE VI. PROHIBITED PARKING AND PARKING AND STORAGE**

**Sec. 50-237. Parking and Storage.**

**(1) General:**

**In all residential zoning districts, no vehicle shall be stored or parked unless located in the driveway, side or rear yard or within a completely enclosed private garage; provided, however, that a recreational vehicle, boat, camper, equipment, or trailer may be parked temporarily in the front yard or on a street or alley, the phrase "parked temporarily" being defined for purposes of this section only as being parked for no longer than 24 hours at one time and for no more than 48 hours in one week.**

**(2) Recreational Vehicles:**

**Recreational vehicles must be stored in a neat and orderly fashion, immediately adjacent to a dwelling or out building. Between March 1<sup>st</sup> and November 1<sup>st</sup>, Snowmobiles must be stored on a trailer or within a completely enclosed private garage. No more than two (2) recreational vehicles may be parked or stored on any property, unless parked or stored within a completely enclosed private garage.**

**(3) Boats:**

**Motorized boats or any other motorized watercraft must be stored on a trailer or within a completely enclosed private garage. If stored outdoors, they must be covered by an appropriate tarp or boat cover, which prohibits the accumulation of any junk, debris, or water. Non-motorized watercraft such as row boats, paddle boats, canoes, or kayaks, must be stored adjacent to a dwelling or outbuilding, at least four inches (4") off of the ground. They may either be stored keel-up,**

or they may be covered by an appropriate tarp or boat cover. No more than two (2) boats may be parked or stored on any property, unless parked or stored within a completely enclosed private garage.

**(4) Campers:**

No more than one (1) camper may be parked or stored on any property, unless parked or stored within a completely enclosed private garage.

**(5) Equipment:**

Equipment shall not be stored for a period exceeding seventy-two (72) hours, unless the equipment is located within a completely enclosed private garage or shed. During the 72 hour period, all equipment must be stored neatly and orderly, adjacent to a dwelling or out building.

**(6) Commercial Equipment and Vehicles:**

No commercial equipment or trailers, or commercial vehicles, other than those classified by the State of Michigan to be Group "C" shall be parked or stored on any property within any residential zoning district unless parked or stored within a completely enclosed private garage; provided, however, that this section shall not prevent the temporary location of such vehicle on such property while engaged in a delivery, pickup, or service call, or upon the posting of a valid work or building permit issued to the property where located. No more than one commercial vehicle may be parked or stored on any property in a residential zoning district.

**(7) Trailers:**

No more than two (2) trailers may be parked or stored on any property, unless parked or stored within a completely enclosed private garage.

**(8) Limitations.**

Not more than a combination of five (5) recreational vehicles, boats, campers, equipment, or trailers, may be parked or stored on any property, unless parked or stored within a completely enclosed private garage.

**Section 12. Severability.**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

**Section 13. Conflicting Provisions.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

**Section 14. Effective Date.**

This Ordinance shall be effective 10 days after publication.

Introduced:  
Adopted:  
Published:  
Effective:

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Ann D. Oakes  
Township Clerk