

VILLAGE OF LAKEWOOD CLUB
DISMANTLING CAR ORDINANCE

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Lakewood Club, Muskegon County, Michigan, a municipal corporation, by the regulation of the outdoor parking and storage of motor vehicles, tractor trailers, house trailers and new or used parts or junk therefrom, within the Village of Lakewood Club; to provide penalties for the violation of this ordinance and to repeal any ordinance or parts of ordinances in conflict herewith.

THE VILLAGE OF LAKEWOOD CLUB, MUSKEGON COUNTY, ORDAINS:

SECTION 1. NAME. This ordinance shall be known and cited as the Village of Lakewood Club Dismantled Car Ordinance.

SECTION 2. PURPOSE. The purpose of this ordinance is to limit and restrict the outdoor storage, parking, or accumulation of junk, unused, partially dismantled or non-operating motor vehicles, house trailers, tractor trailers, or used or new parts thereof upon premises primarily used or zoned for any type of residential purpose within village; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; the devaluation of property and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners.

SECTION 3. REGULATIONS.

A. No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property or upon any premises that is primarily used or is zoned for any type of residential purpose within the Village of Lakewood Club, any motor vehicle, house trailer, tractor trailer or new or used parts or junk therefrom, unless the same is contained within a fully enclosed building and does not violate any zoning or building laws of the Village, County, or State of Michigan, except for the following:

1. Duly licensed and operable vehicles or trailers with substantially all main components attached. Such commercial vehicles or trailers must have the approval of the building inspector and/or the village council.
2. Vehicles or trailers that are temporarily inoperable because of minor mechanical failure but are not, in any manner, dismantled and have substantially all main component parts attached, such may remain on such private property for not to exceed fourteen (14) days.
3. Not more than one (1) vehicle in fully operable condition such as a stock

car that has been re-constructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the property in which the same could be parked or stored; in no event shall any such vehicle be parked in the front or side yard area of any such residential premises.

B. No repairing, re-designing, modifying, or dismantling work or operations shall be allowed upon any vehicle or trailer or parts therefor upon any public right-of-way or public property, or more than one vehicle on any property primarily used or zoned for any type of residential purpose for a period in excess of 48 hours except such as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants, and not violate any provisions of the Village of Lakewood Club Zoning Ordinance. Any such work within such 48 hour period heretofore allowed shall not, however, consist of any major repair, re-designing, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operation.

C. In the event the foregoing regulations create any special or peculiar hardship beyond the control of a particular violator thereof because of unforeseen circumstances, the Building and Zoning inspector of the Village is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected thereby and the spirit and purpose of the Ordinance are still substantially observed.

SECTION 4. NUISANCE. Any parking, storage, placement, or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

SECTION 5. CONSTRUCTION. This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body or paint shop legally operating within a proper zone as defined in the Village of Lakewood Club Zoning Ordinance and shall be in addition to any other laws or ordinance respecting rubbish, refuse, litter, trash, or junk control and regulations.

SECTION 6. SAVING CLAUSE. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION 7. PENALTY. Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500 (Amendment B. 6/22/1992) or by imprisonment in the County jail for not to exceed 90 days or by such fine and imprisonment. Each day that a violation continues to exist

shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, the Village Ordinance Enforcer Officer (Amendment B. 6/22/1992) may cause any vehicle, trailer, or part thereof which violates the provisions of this Ordinance to be removed from the premises, impounded and destroyed or sold for junk, in the discretion of the officer, and the cost thereof assessed against the owner of such vehicle, trailer, or parts thereof, or of the premises on which the same are located. Any sums realized on the sale of the same may be retained by the Village to reimburse it for the costs incurred in such removal and sale, to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be returned to the owner of such vehicle, trailer, or parts thereof.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect twenty days after adoption. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Adopted: October 23, 1967

Posted: October 28, 1967

Berneice Martin, Village Clerk

AMENDMENT A TO DISMANTLING CAR ORDINANCE.

At a regular meeting held on September 23, 1968, the following amendment to Ordinance No. 8 was adopted:

"No open storage of junk, rubbish, rags, paper, waste, or other similar materials shall be permitted on any premises within the Village, except such premises specifically provided for in the Village Zoning Ordinance, and such open storage, piling up, or accumulation of such materials shall constitute a violation of this Ordinance. This amendment to this ordinance shall become effective twenty days after adoption."

Adopted: September 23, 1968

Posted: September 24, 1968

Mary L. Kilmer, Clerk

AMENDMENT B. TO VILLAGE ORDINANCE NO. 8, DISMANTLING CAR ORDINANCE.

Purpose of Amendment to Define the term "Junk" and increase penalty.

Definition of term JUNK:

Includes parts of machinery or motor vehicles, boat hulls, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material, or other cast off material of any kind, whether or not the same could be put to any reasonable use.

Change in Penalty: Change penalty of \$100 to \$500.

Change in Section 7.: Remove "Village Building and Zoning Inspector, any village police officer" to read, "Village Ordinance Enforcer Officer."

Adopted: June 22, 1992

Published: July 6, 1992

Carla VanTuyl, Clerk