

**VILLAGE OF LAKEWOOD CLUB
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 103**

THE VILLAGE COUNCIL OF THE VILLAGE OF LAKEWOOD CLUB HEREBY ORDAINS:

1. An Ordinance of the Village of Lakewood Club, Michigan, regulating and prohibiting the storage and accumulation of vehicles, materials, and junk is adopted to read as follows:

BLIGHT, JUNK VEHICLE, AND STORAGE ORDINANCE

1. Title.

This ordinance shall be known as the Village of Lakewood Club Blight, Junk Vehicle, and Storage Ordinance.

2. Purpose.

This ordinance is enacted to promote health, safety and general welfare of the Village and its citizens, and further in particular, to prevent and prohibit the storage and accumulation of equipment, vehicles, and materials, which will adversely affect property values and encourage unsightly or environmentally or aesthetically degrading uses of the lands and structures; to prevent, reduce, eliminate blight by the prevention or elimination of factors and causes of blight which exist or may exist; and to regulate the storage of motor vehicles and trailers in the Village of Lakewood Club.

3. Definitions.

Blighted Structure shall include any dwelling, garage, accessory or outbuilding, or and factory, shop, store, office building, warehouse, or any other structure or part of a structure which because of fire, wind, other natural disaster, or physical deterioration is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or is partially completed and which is not presently being constructed under an existing, valid, building permit issued by or under the authority of the Village and if the construction is not completed within twelve (12) months; or is not structurally sound, weather-tight, waterproof, vermin-proof, or is otherwise dangerous.

Building materials shall include, but are not limited to, sand, dirt, rock, wood, sawdust, woodchips, lumber, bricks, concrete, or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing a structure.

Disposal site shall mean a place for storing solid waste or for storing hazardous waste, licensed by the State of Michigan under applicable law. As appropriate, the term disposal site includes a licensed junk, dismantling, or salvage yard, but only for storage of reusable items such junk, junk automobiles, appliances, machinery, or reusable building materials.

Extracted Stumps shall mean stumps which have been extracted, dug, or removed from the ground or a form of refuse. This term shall include the attached roots of said tree stumps.

Garbage shall be construed to mean all putrescible waste, including animal, fruit/vegetable wastes, discarded food of any type, and any filth or offensive substances. The term shall not include hazardous

substances.

Hazardous substances means waste, or combination of waste and other discarded materials, including solid, liquid, semi-solid, or contained gaseous material, which, because of its quality, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness, or serious incapacitating but reversible illness or poses substantial presence or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

Junk shall include parts of machinery or motor vehicles, boat hulls, tires, used 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.

Junk motor vehicle or *Junk vehicle* shall mean any vehicle, including highway or non-highway vehicles, trailers or mobile homes, which are not currently licensed and registered, even if operable, or, whether or not licensed and registered, not operable, or useable for their original purpose, or not operable or useable for their original purpose without major repair, or partially/fully dismantled. The said term includes wrecked, damaged, junked, dismantled, partially dismantled, inoperable, abandoned, unlicensed, unregistered, or discarded vehicles.

Motor vehicle is 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, trucks, tractors, go-carts, golf carts, and race cars.

Private property shall mean any real property within the Village, which is privately owned and which not public property is as defined in this section.

Public property shall mean any street or highway. It shall include the entire width between the boundary or right-of-way lines of every way publicly maintained or capable of public maintenance for the purposes of vehicular or pedestrian travel, and shall also mean any other publicly owned property, easement, or facility.

Racecar is any motor vehicle designed for or modified for use on racetracks.

Refuse shall include the term describing any material substance or personal property further defined herein.

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

Rubbish shall include all cans, bottles, paper, cartons, rags, discarded clothing, discarded utensils, containers, sweepings, glass, crockery, nails, metal, wire, light bulb, signs, advertising matter, newspaper, and similar materials.

Trash shall include discarded household appliances, dismantled boats, airplanes, vehicles, or their parts, dismantled machinery or tools, machinery parts, scrap metal, paper, broken furniture and similar property.

Unsecured Vacant Building shall mean any building which is unoccupied and which is not securely locked, the windows glazed or of which is not securely boarded up and protected against the elements, from vandals, and from rodents and/or other animals.

4. General Prohibition.

No owner or occupier within the Village shall:

- a. store refuse, including garbage, hazardous substances, rubbish, trash, extracted stumps, junk, or junk motor vehicles, except as where permitted and in accordance with the Village of Lakewood Club. The storage of said materials in violation of the ordinance shall be declared a nuisance. All violative refuse and junk vehicles shall be removed and disposed of at a legally established disposal site.
- b. permit the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable nor useful for any other purpose of which it may have been intended, or as may be prohibited by the Michigan Building Code.
- c. Keep or permit the existence of any unsecured vacant building on property owned, leased, rented or occupied by him/her.
- d. Keep or permit the existence of any blighted structure on property owned, leased, rented or occupied by him/her.

5. Storage Requirements and Prohibitions.

- a. All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- b. The storage or accumulation of junk, garbage, rubbish, trash, or refuse of any kind, except domestic refuse stored as required in this ordinance is prohibited. Reusable items such as junk parts, junk vehicles, appliances, and used machinery may be stored only in a legally established storage building in which they fit completely and are fully enclosed or in accordance with this subsection.
- c. The exterior storage upon any property of building materials is prohibited, unless there is in force an approved site plan and a valid building permit issued by the Village for construction upon said property and said materials are intended for use in connection with such construction. Such storage shall not exceed ninety (90) days, unless a building inspector confirms that longer storage is reasonable. Reusable building materials may be stored only in a storage building in which they fit completely and are fully enclosed or in accordance with this section ordinance.
- d. Extracted stumps shall not be stored on any premises. Extracted stumps shall be removed to a disposal site or completely reduced to chips or firewood. The owner shall have 30 days to remove extracted stumps off of premises, or completely reduce to chips or firewood.
- e. When there are accumulated trees or brush on a parcel, the owner shall have ninety (90) days to remove brush and trees and clean up all residue from trees and brush.
- f. No storage of any kind on vacant commercial or residential property.

6. Outdoor Storage.

In all commercial, industrial, and residential districts, the open storage of any permitted equipment vehicles, and materials, including waste, shall be screened from public view, from a public street and from adjoining properties by an enclosure with a wall or fence with a maximum height of six (6) foot.

7. Parking of Licensed Recreational Equipment.

Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any Residential Zoning District must conform to required zoning setbacks for accessory structures and to overall zoning limitations for lot coverage. All recreational equipment parked in the front yard must be parked on a driveway. Licensed and unlicensed recreational equipment may not be used for dwelling purposes except within a licensed campground.

8. Heavy Trucks.

Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semi-truck tractors with trailers or semi-truck trailers separate from tractors, is prohibited within any Residential Zoning District. Parking of semi-truck tractors without trailers is allowed. This regulation does not apply to emergency vehicles or equipment.

9. Junk Vehicles and Inoperative Vehicles.

- a. No person shall park, store, leave, and permit the parking, storing, or leaving of any junk vehicle or inoperative vehicle on any public or private property within the Village. The presence of such vehicle or parts thereof, on private or public property is hereby declared a public nuisance.
- b. This section shall not apply to the following vehicles, whether or not it is a junk motor vehicle as defined:
 - i. Any vehicle enclosed within a legally erected storage building in which they fit completely and are fully enclosed.
 - ii. Any two (2) of the following, provided said vehicle is covered by a tarp or similar protective cover maintained in good condition, and only two (2) of said vehicles are located on the premises:
 - i. Operative seasonal vehicle.
 - ii. Antique vehicle.
 - iii. Operative unlicensed vehicle, provided that the outdoor storage of an unlicensed vehicle shall be limited to rear yard area only.
 - iv. Operative racecar; provided that any repairs shall adhere to Section 10(b) of this ordinance.

10. Motor Vehicles.

- 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:

- i. Duly licensed and operable vehicles or trailers with substantially all main components attached with the recommendation of building and zoning inspector and approval of the Village council.
 - ii. 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.
 - iii. 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. A vehicle qualifying under this subsection shall count towards the two (2) permissible vehicles under Section 9(b)(ii) of this ordinance.
- 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 written 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.

11. Notice of Violation; Removal; Penalty.

- a. Whenever a refuse violation, as defined by this article, is found, a written notice shall be delivered in person or by first class mail to the owner or occupant of the private property upon which the refuse violation is located. The notice shall describe the violation of this article and shall require the removal of the violation within seven (7) days. If the violation is observed to exist after seven (7) days, a civil infraction for such violation(s) may be issued and the Village may remove and impound the vehicle with appropriate authority, such as a court order or the property owner or occupant's permission or failure to respond to the notice, to peaceably enter the property to correct the violation, including removal of the refuse or impounding the violative property at a disposal site.

- b. Where a junk motor vehicle or junk vehicle, as defined in this article, is found, a written notice shall be served on the owner or occupant of the property on which the junk motor vehicle or junk vehicle is located. Notice shall be sent to the registered owner of the vehicle, if a different person. An additional notice shall be further affixed to a conspicuous part of the vehicle. The notice shall describe the violation of this article and shall require the removal of the violation within seven (7) days. If the violation is observed to exist after seven (7) days, a civil infraction ticket for such violation(s) may be issued. The Village may determine, with appropriate authority, such as a court order or the property owner or occupant's permission or failure to respond to the notice, to peaceably enter the property to correct the violation, including removal or impounding of the vehicle at a disposal site. If a vehicle is removed and impounded by the Village at a location where there will be impounding fees or charges, it shall give appropriate or required notice to the registered owner of the vehicle and the State of Michigan, provided that the notice shall not designate the vehicle is abandoned. The notice shall indicate that the vehicle will be disposed of by sale in the event the owner fails to redeem the vehicle by paying any charges or fees occasioned by the removal, impounding or storage of the vehicle.
- c. The direct cost of any enforcement action, including a fifteen percent (15%) surcharge for overhead and indirect costs, shall be levied against the property containing the noted violation or violations, which may be levied and collected in the manner of real property taxes, and shall constitute a valid tax lien against the said premises if unpaid.
- d. Any person who violates or fails to comply with the provisions of this ordinance shall be responsible for a civil infraction. Each act in violation of any of the provisions hereof shall be deemed a separate civil infraction. In connection with and in addition to the civil infraction, violations of this ordinances are deemed a public nuisance and the Village may request supplemental relief and other remedies as available to the Village. A civil infraction issued pursuant to this ordinance shall carry a fine of \$100.00 plus costs for the first offense; \$250.00 plus costs for the first repeat offense; and \$500.00 plus cost for the second and any subsequent repeat offense. A repeat offense is a violation of this ordinance within a 24-month period.

12. 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.

13. Severability.

Each section of this ordinance and each subdivision of any Section is hereby declared to be independent and severable. Defining or holding of any Section or subdivision to be invalid shall not affect the validity of any other Section or subdivision.

14. Repeal of Conflicting Ordinances.

Any Ordinances of the Village of Lakewood Club, or any section therein, in conflict with this Ordinance to the extent of such conflict are hereby repealed. Ordinances #8 and #42 are specifically repealed and replaced by this ordinance.

This ordinance is effective ten (10) days from the date of publication.

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Lakewood Club, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Lakewood Club, at a regular meeting of the Village Council on the 25th day of September, 2023, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: September 25, 2023

SIGNED ON ORIGINAL

Susan West
Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.

**VILLAGE OF LAKEWOOD CLUB
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on September 25, 2023, the Village Council of the Village of Lakewood Club adopted an ordinance of the Village of Lakewood Club Code of Ordinances concerning animals, summarized as follows:

To regulate and prohibit nuisances and to provide for penalties for violations thereof.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Village Office of the Village Clerk in the Village Office, 6681 Automobile Road, Twin Lake, Michigan, during regular business hours.

This ordinance is effective ten (10) days from the date of this publication.

Published: October 1, 2023

VILLAGE OF LAKEWOOD CLUB

By SIGNED ON ORIGINAL
Susan West
Village Clerk