

**TOWNSHIP OF CHESHIRE
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 448

VEHICLE PARKING, STORAGE AND REPAIR ORDINANCE

ADOPTED: SEPTEMBER 7, 2021

EFFECTIVE: OCTOBER 23, 2021

An ordinance to secure the public peace, health, safety, welfare and protection of the environment of and for the residents and property owners of Cheshire Township, Allegan County, Michigan, by regulating the outdoor parking, storage and repair of vehicles, including trailers or other conveyances of any kind, and boats and other watercraft, or new or used parts therefrom; to provide civil sanctions and civil remedies for the violation of this ordinance; and to repeal any ordinance or parts of ordinances in conflict herewith.

**TOWNSHIP OF CHESHIRE
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and may be cited as the Cheshire Township Vehicle Parking, Storage and Repair Ordinance.

SECTION 2

PURPOSE

The purpose of this ordinance is to prohibit or otherwise restrict upon public and private premises within the Township the outdoor storage, parking, repair or accumulation of unused, partially dismantled, unlicensed or inoperable vehicles, including trailers or other conveyances of any kind, and boats and other watercraft, or new or used parts therefrom; to provide restrictions concerning the repairing of vehicles; and to regulate the parking/storage of recreational vehicles, trailers, and boats/other watercraft in residential areas. This Ordinance is intended to avoid injury and hazards to children and others attracted to such vehicles/other conveyances/watercraft; to prevent degradation of the environment caused by such vehicles/other conveyances/watercraft;

and to minimize the devaluation of property values and the psychological ill effects of the presence of such vehicles/conveyances/watercraft and parts upon adjoining residents and property owners; and to promote public safety by preserving a reasonable sight line adjacent to public streets and private roads accessible by the public unobstructed by recreational vehicles, trailers, and boats/other watercraft.

SECTION 3

DEFINITIONS

For the purpose of enforcing the provisions of this ordinance, certain terms and words used herein shall have the following meaning:

- A. A vehicle shall be deemed "inoperable" where any of the following conditions exist:
 - 1. It is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 - 2. It does not have all of its main component parts properly attached.
 - 3. Any other or additional conditions exist which cause the vehicle to be incapable of being lawfully used upon the public streets; or which, in the case of trailers or other conveyances of any kind, and boats/other watercraft, cause it to be incapable of being operated for its designed purpose.
- B. "Main Component Parts" shall mean fenders, hood, wheels, radiator, motor, windows, doors, muffler, body or essential parts of the engine, and all such other parts or equipment as are necessary for the vehicle to be lawfully used upon the public streets pursuant to the Michigan Vehicle Code, being 1949 Public Act 300, as amended, or any other applicable law; and such parts and equipment as are otherwise necessary for the vehicle to be used for its designed purpose.
- C. "Person" shall mean an individual, firm, corporation, or other entity of any kind.
- D. "Agricultural vehicle" means a vehicle or conveyance designed and intended for agricultural use.
- E. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway or waterway, except devices designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. This term therefore includes but is not limited to cars, trucks, motorcycles, agricultural vehicles, motorhomes, recreational vehicles, campers/pop-ups, snowmobiles, all-terrain vehicles, trailers, and any other similar conveyance of any kind, and also boats/other watercraft (whether or not on a trailer).

SECTION 4

REGULATIONS

- A. No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises owned, leased, rented, occupied or possessed by such person any vehicle, including a vehicle for sale, or new or used vehicle parts, unless one or more of the following conditions exist:
1. Where subject to a license/registration requirement by the State of Michigan, such vehicle: (a) is currently and validly licensed/registered for operation, (b) is not inoperable, and (c) has all its main component parts attached.
 2. Such vehicle or parts are located in a duly licensed and properly zoned junkyard, salvage yard, new or used vehicle dealer's lot, or storage yard, where such uses or operations are legally authorized under the Township Zoning Ordinance, and are conducted in conformance therewith.
 3. Such vehicle: (a) is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, body shop, or other similar facility legally authorized under the Township Zoning Ordinance and where applicable registered with the State of Michigan pursuant to 1974 PA 300, as amended, (b) is locked, (c) is currently and validly licensed/registered for operation, and (d) is not a public nuisance.
 4. Such vehicle, although temporarily inoperable because of minor mechanical failure: (a) has substantially all its main component parts attached, (b) where subject to license/registration requirement by the State of Michigan, is currently and validly licensed/registered for operation, and (c) is not in any manner a dismantled vehicle; provided that the premises shall not contain any such vehicle for longer than 14 days in any one calendar year, calculated on a cumulative basis for the same or different vehicles and notwithstanding that no one such vehicle remains upon the premises for more than said 14 day period.
 5. Such vehicle: (a) is in operating condition, (b) has all of its main component parts attached, (c) is for sale by the owner or occupant of the premises, and (d) is posted with a "For Sale" sign. This provision shall be limited to allowing the outdoor storage of one such vehicle per lot or parcel at any one time and shall only permit the outdoor storage of such vehicle for no more than 30 days in any one calendar year, calculated on a cumulative basis for the same or

different vehicles and notwithstanding that no one such vehicle remains upon the premises for more than said 30 day period.

6. Such vehicle: (a) is an agricultural vehicle as defined in this ordinance, and (b) is used or usable for agricultural purposes.
 7. A special permit is first obtained therefor for a period of not to exceed 90 days from the Township Supervisor to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one additional 30-day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.
- B. Motor homes, campers/pop-ups and other types of recreational vehicles, and trailers and boats, even if licensed/registered and in fully operable condition, shall not be parked or stored any closer to any public street or any private road accessible to the public than the greater of:
1. 53 feet from the center of the main traveled portion of the street or road; or
 2. 20 feet from any street/road right-of-way line.
- C. Semi-tractor trailers, hauler trucks, and similar types of conveyances, even if licensed/registered and in fully operable condition, shall not be used as storage containers (with or without wheels) on any premises used for residential occupancy purposes.

SECTION 5

NUISANCE

Any vehicle parking, storage, placement or repair activities in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined and which may subject the violator to the fines and sanctions provided for herein.

SECTION 6

SEVERABILITY

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 this ordinance other than said part or portion thereof.

SECTION 7

VIOLATIONS AND ENFORCEMENT

- A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- B. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. This ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Cheshire Township, or by such other person or persons as the Township Board may designate from time to time.

SECTION 8

REPEAL

Conflicting ordinances or parts of ordinances are hereby repealed; provided this ordinance is not intended to repeal any provision of the Cheshire Township Zoning Ordinance.

SECTION 9

EFFECTIVE DATE

This ordinance shall take effect 30 days after publication as required by law.

Donna Hetzel
Cheshire Township Clerk