

# Kinross Charter Township Ordinance No. 1.121

## JUNK ORDINANCE UPDATED 07/11/22

An ordinance to secure the public peace, health, safety, and welfare of the residents and property owners of the Charter Township of Kinross, Chippewa County, Michigan, by the regulation of: the outdoor parking and storage of motor vehicles, tractor trailers, trailers, dismantled or inoperable equipment; and the accumulation of trash, junk, or of new and used parts thereof, within the Charter Township of Kinross and to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

### Section 1 Name

This ordinance shall be known and cited as the Kinross Charter Township Junk Ordinance.

### Section 2 Purpose

The purpose of this ordinance is to limit and restrict the outdoor storage, parking, or unreasonable accumulation of trash, junk, rags, paper products, partially dismantled or non-operating motor vehicles, tractor trailers, trailers, dismantled or inoperable equipment, and the accumulation of new or used parts thereof upon premises used or zoned for any type of residential purpose within the township; to thereby avoid injury and hazards to children and others attracted to such vehicles, equipment, or trailers; the devaluation of property values and the psychological ill effect of the presence of such vehicles, equipment, junk, trash, or trailers upon adjoining residents and property owners.

### Section 3 Definitions

**Trash and Junk:** The terms “Trash” and “Junk” are used synonymously and each as herein used shall include the following: Second-hand articles of any kind, such as but not limited to used articles or used pieces of: cast iron, old iron, old steel of any kind, tool steel, aluminum, copper, brass, lead, scrap metal, rags, paper products, automobile bodies or parts of machinery, old machinery or parts, old cars stored for the purpose of dismantling and car parts stored for the purpose of sale or repair, lighting and plumbing fixtures. Also to include discarded materials such as, but not limited to construction scrap and debris, manufacturing by-products and other non-toxic or non-caustic wastes, ashes, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk.

**Junk vehicles:** Any motor vehicle or trailer, which does not have lawfully affixed an unexpired license plate, registration sticker and/or any of the following:

1. Wrecked
2. Damaged
3. Dismantled

4. Partially Dismantled
5. Inoperative
6. Abandoned
7. Discarded

**Major repair:** Any repair requiring more than a forty-eight (48) hour period to accomplish.

## Section 4 Prohibitions

No person, firm, or corporation shall park, allow to be parked, stored, or place upon any public right-of-way or public property any trash or junk except in receptacles for not longer than a twenty-four (24) hour period while awaiting lawful disposal.

- A) No person, firm, or corporation shall park, store, or place upon any premises that is used or is zoned for any type of residential purpose within the township, any motor vehicles, tractor trailers, trailers, ORV's, dismantled or inoperable equipment, or cause to accumulate new or used parts therefrom, unless the same is wholly contained within a fully enclosed building and does not violate any zoning ordinances of the township or country, or laws of the State of Michigan, except for the following:
- 1) Duly licensed and operable vehicles or trailers with all main component parts attached.
  - 2) Vehicles, trailers, or equipment that are temporarily inoperable because of minor mechanical failure, but which are not in any manner dismantled and have substantially all main component parts attached, which may remain upon such private property for a period not to exceed fourteen (14) days.
  - 3) Not more than one vehicle in fully operating condition, such as stock car or modified car that has been re-designed or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side street yard area of any such residential premises.
  - 4) Shipping containers and enclosed trailers used for storage, provided the same are not located in the front or side yards of the residence.
- B) No major repair, redesigning, modifying, or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof within any public right-of-way or upon public property.
- C) No repairing, redesigning, modifying, or dismantling work or operations shall be allowed upon any property used or zoned for any type of residential purpose for a period in excess of forty-eight (48) hours except work that takes into account all of the following:
- 1) Work that may be accomplished within a fully enclosed building.
  - 2) Work that will not constitute a nuisance or annoyance to adjoining property owners or occupants for any of the following reasons:
    - a) Is detrimental to the safety and welfare of the public;

- b) Tends to reduce the value of surrounding private property;
- c) Invites vandalism;
- d) Creates a fire hazard;
- e) Is an attractive nuisance creating a hazard to the health and safety of minors;
- f) Produces urban blight adverse to the maintenance and continuing development of municipalities; or
- g) Is a public nuisance by means of noise, odor, dust, or glare.

3) Work that does not violate any Kinross Charter Township Ordinance.

Any such work within the allowed forty-eight (48) hour period shall not, however, consist of any major repair, re-designing, modifying, or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition. In no event shall any such vehicle be parked in the front or side yard area of any such residential premises.

- D) In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator because of unforeseen circumstances, the Kinross District Police Department and/or the Zoning Administrator of the Township is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of not to exceed fourteen (14) days provided no adjoining property owner or occupant is unreasonably or adversely affected and the spirit and purpose of the ordinance are still substantially observed.

## Section 5 Exceptions

- A) Equipment used in conjunction with farming operations conducted in accordance with generally accepted agricultural practices are not included within the definition of junk and are exempt from this ordinance subject to review of the zoning administrator.
- B) This ordinance shall not prevent the operation of any licensed activity legally operating within a proper zoning district as defined in the Kinross Charter Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

## Section 6 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 subject the violator to damages, fines, and penalties herein stated.

Nothing in this Ordinance shall prohibit a private citizen or entity from bringing suit to abate a nuisance existent contrary to this ordinance.

### Section 7 Severability 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 declared void or unenforceable.

### Section 8 Penalty

Any person, firm, or corporation who violates any of the provisions of this ordinance shall be punished by a fine of not more than five-hundred (\$500.00), or by imprisonment in the county jail for not to exceed ninety (90) days, or by both such fine and imprisonment, plus all reasonable costs of investigation and prosecution. Each day that a violation continues to exist shall constitute a separate offense. In addition to any remedies available at law, the township may bring a civil action for an injunction or other process against any person to restrain, prevent, or abate any violation of this Ordinance.

### Section 9 Attorneys' Fees

Should a suit be filed pursuant to this Ordinance and judgment entered in favor, Kinross Charter Township may seek actual attorneys' fees involved with the enforcement as well as out-of-pocket expenses.

### Section 10 Ordinance Repeal

Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

### Section 11 Effective Date

This Ordinance shall become effective thirty (30) days after publication in a newspaper in general circulation within Kinross Charter Township.