

ORDINANCE

No. 18-93

GRAND TRAVERSE COUNTY JUNK ORDINANCE

THE BOARD OF COMMISSIONERS OF GRAND TRAVERSE COUNTY ORDAINS:

PREAMBLE

The Board of Commissioners of Grand Traverse County determines that the public peace, health, safety and welfare of the citizens of Grand Traverse County is threatened by the accumulation, storage, abandonment or discarding of rubbish, garbage, demolition and construction debris, junk, junk vehicles and parts of such vehicles which can result in adverse soil and water pollution, fire hazard, injury to public health by disease and pests and to persons, blight or potential blight where such conditions are exposed to public access in Grand Traverse County and where such activity is not otherwise regulated by state law, township or village ordinances.

I. NAME.

This Ordinance shall be known and cited as the Grand Traverse County Junk Ordinance.

II. DEFINITIONS.

- A. Construction and demolition debris means a type of solid waste consisting of waste building materials and rubble resulting from the construction, remodeling, repair and demolition of houses, commercial and industrial buildings and other structures which includes but is not limited to metal, concrete, glass, brick, asphalt, roofing materials, wood, tree stumps, brush from construction sites.
- B. Distressed vehicle means a motor vehicle or vehicle that has been wrecked, scrapped, ruined, junked, dismantled or damaged to such an extent that an owner or an insurance company which insures the vehicle considers it uneconomical to repair the vehicle.
- C. Garbage means rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable not in a properly maintained composting operation.
- D. Junk is any manufactured goods, appliance, fixture, furniture, machinery, boat or personal property or any part of the preceding things or any thing, whether of value or valueless, that is demolished, discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state.

E. Junk motor vehicle means a motor vehicle which is (a) distressed, (b) missing a major component part, (c) used as a storage shed or storage container and is distressed or missing a major component part or (d) is not capable of operation because of missing or broken parts and cannot be made operational by simple mechanical or electrical repairs or simple replacement of any part(s) in order to qualify for use under the Michigan Motor Vehicle Code, 1939 PA No. 300, as amended and includes wreckage, any part(s) of a motor vehicle except for the following:

1. A motor vehicle in operating condition eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, 1939 PA No. 300, as amended.
2. A motor vehicle in operating condition held as stock in trade by a regularly licensed dealer of new and used motor vehicles or equipment held as stock in trade.
3. A motor vehicle or parts thereof located in junk yards or the places of business of wreckers duly licensed by state or township authority pursuant to state law or local zoning law.
4. A motor vehicle temporarily inoperable due to minor mechanical or electrical failure but which is not a junk vehicle. The motor vehicle may remain upon the premises in the temporary inoperable condition for a period of time not to exceed an aggregate total of thirty (30) days and thereafter is subject to the provisions of this Ordinance.
5. No more than one modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured may be permitted, provided no building, garage, structure or enclosure is located upon the premises in which the vehicle could be parked or stored and also that in no event shall any such stock modified, remodeled or reconstructed vehicle be parked in the front or side yard area of any residential premises so as to be subject to public view or access.
6. The lack of a current registration plate is not, in and of itself, a basis for a determination that the motor vehicle is a junk vehicle.

F. Major component part means 1 or more of the following parts of a motor vehicle:

1. The engine.
2. The transmission.
3. The right or left front fender.
4. The hood.
5. A door allowing ingress or egress from the vehicles's passenger compartment.



6. The front or rear bumper.
  7. The right or left rear quarter panel.
  8. The deck lid, tailgate, or hatchback.
  9. The trunk floor pan.
  10. The cargo box of a pickup.
  11. The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame.
  12. The cab of a truck.
  13. The body of a passenger vehicle.
  14. The window glass.
- G. Motor vehicle means every vehicle, by design, is or is intended to be self-propelled and by which any person or property is or may be carried or transported except devices exclusively moved by human power and a mobile home.
- H. Public view or access means the ability by any passerby traveling upon public or private premises or one or more adjacent property owners unobstructed view or access to the premises upon which the junk, junk vehicle(s), garbage, rubbish, construction or demolition debris is present.
- I. Person means an individual, sole proprietorship, partnership, association, corporation, public or private.
- J. Premises means any lot or parcel of land owned or occupied by any person, vacant or improved with any dwelling, building or other structure or public lands or public right of way or easement.
- K. Rubbish means miscellaneous waste material resulting from house-keeping and ordinary commercial enterprises including but not limited to ashes, cartons, cans, bottles, metal, boxes, waste papers, glass, bedding, crockery, wood, used lumber, paper, bottles, rags, tires, machinery parts but does not include discarded materials from building construction or repair or refuse from industrial or manufacturing operations.
- L. Ruined means formless, useless or valueless.
- M. Scrapped means having no value except as scrap metal.
- N. Wrecked means the outward appearance of the specific item or vehicle is deformed, damaged or defaced.
- O. Yard waste means leaves, grass clippings, vegetable or other garden debris, shrubbery or brush or tree trimmings that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.
- III. Prohibited Acts.
- A. No person shall cause, allow or permit the accumulation, storage, abandonment or discarding of rubbish, construction or demolition debris or garbage not including yard waste in or upon any premises.

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- B. No person shall cause, allow or permit the accumulation, storage, parking, abandonment or discarding of junk or junk vehicle(s) in or upon any premises unless the junk or junk vehicle(s) or any part thereof shall be contained within a fully enclosed building or structure, a complete opaque walled enclosure or is otherwise screened by natural objects, plantings, fences or other appropriate means so that the junk or junk vehicle(s) are not exposed to public access or view.
- C. No person shall repair, redesign, modify or dismantle any motor vehicle or parts thereof on any public premises or upon private premises for a period in excess of one week except such as shall be accomplished in fully enclosed buildings or walled enclosures except as authorized by state law, township or village ordinance.

IV. Nuisance.

- A. Any parking, storage, accumulation, placement or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or for which the violator may be subject to a suit for damages in addition to the penalties provided herein.

V. Penalty.

Any person violating the provisions of this ordinance shall be subject, upon conviction, to a fine not to exceed \$500.00 or by imprisonment in the county jail for not more than 90 days or both such fine and imprisonment plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate violation of this ordinance.

VI. Preemption.

This ordinance shall not apply to any junk yards, salvage yards, auto repair facilities, auto body or paint shops, recycling centers, contractor yards operating within Grand Traverse County which are licensed or operating within a properly zoned district or by a license or permit authorized by state law, township or village ordinance. This ordinance shall be in addition to and not in conflict with all other laws and ordinances.

VII. 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 a court of competent jurisdiction, the remaining portions of this ordinance shall remain in force.

VIII. Effective Date.

This ordinance shall take effect 30 days after publication and upon being signed by the County Clerk.

IX. Repeal.

All county ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are repealed. The previous Grand

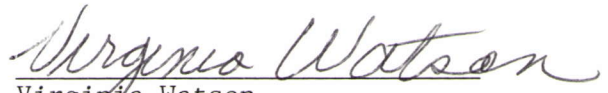
Traverse County Junk and Junk Vehicle Ordinance adopted by Grand Traverse County on June 27, 1972 is repealed upon the effective date of this ordinance and except that any prosecution commenced before the date of repeal of the prior ordinance shall continue with the same force and effect as if the ordinance had not been repealed.

Dated: April 28, 1993

  
Chairman  
Board of Commissioners  
Grand Traverse County

I, Virginia Watson, Clerk of the Board of Commissioners, certify that the foregoing Ordinance was introduced and adopted at a session of the Board convened in the City of Traverse City on April 28, 1993 by a majority vote of the members present.

Effective Date: June 5, 1993

  
Virginia Watson  
Clerk  
Board of Commissioners  
Grand Traverse County