

SILVER CREEK TOWNSHIP
VEHICLE REPAIR AND STORAGE ORDINANCE

ORDINANCE NO. 21-04

ADOPTED: July, 2021

EFFECTIVE: 30 days after publication

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Silver Creek Township, Cass County, Michigan, a municipal corporation, by the regulation of the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft, cargo container, railcars, railroad cars, semi-truck trailers, box cars, truck boxes and new or used parts or junk therefrom, within said Township of Silver Creek ; to define common types of conveyances and to prohibit the utilization of the various types of conveyances for storage or as storage structures on real property premises within the Township; to provide civil sanctions and remedies for the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF SILVER CREEK

CASS COUNTY, MICHIGAN

ORDAINS:

SECTION 1

NAME

This Ordinance shall be known and cited as the Silver Creek Township Vehicle Repair and Storage Ordinance.

SECTION 2

PURPOSE

The purpose of this Ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled or inoperable vehicles, including any conveyance, trailer, boat, aircraft, cargo container, railcars, railroad cars, semi-truck trailers, box cars, truck boxes or new or used parts thereof upon premises

within the Township; to provide restrictions concerning the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; to define common types of conveyances, such as motor homes, recreational vehicles, mobile house trailers, mobile homes, and campers; to ensure that said conveyances are utilized only for their intended purposes and not for, as, or in the place of a storage structure or unit on premises within the Township; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION 3

DEFINITIONS

- A. "Vehicle" means any vehicle, motorized or not, operated or designed to be operated on public or private highways, streets or roads. "Vehicle" also means any machine, motorized or not, that is or can be used as a pleasure vehicle on private property, such as boats, snowmobiles and dirt bikes.
- B. "Main Component Parts" means fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.
- C. "Inoperable" means a vehicle or machinery with any of the following conditions in existence:
1. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 2. Where it does not have all of its main component parts properly attached.
 3. Where any other or additional conditions exist which cause the vehicle to be incapable of being driven under its own power, lawfully, upon the public streets.
 4. Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose it was designed.
- D. "Unoccupied Mobile Home" shall be mean a movable or portable structure constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling which is not presently being occupied, is not attached to sanitary sewer or septic facilities and is not connected to electrical power and potable water utilities.
- E. The terms "camper"; "recreational vehicle"; "motor home" and "trailer" as utilized in this Ordinance shall be synonymous and are intended to mean that group of conveyances which are capable of being moved on their own chassis or wheels upon a roadway or highway, either with or without its own engine; which can be utilized or occupied as a temporary residence or vacation structure for limited time

periods, which are not designed to be permanently connected to electrical power, water, sewage and potable water utilities, whether or not said unit is licensed and operational for use upon the public highways and roadways and whether or not said unit is actually operational for use as a vacation trailer or temporary dwelling.

SECTION 4

REGULATIONS

- A. No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within Silver Creek Township any vehicle, including any conveyance, boat, aircraft, or new or used parts therefrom, unless one or more of the following conditions exist:
1. Such parking or storage is located within a fully-enclosed building.
 2. A special permit is first obtained therefor for a period of not to exceed 45 days from the Supervisor of Silver Creek Township or such other officer or official as the Township Board may designate 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;
 3. Such vehicle or conveyance is licensed or registered by the State of Michigan, is an operable vehicle or conveyance, has all of its main component parts attached, as hereinafter defined, has a proper and valid license plate displayed upon it, and is, in fact, regularly operated for its designed purpose;
 4. Such vehicle(s), boats, trailers, cargo containers, railcars, railroad cars, semi-truck trailer, boxcar, truck box, aircraft or conveyances are located in a duly licensed and properly zoned junkyard, salvage yard, new or used car dealer's lot, automobile repair facility or storage yard where such uses or operations are legally authorized under the Township Zoning Ordinance.
 5. Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, provided such vehicle or vehicles are locked, licensed by the State of Michigan, and are not a public nuisance.
 6. Such vehicle, boat, trailer, aircraft or conveyance, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not

in any manner a dismantled vehicle; and the premises do not contain any such vehicle, boat, aircraft, trailer or conveyance for longer than 14 days in any one calendar year.

- B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle, boat, trailer, aircraft, cargo container, rail car, railroad car, box car, semi-truck trailer, truck box or conveyance or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition and as shall be accomplished within fully enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Silver Creek Township Zoning Ordinance.
- C. The outdoor storage or placement of railroad cars, boxcars, cargo containers, land/sea/air containers and/or railcars, either with or without wheels attached, on any property which is not operated as a bona fide railroad in accordance with Michigan Public Act 354 of 1993, as amended, or a commercial or industrial storage yard authorized under the Township Zoning Ordinance constitutes a violation of this ordinance.
- D. The foregoing shall not be construed to prohibit the storage of farm machinery, vehicles, equipment and material used for agricultural purposes upon an operating farm of not less than twenty (20) acres. Farm equipment not in use but stored for parts shall be stored in an area totally obscured from adjacent premises and roads.
- E. Trailers, campers, mobile house trailers, semi-truck trailers, campers and other conveyances may be parked or stored upon premises in Silver Creek Township so long as the same are 1) licensed; 2) operable; 3) regularly used for their intended purposes. No conveyance, trailer, camper, unoccupied mobile home, mobile house trailer, or semi-truck trailer shall be parked, placed or stored upon premises within Silver Creek Township for use as a storage building or unit; nor shall any of the above be permitted to be utilized as a residential unit upon real property premises without principal permitted use within Silver Creek Township (see Section A.6, above).

SECTION 5

NUISANCE

Any parking, storage, placement or operations 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 the fines and penalties herein provided for.

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

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	375.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Silver Creek Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION 8

REPEAL

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed; however, legal proceedings presently pending on an Ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance. This ordinance is not to be interpreted so as to vary the terms of or to create an

inconsistency with the Silver Creek Township Zoning Ordinance. Ordinance No. 11, "Outdoor Storage", of the Silver Creek Township Code of Ordinances is hereby repealed.

SECTION 9

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

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