

**VILLAGE OF CASNOVIA
COUNTIES OF KENT AND MUSKEGON, MICHIGAN**

At a regular meeting of the Village Council of the Village of Casnovia, held at the Village Hall, 141 North Main St., within the Village, on the 13th day of February, 2017, at 7:00 p.m.

PRESENT: Members: Kahrs, Sands, DeVos, Ruzzene, Nuttall, Crowther

ABSENT: Members: None

The following ordinance was offered by Member Sands and seconded by Member DeVos:

THE VILLAGE OF CASNOVIA ORDAINS:

ORDINANCE NO. 01-2017

AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, OR INOPERABLE MOTOR VEHICLES, MACHINERY, AND EQUIPMENT IN THE VILLAGE OF CASNOVIA, AND TO PROVIDE FOR THE ISSUANCE OF PERMITS, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF

Section 1. TITLE

This ordinance shall be known and may be cited as the Village of Casnovia Inoperable Motor Vehicle Ordinance.

Section 2. DEFINITIONS

For the purpose of the ordinance, the following definitions shall apply:

(a) Motor vehicles are hereby defined as any wheeled vehicles which are or are intended to be operable as self-propelled vehicles.

(b) Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power, or are unsafe for operation on the streets and highways of this state because of inability to comply with the State Motor Vehicle Code or do not have a current license and registration as required for operation by the State Motor Vehicle Code.

(c) Dismantled and partially dismantled motor vehicles are defined as motor vehicles from which some component of such motor vehicle has been removed or is missing.

(d) Inoperable machinery and equipment is defined as any item or piece of machinery or equipment which by reason of dismantling, disrepair, or other cause is incapable of functioning or being operated as it was intended to function or be operated.

(e) Dismantled or partially dismantled machinery and equipment is defined as machinery and equipment from which some part or parts which are ordinarily a component of such machinery or equipment has been removed or is missing.

Section 3. STORAGE

It is hereby declared to be unlawful for any person, firm or corporation to store, place, permit to be stored, placed or allowed to remain any dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment, or any parts thereof, on land located in the Village of Casnovia, except as the same may be permitted under the provisions of the zoning ordinance of the Village of Casnovia, unless said dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment, or parts thereof, shall be kept in a wholly enclosed garage or other wholly enclosed structure; provided, however, that any bona fide owner, co-owner, tenant or co-tenant of said land may store or permit to be stored, or allow to remain on the premises of which he is the owner, co-owner, tenant or co-tenant, any one such dismantled, partially dismantled or inoperable motor vehicle, for a period of not to exceed fourteen (14) days if such a motor vehicle is registered in his, her or its name; and provided further, that any such owner, co-owner, tenant or co-tenant, in the event of hardship and upon payment of the fee hereinafter provided, may secure a permit from the Building Inspector of the Village of Casnovia to extend such period of fourteen (14) days for an additional period of not to exceed one (1) week for any one such inoperable motor vehicle. This ordinance shall not be construed to permit the parking or placing of dismantled or partially dismantled motor vehicles, machinery or equipment on any street area in the Village or in any front yard as such is now or hereafter defined by the zoning ordinance of the Village of Casnovia.

Section 4. PERMITS

Upon application duly made by the registered owner of a motor vehicle and upon a showing of hardship, which hardship can be eliminated by an extension of time as herein permitted, the Building Inspector of the Village of Casnovia is hereby authorized to issue the permits referred to in Section 3 hereof. No such permits shall be granted for successive weeks for any one motor vehicle. A fee of Ten (\$10.00) Dollars shall be collected for each such permit so issued, and shall be paid into the general fund.

Section 5. CONSTRUCTION

This ordinance shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to the keeping of rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinance as well as to any statutes of the State of Michigan relating thereto.

Section 6. NUISANCE

The presence of a dismantled or inoperable motor vehicle, machinery or equipment, or any parts thereof, in violation of the terms of this ordinance is hereby declared to be a public nuisance.

Section 7. PENALTIES

Violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this ordinance, "subsequent offense" means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

Section 8. REPEAL OF ORDINANCE NO. 77, AS AMENDED

Ordinance No. 77-1, Dismantled Car Ordinance, as amended, is hereby repealed in its entirety.

Section 9. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

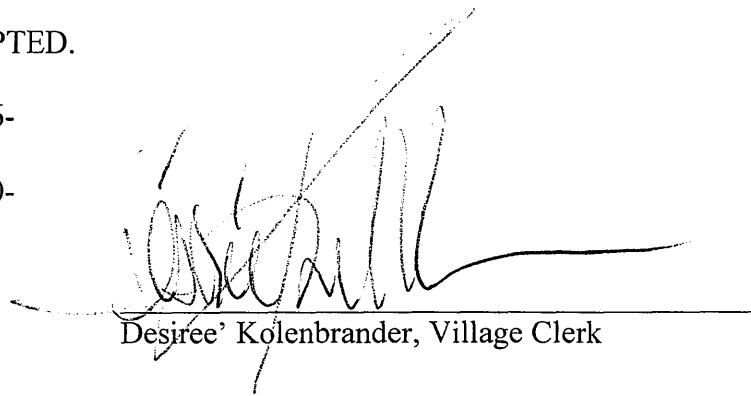
Section 10. EFFECTIVE DATE AND PUBLICATION

This ordinance shall become effective thirty (30) days following its publication or the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

ORDINANCE DECLARED ADOPTED.

AYES: Members: -6-

NAYS: Members: -0-



Desiree Kolenbrander, Village Clerk