

**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 Office, 141 North Main Street, within the Village, on the 8th day of January 2024 at 7:30pm.

PRESENT: Members: Morris, Kahrs, Frary, Bennett, Palinski
ABSENT: Members: None

The following ordinance was offered by Member Palinski and supported by Member Bennett.

ORDINANCE NO. Δ 2023-06

AN ORDINANCE Δ 2023-06, to amend the established 01-2017 ordinance “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” and to rename the ordinance “2023-06 Village of Casnovia Inoperable/Unregistered Vehicle Storage.” Δ (Note: The presence of the Delta symbol Δ before and after a section will denote a change to the ordinance.)

THE VILLAGE OF CASNOVIA ORDAINS:

Δ Section 1. Purpose: To amend and regulate the Ordinance for a Village of Casnovia Inoperable Vehicle Storage previously known as the “The Outdoor Storage of Dismantled, Partially Dismantled, Or Inoperable/Unregistered 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” by and For the Village of Casnovia, Ordinance Number 01-2017. This amended ordinance shall be officially known as the "Village of Casnovia Inoperable/Unregistered Vehicle Storage.”

Section 2. Definitions: For the purpose of the ordinance, the following definitions shall apply:

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

(a) Inoperable/Unregistered 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.

(b) 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.

(c) 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.

(d) 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. Inoperable or Unregistered Vehicles

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/unregistered 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 onetime extension from the office staff or any Village Council member 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. Parking or placing dismantled or partially dismantled motor vehicles, machinery, or equipment between the sidewalk and the street is also prohibited.

Section 4. Requests for Extension

Upon request for extension, a one(1) time extension request may be approved by Village office staff or any Village Council member for a period of two(2) weeks 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.

Section 5. Construction

This ordinance shall not be construed to conflict or repeal the adopted International Property Maintenance Code (IPMC) and may be sent in conjunction with violations of the IPMC code as it relates to the keeping of rubbish, litter, garbage, refuse, trash, or junk, but shall be construed as supplementary to any such relating ordinance as well as to any statutes of the State of Michigan.

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. Repealed/Amended Ordinances:

Ordinance No 01-2017 is hereby repealed/amended and replaced with Ordinance No. 2023-06

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. Publication/Effective Date:

A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation, within 15 days after adoption. This Ordinance shall become effective upon such publication. ▲

ORDINANCE DECLARED ADOPTED.

AYES: Morris, Kahrs, Frary, Bennett, Palinski

NAYES: None

Pamela Manciu
(Clerk Name), Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Casnovia at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Pamela Manciu
(Clerk Name), Village Clerk