

ORDINANCE # 226-03

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN KNOWN
AS:

JUNK AND AUTOMOBILE ORDINANCE.

THE VILLAGE OF BANCROFT ORDAINS:

Section 1. Junk Storage (accumulation, storage of items on private property)

Motor Vehicles. Unless otherwise permitted, no person or corporation, whether he is the owner, tenant, or manager of private property, or whether he is the last registered owner of a motor vehicle or transferee on a bill of sale covering the motor vehicle, shall permit the accumulation on private property for a period of more than ten days, of one or more motor vehicles which do not meet the following conditions:

- A. Any motor vehicle must be in operating condition, and eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, being act 300 of the Public Acts of 1949.
- B. The minimum conditions of this section, will include, but not be limited to, an engine that runs, four wheels and pneumatic tires capable of holding air, and be inflated, and be equipped with a working battery.

Section 2. Junk, Household Appliances, Etc.

It shall be unlawful for any owner, occupant, possessor, or any person having control of any private land, whether it be open lot, field, or any open part thereof, to allow any junk and nonoperating tractors, machinery, car parts, and any parts therefrom, household appliances, old iron and metal debris, or any other personal property which because of age, wear and tear, lack of repair or other causes, is no longer usable as such in its then condition to be stored or remain on any such private property, open lot, field, or open part of either for a period of more than ten days.

Section 3. Application; Exceptions:

The provisions of this Ordinance shall apply in all areas of the Village except where the junk and nonoperating automobiles, tractors, machinery, car parts, household appliances, old iron and metal debris are stored in a completely enclosed building, or by a licensed junk dealer.

Section 4. Definitions:

- A. ***Open Field, Lot.*** An open field, lot or part of a lot is hereby defined for the purpose of this article as any field, lot or part of a lot which is not enclosed with a building or a noncombustible fence at least eight feet high, so constructed and maintained that rats, mice and other rodents cannot enter or leave; so constructed as to prevent children from entering; and so constructed as to prevent lighted cigarettes, cigar butts, or other burning objects from

being tossed into the field, lot or part of a lot.

- B. ***Conditions Creating Nuisance.*** In as much as old, discarded and nonoperating cars, vehicles unlicensed more than ten days, car parts, tractors, machinery, household appliances, old iron, used lumber, debris and other unsightly junk, if allowed to remain in the open is dangerous to the health of the Village in that it allows weeds, high grass and brush to grow up around it in which rats and other rodents frequent; is dangerous to the safety of the citizens in that it is an attractive nuisance to children from which children can receive serious injury because of the nuisance or possibly suffocate; and in that it creates a fire hazard because of the dead grass and weeds around and is detrimental to the general welfare of the Village in that it adversely affects the value of the adjoining properties, detracts from the general appearance of the Village and thereby causes citizens to go elsewhere for their business trading and their homes. Therefore, the storing thereof in an open field, lot or part of a lot in the Village is hereby declared to be a public nuisance.

Section 5. Complaints:

Upon complaint from any person, in writing, of any violation of this Chapter the zoning officer or police department shall make an investigation thereof, and if it is found that any of the items mentioned have been stored, placed or allowed to remain in any open field, lot or part of either for a period of more than ten days, the zoning officer or police department shall serve upon the owner, occupant, possessor or person having control thereof a written notice to remove the item therefrom within ten days after the receipt of the notice. The notice shall be served by a zoning officer or police officer. If it not possible for the zoning officer or police officer to personally serve the written notice upon the owner, occupant, possessor, or person having control, then it shall be sent by First Class Mail to the individual's last known address with proof of mailing and also be posted on the property by the officer.

Section 6. Appeals:

Any person believing that the notice issued pursuant to this Chapter is not proper, that the removal of the items within ten days would be an undue hardship, or who is aggrieved otherwise may appeal to the Village Council by delivering a written claim of appeal stating the reasons for appeal to the Village Clerk within ten days of the notice.

Section 7. Hearing and Determination:

- A. An appeal under this Chapter shall be heard by the Village Council at the next regular meeting thereof, and the appellant shall appear before the Village Council and show cause supporting the appeal. Any officer of the Village or any resident may also appear and present any facts they have regarding the matter.
- B. After hearing the facts so presented to the Village Council, the Council may, in writing, uphold the notice given, may extend time for removal of the items or may set aside the notice entirely, in accordance with the proof so presented.

- C. If a notice is upheld by the Village Council, the appellant shall have ten days thereafter, or such additional time as granted by the Council, in which to so remove the items.

Section 8. Removal by Village:

Any personal property found in violation of this Chapter may be removed, at the request of the zoning/police officer. This removal will be done at the expense of the property owner and that expense shall be placed upon the property tax roll, by levying the amount owed as a special assessment against the land from which the items were removed. This removal from private property shall not occur until the notice and appeals have been provided under Section 6 and Section 7.

Section 9. Vehicle Repair:

No person shall engage in major mechanical overhaul, repair or body work on motor vehicles on any residential lot within the Village limits, except in a completely enclosed building. Minor mechanical maintenance of motor vehicles owned by the resident in possession of the premises to extent of tune-ups, oil changes, and minor vehicle repair shall be permitted if completed within forty-eight hours.

Section 10. Impounding Fees:

The owner of any tangible personal property which shall be impounded pursuant to this Chapter shall, before recovering possession thereof, pay to the Village the actual expense of transporting the tangible personal property to the impound lot.

Section 11. Municipal Civil Infraction as an Alternative to Impounding:

- A. As an alternative to impounding items found in violation of this Chapter of the Bancroft Ordinance Code, the police officer, after providing the notice under Section 5 and allowing any appeals under Section 6 may issue the owner, occupant, possessor, or person having control of the offensive item(s) a municipal civil infraction ticket, pursuant to MCLA 600.8701; MSA 27A.8701, et seq. The officer shall not be required to issue any further notices under Section 5 before issuing a second and subsequent municipal civil infraction ticket for each day thereafter the violation of this Chapter continues.
- B. The words "municipal civil infraction" mean an act or omission that is prohibited by this Chapter of the Ordinance Code, but which is not a crime under this Ordinance or other Ordinances, and for which civil sanctions, including without limitation, fines, damages, expenses and costs, may be ordered as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended [MCL 600.8701; MSA 27A.8701, et seq] A municipal civil infraction is not a lesser included offense of a violation of this Ordinance that is a criminal offense.
- C. The sanction for a municipal civil infraction violation shall be civil fine in the amount as provided by this Chapter of the Ordinance Code, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable law.

1. Unless otherwise specifically provided for in this Chapter, the civil fine for a municipal civil infraction violation shall not be less than \$50.00 plus costs and other sanctions;
 2. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Chapter. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
 - a. Committed by a person within a 6 month period (unless some other period is specifically provided by this Chapter); and
 - b. For which the person admits responsibility or is determined to be responsible.
 3. Unless otherwise specifically provided by this Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be not less than \$100.00, plus costs and other sanctions;
 - b. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$200.00, plus costs and other sanctions.\
- D. The person who shall receive the municipal civil infraction by the police officer is the owner, occupant, possessor, or person having control of the offensive item.
- E. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Chapter, including any omission or failure to act where the act is required by this Chapter.
- F. In addition to any remedy available by law, the Village may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.
- G. The Village police officer shall have the authority to issue a municipal civil infraction ticket pursuant to this Chapter of the Ordinance Code, after an investigation and authorization by the Village Attorney, pursuant to MCL 600.8707(2); MSA 27A.87(2).

Section 12. Repealer:

All Ordinances or parts of Ordinances in conflict with this Ordinance with reference to 200-87, 200-94 are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Section 13. Severability:

A declaration that any section, subdivision, clause or phrase of this Ordinance is invalid, shall not affect the validity of the Ordinance as a whole or any other part other than the part so invalidated.

Section 14. Effective Date:

This Ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of Adoption: May 14th 2023

Date of Publication: May 29th 2003

Effective Date: June 3 2003

By: Tanya Buckelew
Tanya Buckelew, Village President

By: Shana L. Post
Shana Post, Village Clerk

STATE OF MICHIGAN)
SS
COUNTY OF SHIAWASSEE)

Public Notice

**VILLAGE OF BANCROFT
ORDINANCE NO. 226-03**

I, Shana Post, being the Clerk of the Village of Bancroft, MI do hereby cause to be published the following synopsis of a recently adopted ordinance of the Village of Bancroft, pursuant to M.S.A. 5.1274.

At the regular meeting of the Bancroft Village Council, held on May 14, 2003 the following Village ordinance was adopted:

226-03 Junk and Automobile Ordinance -

Unless otherwise permitted, no person or corporation, whether he is the owner, tenant, or manager of private property, or whether he is the last registered owner of a motor vehicle or transferee on a bill of sale covering the motor vehicle, shall permit the accumulation on private property for a period of more than ten days, of one or more motor vehicles which do not meet the following conditions:

A. Any motor vehicle must be in operating condition, and eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, being act 300 of the Public Acts of 1949.

B. The minimum conditions of the section, will include, but not be limited to, and engine that runs, four wheels and pneumatic tires capable of holding air, and be inflated, and be equipped with a working battery.

Section 2: Junk, Household Appliances, Etc. It shall be unlawful for any owner, occupant, possessor, or any person having control of any private land, whether it be open lot, field, or any open part thereof, to allow any junk and nonoperating tractors, machinery, car parts, and any parts therefrom, household appliances, old iron and metal debris, or any other personal property which because of age, wear and tear, lack of repair or other causes, is no longer usable as such in its then condition to be stored or remain on any such private property, open lot, field, or open part of either for a period of more than ten days.

The aforementioned ordinance may be viewed in its entirety by contacting the Village of Bancroft Clerk, at 120 S. Warren St., Bancroft, Phone 989-634-5375.

Phone 985-654-5575
Publish May 29, 2003

and acting City Clerk of the Village of Bancroft, Shiawassee
CERTIFY that the foregoing was introduced at a regular meeting
on the 14th day of May, 2003. and was duly adopted..

Shana Post
Shana Post, Bancroft Village Clerk