

**STATE OF MICHIGAN
COUNTY OF ARENAC
VILLAGE OF STERLING
ORDINANCE NUMBER 33
DISMANTLED/JUNK CAR ORDINANCE**

THIS IS AN ORDINANCE TO SECURE THE PUBLIC PEACE, HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS AND PROPERTY OWNERS OF VILLAGE OF STERLING, DEEP RIVER TOWNSHIP, ARENAC COUNTY, MICHIGAN, WHO HEREBY REGULATE THE OUTDOOR PARKING AND/OR STORAGE OF ANY MOTOR VEHICLES, TRACTOR TRAILERS, HOUSE TRAILERS, ALL-TERRAIN VEHICLES, SNOWMOBILES, FARM EQUIPMENT, TRAILERS OF ANY SORT, INCLUDING RECREATIONAL VEHICLES, BOATS, AND PERSONAL WATERCRAFT, AND INCLUDING ANY OTHER VEHICLE THAT MUST BE LICENSED BY THE SECRETARY OF STATE, WITHIN VILLAGE OF STERLING, AND TO PROVIDE FOR PENAL TIES FOR THE VIOLATION OF THIS ORDINANCE, AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the presence of junked, inoperable or abandoned motor vehicles on public or private property constitutes an attractive nuisance for children and others, and endangering their health and safety; provides harborage for vermin and other animals, constituting a menace to public health; creates a fire hazard, causes neighborhoods to become unsightly, resulting in the depreciation of property value and if on streets or public highways, creates a traffic hazard and endangering the public safety.

THE VILLAGE OF STERLING DOES HEREBY ORDAIN:

Section I. **TITLE**

The ordinance shall be known and cited as the VILLAGE OF STERLING Dismantled Car/Junk Car and/or Motor Vehicle and/or Boat Ordinance.

Section 2. **DEFINITIONS**

- A. Motor Vehicles: Any vehicle propelled or drawn by any power other than muscular, to include, but not be limited to, automobiles, trucks, buses, tractors, trailers, motorcycles and like vehicles.
- B. Junked, inoperable, wrecked, or abandoned motor vehicles: Any motor vehicle which is:
- (1) Inoperable or unable to operate under its own power, or,
 - (2) Damaged or has parts removed from it in such a manner that the vehicle cannot be operated legally on the highways of the State of Michigan, or
 - (3) Which does not bear a valid and current registration and license plate within twelve (12) months, with said license plate properly placed upon said vehicle.
- C. Boat: Any watercraft which according to the terms of this ordinance must be properly registered, and appropriately maintained to be operable.

Section 3. **PURPOSE**

The purpose of this ordinance is to limit and/or restrict the outdoor storage, parking, or unreasonable accumulation of junk, unused, partially dismantled, or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, farm equipment, trailers of any sort, including recreational vehicles, boats and personal watercraft, and any other vehicle that must be licensed by the Secretary of State, including any new or used parts thereof. Compliance with this ordinance shall be in a manner so as to thereby avoid injuries and hazards to children and others attracted to such vehicles and/or trailers; not cause the devaluation of property values and the psychological ill effect of the presence of such vehicles or trailers upon adjoining residents and property owners, and to insure that all parcels of property located within the VILLAGE OF STERLING are compatible with this ordinance's general intent to secure the public peace, health, safety, and welfare of its residents and property owners.

Section 4. **VIOLATIONS**

- A. No person, firm or corporation, shall park, store or place upon any public right-of-way or public property, or upon any premises that is located within VILLAGE OF STERLING, any accumulation of junk, wrecked, abandoned, unused, partially dismantled or non-operating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, farm equipment, trailers of any sort, including recreational vehicles, boats and personal water craft, and any other vehicle that must be licensed by the Secretary of State, either new or used, or any new or used parts or junk therefrom, unless the same is fully contained within an enclosed building and/or structure approved by VILLAGE OF STERLING, and does not violate any other zoning or building laws of said village, or Deep River Township, or Arenac County, or State of Michigan, and further that all such vehicles, accumulation of junk, wrecked, abandoned, unused, partially dismantled or nonoperating motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, farm Equipment, trailers of any sort, including recreational vehicles, boats and personal watercraft, and any other vehicle that must be licensed by the Secretary of State, either new or used, or any new or used parts or junk therefrom, shall be insured, properly registered, bearing appropriate licenses that are visible, and as operable and with substantially all main component parts attached therewith.
- B. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, may remain upon any parcel(s) of property for a period not to exceed fourteen (14) days. Furthermore, such vehicles and trailers will need to be currently licensed, insured and registered with the license plates visible from the outside of the vehicle.
- C. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property primarily used or zoned for any type of residential

purpose for a period in excess of fourteen (14) days except such as shall be accomplished within fully enclosed buildings, and will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of this ordinance. Any such work within such fourteen (14) day period heretofore allowed shall not however, consist of any major repair, redesigning, modifying or dismantling work, but only such occasional minor work as may frequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

- D. In the event the foregoing regulations create any special or peculiar hardship beyond the control of the particular violator thereof because of unforeseen circumstances, the Zoning Administrator of VILLAGE OF STERLING is hereby given the authority to grant permission to an applicant to operate contrary to the provisions hereof for a limited period of time, not to exceed 14 days provided no adjoining property owner or occupant is unreasonably adversely affected, thereby and the spirit and purpose of the ordinance are still substantially observed.

Section 5. **CONSTRUCTION**

This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the VILLAGE OF STERLING Zoning Ordinance and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

Section 6. **PENALTY**

- A. Any person, firm or corporation who violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than **\$100.00**, nor more than **\$500.00**, or imprisonment in the Arenac County Jail for a period not to exceed 90 days, or both such fine and imprisonment in the discretion of the Judge imposing sentence, plus costs of prosecution and any court costs. Each day that a violation is continued or permitted to exist without compliance shall constitute

a separate offense punishable by conviction in the same manner provided in this section, provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than ninety (90) days. Furthermore, VILLAGE OF STERLING may choose to enforce this Ordinance pursuant to the provisions of its Civil Infraction Ordinance in effect as of the date of the notice given to the potential violator of this Ordinance.

- B. The village shall also, as an alternative to the penalties as provided above, as well as the method for enforcement of this ordinance, shall be able to enforce this ordinance pursuant to its Civil Infractions Ordinance, being Ordinance Number 31 and/or as amended, or may seek any other relief available at law, either in the District and/or Circuit Courts servicing Arenac County, State of Michigan, and/or in the appropriate court of Federal jurisdiction, all as the circumstances may jurisdictionally warrant.

- C. Furthermore, any person found by the appropriate enforcement officer on behalf of VILLAGE OF STERLING to be in violation of this ordinance, shall be obligated upon request, to provide documentation to satisfy the various provisions of this ordinance, or for failure to do so, same shall also constitute a violation of this ordinance. This documentation may include, but is not limited to appropriate licensure, insurance coverage, or any other information as required by this ordinance and/or as may be mandated by any other law.

- D. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Village against the Village tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.

- E. The Zoning Administrator and/or the Deputy Zoning Administrator and/or any contractors employed on behalf of the Village by either the Zoning Administrator

and/or the Deputy Zoning Administrator, shall be allowed to go onto the premises and correct the cited violation after the property owner has been notified of same and to have all reasonable attorney fees and costs incurred, added to the tax rolls of said parcel.

Section 7. **ENFORCEMENT**

- A. The Village Zoning Administrator is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official or employee of the village that is authorized by resolution of the village board to enforce same.

- B. The agency designated by the Village President shall attach a notice in writing upon any junked, inoperable, wrecked, or disabled motor vehicles, tractor trailers, house trailers, all-terrain vehicles, snowmobiles, farm equipment, trailers of any sort, including recreational vehicles, boats and personal water craft, and serve a copy of the notice in writing upon the occupant of the land where the vehicle is located, or in the event there is no occupant, upon the owner of record as disclosed by the current tax roll of STERLING VILLAGE, notifying them of the violation and requiring the removal of the vehicle within fourteen (14) days of the date of the notice.

Section 8. **RIGHT TO APPEAL**

Anyone who is accused on behalf of the Village of violating any of the terms of this ordinance may appeal the decision of the enforcing officer to the Village Council at their next monthly meeting.

Section 9. **EXEMPTIONS**

- A. This Ordinance shall not apply to junked, inoperable, wrecked, and disabled motor vehicles located in a motor vehicle junk yard licensed by the State of Michigan, nor to junked, inoperable, wrecked, and disabled motor vehicles located wholly within an enclosed building or village designated impoundment area.

B. This Ordinance shall not apply to wrecked and disabled motor vehicles located in licensed repair facilities, which are there for the purpose of repair.

Section 10. **CONFLICTING LAWS**

If any term of this ordinance conflicts with any previous and/or other ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous and/or other ordinance shall remain in full force and effect.

Section 11. **REPEALED.**

All ordinances or parts of an ordinance in conflict with this ordinance are repealed only to the extent necessary to give this Dismantled-Junk Car Ordinance full effect.

Section 12. **ELECTION OF REMEDIES.**

If the Village pursues one remedy in regard to the enforcement of this ordinance, the Village may also pursue other remedies until the violation is completely remedied.

Section 13. **SEVERABILITY**

The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph, or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 14. **EFFECTIVE DATE**

This Ordinance shall become effective twenty (20) days after the date of its adoption by way of board resolution. Therefore, this ordinance shall become effective on the 3rd day of June 2024, and was enacted at a regular meeting of the VILLAGE OF STERLING COUNCIL held on the 14th day of May ; 2024, adoption of the foregoing ordinance was moved by Trustee Grandchamp , and supported by Trustee Yenior.

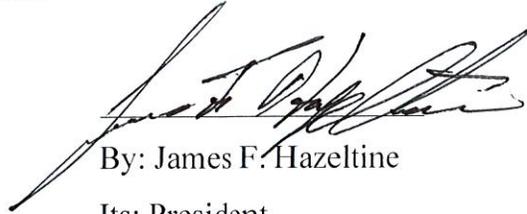
Voting for: Janice Yenior, Jeannine Coughlin, Cindy Chidley, Leann Grandchamp, J. Austin
Hazeltine

Voting against: None.

Absent: Elijah Burkhardt

The President declared the Ordinance enacted.

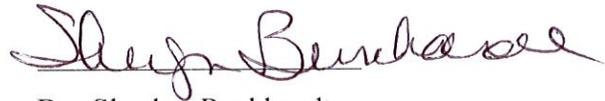
Dated: May 14, 2024



By: James F. Hazeltine

Its: President

Dated: May 14, 2024

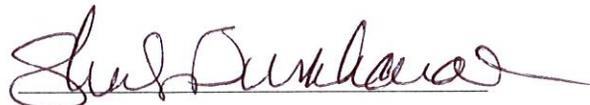


By: Sherlyn Burkhardt

Its: Clerk

CERTIFICATION

The foregoing is a true copy of Ordinance Number 33 , which was enacted by.
the VILLAGE OF STERLING COUNCIL at a regular meeting on the 14th day of
May 2024.



By: Sherlyn Burkhardt

Its: Clerk