

**SIDNEY TOWNSHIP LITTER AND VEHICLE/MACHINERY
STORAGE ORDINANCE
NUMBER _____**

Section I - Title

This Ordinance shall be known and may be cited as the Sidney Township Litter and Vehicle/Machinery Storage Ordinance.

Section II - Purpose

The purpose of this Ordinance is to prohibit the depositing and accumulation of litter, and to limit and restrict the outside storage and parking of unused, unlicensed, partially dismantled or inoperable vehicles and machinery upon public and private premises with the Township; to provide restrictions concerning the repairing of said vehicles and machinery; to avoid injury and hazards to children and others attracted to such litter, vehicles and machinery; to prevent degradation of the environment caused by such litter, vehicles and machinery; and to minimize the devaluation of property values and the psychological ill effects of the presence of such litter, vehicles and machinery upon adjoining residents and property owners.

Section III - Definitions

As used in this Ordinance the following words and phrases shall have the following meaning:

Approved Enclosure: A required fenced-in area for the purposes of screening materials as regulated in this Ordinance and which meets the following design requirements:

- A. The fenced area shall not exceed 4% of the property area, or 8,000 square feet, whichever is less.
- B. The fenced-in area shall not be located in the required front yard setback pursuant to the Sidney Township Zoning Ordinance.
- C. The fence shall be at least six (6) feet in height and no higher than twelve (12) feet.
- D. The fence shall be solid with gaps between materials of no more than $\frac{3}{4}$ inch.
- E. The fence shall be constructed of durable exterior materials and shall be properly maintained.

Inoperable: A vehicle or machinery with any of the following conditions in existence:

- A. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.

- B. Where it does not have all of its main component parts properly attached.
- C. 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.
- D. Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose for which it was designed.

Litter: All garbage, scrap and waste material including but not limited to: rags, cartons, paper, cans, bottles, boxes, inoperable and discarded appliances and equipment, broken or discarded plaster or concrete or brick or other building materials, scrap metal, discarded vehicle or machinery parts, tires and any other junk, rubbish or debris of any kind.

Machinery: A machine, motorized or not, operated or designed to be operated for the purpose of agriculture, manufacturing, processing, construction, or transportation.

Main Component Parts: Include fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.

Person: An individual, firm, corporation, or other entity of any kind.

Vehicle: Any vehicle, motorized or not, operated or designed to be operated on public highways, streets, or roads.

Section IV - Regulations

- A. Litter - A person shall not deposit litter or permit or cause the outdoor storage of litter on any public or private premises, subject to the following exceptions:
 - 1. Such litter is temporarily stored outdoors for not more than fourteen (14) days, or for not longer than any period which cause the same to be odoriferous or a breeding place for insects or rodents, whichever is the lesser period.
 - 2. Such litter does not include garbage, lawn refuse or putrescible liquids or solids, if it is screened from view of all adjacent properties and abutting public or private right-of-ways and is being stored only between monthly or more frequent regular disposal by the owner or occupant of the premises in a lawful manner, or by monthly or more frequent regular collection by a public or private litter or garbage disposal service.
 - 3. Firewood, logs, and branches shall not be considered litter.
 - 4. Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or land fill where such uses or operation are legally authorized under the Sidney Township Zoning Ordinance.

5. A special permit is first obtained from the Township Board for a period of time not to exceed thirty (30) days to be granted only in hardship cases beyond the control of the applicant, where special circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one (1) additional thirty (30) day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.
- B. Vehicles and Machinery - No person shall park or store or permit to be parked or stored outside of a fully enclosed building upon any public or private premises owned, leased, rented, occupied, or possessed by such person, any vehicle which is inoperable or which is not currently and validly licensed for operation upon the public streets or which is unused or which is partially dismantled, or any machinery which is inoperable or which is unused or which is partially dismantled, or any new or used vehicle or machinery parts, unless one (1) or more of the following conditions exist:
1. Such vehicle or machinery or parts thereof are located in an "approved enclosure" as specified in this Ordinance and in a location approved by the Township Zoning Administrator. All materials are to be kept twelve (12) inches below the fence height.
 2. Such vehicle or machinery or parts thereof are located on an area of the property where because of topography and/or evergreens, are not visible from adjoining properties or rights-of-way, public or private.
 3. Such vehicle or machinery or parts thereof are located in a duly licensed and properly zoned junk yard, salvage yard, or new or used car or machinery repair shop legally authorized under the Sidney Township Zoning Ordinance, and are conducted in conformance therewith.
 4. Such vehicle or machinery is awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, body shop, or machinery repair shop legally authorized under the Sidney Township Zoning Ordinance and registered with the State of Michigan pursuant to 1974 Public Act 300, as amended, and other applicable statutes, and is locked, and currently and validly licensed for operation upon the public streets, and is not a public nuisance.
 5. Such vehicle or machinery, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, and where subject to a license, is currently and validly licensed for operation upon the public streets, and is not in any manner dismantled; provided that no premises shall contain any such vehicle or machinery for longer than fourteen (14) days in any one (1) calendar year, calculated on a cumulative basis for the same or different

vehicles or machinery and notwithstanding that no one such vehicle or machine remains upon the premises for more than said fourteen (14) day period.

6. Such vehicle is a modified, redesigned or reconstructed vehicle for a purpose other than that for which it was manufactured; provided that not more than one such vehicle may be allowed upon any premises at any one time pursuant to this subsection and any such vehicle shall comply with all of the following restrictions:
 - a) Any such vehicle shall not by reason of being worked on, tuned, or in any other way constitute a nuisance due to noise, fumes, or operation that may be detrimental to adjoining properties and the general neighborhood.
 - b) No such vehicle shall be parked or stored in the front yard of any premises as set forth in the Sidney Township Zoning Ordinance.
 - c) Any such vehicle shall at all times be completely screened from the view of persons standing on adjoining roadways and ground level of adjoining properties by solid ornamental fencing, terrain, trees, or other plantings.
 - d) Upon written application to the Township Clerk, the Township board shall have the authority to grant a waiver from the vehicle storage location requirements set forth in subsection 6b and/or 6c if the Township Board reasonably determines that the following standards have been met:
 - i) There are special circumstances beyond the control of the applicant that make it infeasible or impractical to locate the modified vehicle in full compliance with these requirements;
 - ii) No adjoining property owner will be materially adversely affected by the waiver;
 - iii) The spirit and purpose of these regulations will still be observed.

The waiver granted pursuant to this section shall be in writing and may include any conditions (including limits on the time length of the waiver) reasonably deemed necessary by the Township Board to assure satisfaction of the aforementioned standards.

7. Such vehicle is for sale by the owner or occupant of the premises; provided that not more than any two (2) such vehicles may be allowed upon any premises at any one (1) time pursuant to this subsection, and provided that any such vehicle shall at all times comply with all of the following restrictions:
 - a) Such vehicle shall be posted with a "For Sale" sign stating the telephone number or other means of locating the vehicle owner.

- b) Such vehicle shall not remain upon the premises for more than thirty (30) days.
8. A special permit is first obtained from the Township Board for a period of time not to exceed thirty (30) days to be granted only in hardship cases beyond the control of the applicant, where special circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed. A special permit granted hereunder may be renewed for not more than one (1) additional thirty (30) day period upon a showing of due diligence and continued satisfaction of the criteria set forth above for the issuance of the initial permit.

Section V - Validity

The several provisions of this Ordinance are declared to be separate; if any Court of Law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this Ordinance.

Section VI - Violation and Penalty

- A. Any person, firm, corporation, trust, partnership or other legal entity that violates or fails to comply with any provision of this Ordinance, and the owner of any land where anything in violation of this Ordinance shall be placed or shall exist, shall be responsible for a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for each violation, in the discretion of the Court, and in addition to all other costs, damages and expenses provided by law.
- B. Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.
- C. The Township Zoning Administrator is authorized to investigate and issue citations for violations of this Ordinance.
- D. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section VII - Effective Date

- A. This Ordinance shall take effect 30 days following publication of this Ordinance, or a summary thereof, as provided by law.
- B. This Ordinance was adopted by the Sidney Township Board at its meeting held on the _____ day of _____, 2001.

YEAS: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED

Wesley Thomsen, Sidney Township Clerk

I hereby certify that the foregoing is a true and complete copy of the Sidney Township Litter and Vehicle/Machinery Storage Ordinance adopted by the Sidney Township Board at a regular meeting held on the date stated above, and I further certify that public notice of such meeting was given as provided by law.

Wesley Thomsen, Sidney Township Clerk