

DRAFT
(December 26, 2023)

MERRILL TOWNSHIP
NEWAYGO COUNTY, MICHIGAN
(Ordinance No. _____)

At a regular meeting of the Township Board for Merrill Township held on _____,
2024 at 7:00 p.m. at the Township offices, the following Ordinance was offered for adoption by
Township Board Member and was seconded by Township Board Member _____
_____:

AN ORDINANCE TO REGULATE JUNK AND INOPERABLE VEHICLES
AND MOTOR VEHICLES AND CERTAIN VEHICLE SALES; AND TO
PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

THE TOWNSHIP OF MERRILL ("Township") ORDAINS:

Section 1. **Short Title.**

This Ordinance shall be known and may be cited and referred to as the "Merrill Township
Vehicle Ordinance," and shall hereinafter be referred to as the "Ordinance."

Section 2. **Purpose and Intent.**

This Ordinance is intended to protect the health, safety and general welfare of the residents,
property owners, inhabitants and citizens within the Township of Merrill, to protect property values
within the Township, to enhance the scenic beauty of the Township and its neighborhoods, to
provide an aesthetically pleasing environment in which to live and work by regulating the outdoor
storage of motor vehicles, and to provide for penalties for the violation thereof.

Merrill Township does hereby find that the improper placement, storing and accumulation
of motor vehicles is a public nuisance; constitutes an attractive nuisance to children and endangers
their safety; decreases property values due to their poor aesthetic nature; interferes with the scenic
beauty of the Township; provides harborage for rodents and vermin; contaminates the soil and

water by chemical and hydrocarbon drainage; promotes vandalism; and creates or enhances fire hazards.

Section 3. **Definitions.**

For the purposes of this Ordinance, the following terms shall have the following meanings:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks. This definition includes, but is not limited to, cars, automobiles, trucks, snowmobiles, ATV's, side-by-sides, camping trailers, utility trailers, boat trailers, snowmobile trailers, motorcycles, golf carts, and similar items.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Inoperable vehicle" or "inoperable motor vehicle" means any vehicle or motor vehicle which cannot be started or legally or physically operated on public streets or highways by virtue of lacking the equipment required by the laws of the State of Michigan or which does not bear valid and current license plates.

(d) "Junk vehicle" or "junk motor vehicle" means a vehicle or motor vehicle which has been so damaged or dismantled as to be a total loss. These terms shall also include all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner on streets or public highways.

(e) "Total loss" means where the cost to fully repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally-recognized appraisal book or method.

Section 4. **Prohibition on Vehicles Over a Certain Number on a Property.**

No person, firm, entity, or corporation shall accumulate, store, place, or permit the accumulation, storage, or placement outdoors of more than four (4) motor vehicles on a lot or parcel which can be immediately physically and legally operated on the public roads for more than seven (7) days during any thirty (30) day time period unless such motor vehicles are within a completely enclosed building or the motor vehicle is being used and is necessary in the operation of any lawful business conducted on the lot or parcel in full compliance with the Men-ill Township Zoning Ordinance. In the event that more than four (4) licensed drivers reside on the lot or parcel, the number of fully operable motor vehicles may be increased to equal the number of licensed drivers residing permanently and lawfully on such parcel or lot, in which case all such licensed drivers shall provide the Township Clerk with proof of such permanent residence and a copy of a valid driver's license for all drivers residing on such a lot or parcel.

Section 5. Keeping or Storage of Inoperable or Junk Vehicles or Motor Vehicles.

No person, firm, entity, or corporation shall accumulate, store, place, or permit the accumulation, storage, or placement of any inoperable or junk vehicle or motor vehicle in Merrill Township for more than 30 days during any calendar year on a lot or parcel, unless such inoperable or junk vehicle or motor vehicle IS stored in a fully-enclosed lawful garage or other building.

Section 6. Nuisance.

The presence of an inoperable vehicle, junk vehicle or motor vehicle in violation of this Ordinance is hereby declared to be a public nuisance per se.

Section 7. Prima Facie Evidence.

The ownership, lease, occupation, or use of land by any person, entity, firm, or corporation upon which an inoperable or junk vehicle or motor vehicle is accumulated, stored, or placed shall be prima fade evidence that such person, firm, entity, or corporation accumulated, stored, or placed such inoperable or junk vehicle or motor vehicle upon such land, or permitted such inoperable or junk vehicle or motor vehicle to be accumulated, stored, or placed upon such land.

Section 8. Vehicle and Item Sales.

No automobile, truck, vehicle, snowmobile, farm and/or garden implement or vehicle, recreational vehicle, trailer, snowmobile, appliance or similar item shall be parked, stored, or kept on any property with any sign, banner, or device indicating that such item is for sale, rent or lease for more than 45 days in total per calendar year. If such item is still displayed for sale 45 days or more after the Township (or its designated official) sends the property owner a letter indicating that there may be a violation of this Section 8, a rebuttable presumption shall arise that such item has been displayed for sale, rent, or lease for more than 45 days in violation of this section. This Section 8 prohibition shall not apply where neither the item nor the signage is visible from a public road right-of-way or any adjoining property. Nor shall the prohibitions in this Section 8 apply to a commercial vehicle or implement sales business which complies with the Merrill Township Zoning Ordinance, as amended, and is otherwise lawful.

Section 9. Violation: Penalty, Remedies and Enforcement.

A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than \$100 for the first offense and not less than \$200 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 10. Repeal.

This Ordinance repeals Merrill Township Ordinance No. _____ and any amendments thereto.

Section 11. Severability.

In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

Section 12. Effective Date.

The provisions of this Ordinance shall take effect upon the expiration of 30 days from the date of publication of the ordinance or a summary of its provisions in accordance with the law.

The vote to approve and adopt this Ordinance was as follows:

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____
ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Merrill Township Board at the time, date, and place as specified above pursuant to the required statutory procedures.

Respectfully submitted,

By

Tabatha Glezman
Merrill Township Clerk