

TOWNSHIP OF FLORENCE
COUNTY OF ST. JOSEPH, STATE OF MICHIGAN
FLORENCE TOWNSHIP ORDINANCE NO. 104

ADOPTED: February 16, 1998
EFFECTIVE: March 25, 1998

LITTER AND VEHICLE/MACHINERY STORAGE ORDINANCE

An Ordinance to protect the public health, safety and general welfare of persons and property within Florence Township through the regulation, control and prohibition of the depositing or storage of litter, and the parking or storage of inoperable or unlicensed vehicles and inoperable machinery within the Township; to provide civil sanctions for the violation of this ordinance; and to repeal all ordinances in conflict herewith.

THE TOWNSHIP OF FLORENCE,
ST. JOSEPH COUNTY, MICHIGAN,
ORDAINS:

SECTION I
TITLE

This Ordinance shall be known and may be cited as the Florence 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, partially dismantled or inoperable vehicles and machinery upon public and private premises within 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:

- A. "Litter" means all garbage, scrap and waste materials including but not limited to: rags; cartons; paper; cans; bottles; boxes; inoperable and discarded appliances and equipment; broken or discarded plaster, concrete, or brick building materials; scrap metal; discarded vehicle or machinery parts or tires; and any other junk, rubbish or debris of any kind.
- B. "Vehicle" means any vehicle, motorized or not, operated or designed to be operated on public highways, streets or roads.
- C. "Machinery" means any machine, motorized or not, operated or designed to be operated for the purpose of agriculture, manufacturing, processing, construction or transportation.
- D. "Main Component Parts" means fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.
- E. "Inoperable" means a vehicle or machinery with any of the following conditions in existence:
 - 1. Where it is being dismantled for the sale, salvage, repair or reclamation of parts thereof.
 - 2. Where it does not have all of its main component parts properly attached.
 - 3. 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.
 - 4. Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose it was designed.
- F. "Person" means an individual, firm, corporation, or other entity of any kind.
- G. "Approved Enclosure" means a fenced in area which meets the following requirements:
 - 1. The fenced in area shall not exceed 4% of the property area, or 8,000 square feet, whichever is less.
 - 2. The fenced in area shall not be located in the front yard setback area required pursuant to the Florence Township Zoning Ordinance.

3. The fence shall be at least 6 feet in height and no higher than 12 feet.
4. The fence shall be solid with gaps between materials of no more than 3/4 inch.
5. The fence shall be constructed of durable exterior materials and shall be properly maintained.

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 14 days or for longer than any period which would 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 or other putrescible liquids or solids, is screened from the 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. Logs, branches, or other scrap wood shall not be considered litter if not located within the required front yard or side yard building setback areas as set forth in the Florence Township Zoning ordinance.
4. Firewood shall not be considered litter if not located within the front yard building setback area as set forth in the Florence Township Zoning Ordinance.
5. Such litter is located in a duly licensed and properly zoned junk yard, salvage yard, or landfill where such uses or operations are legally authorized under the Florence Township Zoning ordinance.
6. A special permit is first obtained for a period of not to exceed 30 days from the Township Board 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 two additional 30-day periods 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 any inoperable machinery, including a vehicle or machinery for sale, or any new or used vehicle or machinery parts, unless one 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. All materials are to be kept 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 they are not visible from adjoining properties or right of ways, public or private. One or more sides of such an area may be a fence as described in the definition of Approved enclosure@ in this Ordinance.
3. Such vehicle or machinery or parts thereof are located in a duly licensed and properly zoned junkyard, salvage yard, or new or used car or machinery dealer's lot or storage yard, where such uses or operations are legally authorized under the Florence 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 Florence Township Zoning Ordinance and registered with the State of Michigan pursuant to 1974 PA 300, as amended, or other applicable statute, 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 14 days in any one 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 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 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 required front yard building setback area of any premises as set forth in the Florence Township Zoning ordinance.
- c. Any such vehicle shall at all times be completely screened from the view of persons standing on adjoining roadways and the 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 authority to grant a waiver from the vehicle storage location requirements set forth in subsection 6a and/or 6b if the Township Board reasonably determines that the following standards have been met:
 - (1) There are special circumstances beyond the control of the applicant that make it unfeasible or impractical to locate the modified vehicle in full compliance with these requirements;
 - (2) No adjoining property owner will be materially adversely affected by the waiver;
 - (3) The spirit and purpose of these regulations will still be observed.

A 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 one such vehicle may be allowed upon any premises at any one time pursuant to this subsection, and provided that 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 days.
8. Such vehicle or machinery is an agricultural or recreational vehicle or machine, is not inoperable, and is used or usable for agricultural purposes upon the premises where located, or for recreational purposes.

9. A special permit is first obtained for a period of not to exceed 30 days from the Township Board, 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 two additional 30-day periods upon a showing of due diligence and continued satisfaction of the criteria set forth above for the initial issuance of the permit.

SECTION V
NUISANCE

Any accumulation of litter or any motor vehicle or machinery parking, storage, placement or repair activities in violation of any provision of this ordinance is hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the sanctions provided for herein.

SECTION VI

ENFORCEMENT AND SANCTIONS

- A. Any person who violates any provision of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense within 3-year period*	\$ 75.00	\$500.00
--- 2nd offense within 3-year period*	150.00	500.00
--- 3rd offense within 3-year period*	325.00	500.00
--- 4th or more offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

- B. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.
- C. Any violation of this Ordinance shall also constitute a basis for a compliance order and for injunctive relief against the violator, restraining and prohibiting continuation

of the violation, in addition to any other relief or sanction herein set forth or allowed by law.

- D. This ordinance shall be enforced by the Ordinance Enforcement Officer(s) of the Township, or by such other person or persons as the Township Board may designate from time to time.

SECTION VII
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed, including Ordinance No. 12 (Junk Yards) adopted July 7, 1967; provided that this Ordinance shall not be construed to repeal any provision of the Zoning Ordinance.

SECTION VIII
EFFECTIVE DATE

This ordinance shall take effect 30 days after publication as required by law.

Connie Steffel, Clerk
Township of Florence