

THE CHARTER TOWNSHIP OF GARFIELD

ORDINANCE NO. 46
JUNK ORDINANCE

ORIGINAL

An Ordinance to prohibit, regulate and control the storage and disposal of junk and junk vehicles within the Township; to provide for the enforcement hereof; and to prescribe penalties for the violation of this Ordinance.

**THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY, MICHIGAN
ORDAINS:**

Section 1. Repealer

Upon the effective day of this Ordinance, the prior Charter Township of Garfield Junk Ordinance, being Ordinance No. 43 is, at the same time, repealed.

Section 2. Title

This Ordinance shall be known and may be cited as the Junk Ordinance of the Charter Township of Garfield.

Section 3. Prohibited Acts

It shall be unlawful for any person, entity, or any owner, occupant or person in possession of any property or premises within the Charter Township of Garfield to maintain or permit to be maintained any of the following:

- A. In any area zoned for residential purposes, the storage upon any property of junk automobiles, except in a completely enclosed building. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.
- B. In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by the Charter Township of Garfield or the County of Grand Traverse for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials customarily used as components of any type of residential, agricultural or commercial structure.
- C. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of woods, metal or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.

Section 4. Nuisance

Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

Section 5. Interpretation/Application

This ordinance shall not be interpreted or applied so as to 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 Charter Township of Garfield Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

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Section 6. Penalties

A violation of this Ordinance shall be deemed to be a municipal civil infraction, and any person, firm, or entity found responsible therefore shall be subject to a fine not to exceed \$500 for each offense. A violator of this Ordinance may be subject to additional sanctions, remedies, injunctions or judicial orders as authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation. Any person who fails to comply with the provisions of this ordinance, as directed by and upon the demand of the Charter Township of Garfield Ordinance Enforcement Office, an otherwise duly authorized township official, or an officer of the Grand Traverse County Sheriff's Department, interferes with such officer's or official's enforcement of the Ordinance, or retaliates against another who had made a complaint of a violation of this Junk Ordinance shall be guilty of a misdemeanor punishable by a maximum of ninety (90) days in jail and a fine of \$500.00, plus court costs.

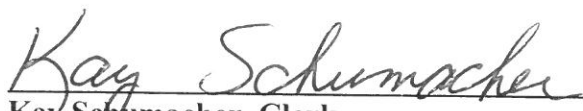
Section 7. Severability

Each of the provisions of this Ordinance is severable, and if any provision is held invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 8. Effective Date

This Ordinance shall take effect thirty (30) days after it is published.

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 25th day of May 2006 that of (7) Seven members of the Township Board were in attendance and (7) Seven voted for the adoption of the Ordinance.


Kay Schumacher, Clerk

LEE F. WILSON, Supervisor
KAY SCHUMACHER, Clerk
Garfield Township Board
Introduced: May 11, 2006
Adopted: May 25, 2006
Prepared in the law offices of:
Running, Wise & Ford, P.L.C.
By: Kent E. Gerberding
Township Attorneys
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