

VILLAGE OF EAU CLAIRE
BERRIEN COUNTY, MICHIGAN
ORDINANCE NO. 2020-3
VEHICLE STORAGE & REPAIR

Adopted: March 16, 2020

Effective: April 28, 2020

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Village of Eau Claire, Berrien County, Michigan, a municipal corporation, by the regulation of the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft and new or used parts or junk therefrom, within said Village of Eau Claire; to provide civil sanctions and remedies for the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

THE VILLAGE OF EAU CLAIRE
BERRIEN COUNTY, MICHIGAN

ORDAINS:

SECTION I

NAME

This Ordinance shall be known and may be cited as the Village of Eau Claire Vehicle Storage and Repair Ordinance.

SECTION II

PURPOSE AND DEFINITIONS

- (1) **PURPOSE.** The purpose of this Ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junk, unused, partially dismantled or nonoperating vehicles, including any conveyance, trailer, boat, aircraft or new or used parts thereof upon premises within the Village; to provide

restrictions concerning the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; and to minimize the devaluation of property and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

(2) **DEFINITIONS.** As used in this Ordinance the following words and phrases shall have the following meaning:

- A. "Vehicle" means any vehicle, motorized or not, operated or designed to be operated on public highways, streets or roads.
- B. "Machinery" means any machine, motorized or not, operated or designed to be operated for the purpose of agriculture, manufacturing, processing, construction or transportation.
- C. "Main Component Parts" means fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards or any other parts required by State law or by necessity for its operation upon a public roadway, waterway or airway.
- D. "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 for which it was designed.

SECTION III

REGULATIONS

- (A) No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within the Village of Eau Claire any vehicle,

including any conveyance, boat, aircraft, or trailer of any kind or new or used parts therefrom unless one or more of the following conditions exist:

1. Such parking or storage is located within a fully-enclosed building or in an area that is totally obscured from adjacent premises or adjacent roads or highways by natural land contours, evergreen screening or fencing;
 2. Such vehicle or conveyance is licensed and registered in accordance with the statutes and administrative rules of the State of Michigan or of any state when actual ownership or control of that vehicle can be established by a corporation or resident of that state, is an operable vehicle or conveyance, has all of its main component parts attached, as hereinafter defined, and is, in fact, regularly operated for its designed purpose.
 3. Such vehicles, boats, trailers, aircraft or conveyances are located in a duly licensed and properly zoned junkyard, salvage yard, new or used car dealer's lot, automobile repair facility or storage yard where such uses or operations are legally authorized under the Village Zoning Ordinance;
 4. Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, provided such vehicle or vehicles are locked, licensed and registered by the State of Michigan, and are not a public nuisance;
 5. Such vehicle, boat, trailer, aircraft or conveyance, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not in any manner a dismantled vehicle; and the premises do not contain any such vehicle, boat, aircraft, trailer or conveyance for more than 14 days in any one calendar year.
- (B) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle, boat, trailer, aircraft or conveyance or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition and as shall be accomplished within fully

enclosed buildings; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Village of Eau Claire Zoning Ordinance.

SECTION IV
NUISANCE

Any parking, storage, placement or operations 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 the fines and penalties herein provided for.

SECTION V
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION VI
SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
- 1st Offense within 3-year period* \$500.00		\$ 75.00
- 2nd Offense within 3-year period* 500.00		150.00
- 3rd Offense within 3-year period* 500.00		325.00
- 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).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Village of Eau Claire has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Village shall have the right to proceed in any court of competent Jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VII

REPEAL AND SAVINGS CLAUSE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. Legal proceedings presently pending on an Ordinance which is hereby repealed may proceed to judgment or decision and shall not be affected by this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect thirty days after the date of its publication.

Village of Eau Claire
Shawn Foster, Clerk
6625 E. Main Street
PO Box 338
Eau Claire, MI 49111