

VILLAGE OF CALUMET

COUNTY OF HOUGHTON

FIRST AMENDMENT TO ORDINANCE NO. 102

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Village of Calumet, Houghton County, Michigan, by the regulation of the outdoor parking, storage and repair of vehicles of any kind, hereinafter "Vehicle," including, but not limited to, any automobile, truck, suburban utility vehicle, van, mobile home (whether or not self-powered), all-terrain vehicle, snowmobile, trailer, boat, aircraft and new or used parts or junk therefrom, within the Village of Calumet; to provide penalties for the violation of this ordinance and to repeal any ordinance or parts of ordinances in conflict herewith.

**THE VILLAGE OF CALUMET ORDAINS:**

**SECTION 1. PURPOSE**

The purpose of this ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of unused, partially dismantled or nonoperating Vehicles, or new or unused parts therefrom, upon premises within the village; to provide restrictions concerning the repair of Vehicles; and thereby to avoid injury and hazards to children and others attracted to such Vehicles and the devaluation of property values and the psychological ill effects of the presence of such Vehicles upon residents on, and owners of, adjoining properties.

**SECTION 2. REGULATIONS**

(a) No person, firm or corporation shall park or store upon any premises within the Village of Calumet, any Vehicle, or new or used parts therefrom unless one or more of the following conditions exist.

1. Such Vehicle or parts are located within a fully enclosed structure.
2. Permission is first obtained therefore from the village council of the Village Calumet or its designee; with such permission to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of this ordinance are still observed.
3. The Vehicle is licensed by the State of Michigan, is an operable Vehicle and has all of its main components parts attached.
4. The Vehicle is located in a duly licensed junkyard or salvage yard or in a new or used car dealer's lot.
5. The Vehicle (which taken together with other such Vehicles on the owners' property, shall not exceed four in number at any one time) is awaiting repairs at a service station, garage, paint shop or body shop, providing they are locked, licensed by the State of Michigan, are not a public nuisance and are not upon the premises for more than 14 days in any one year.

6. The Vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached, is licensed by the State of Michigan, is not in any manner a dismantled Vehicle and the premises where the Vehicle is located do not contain the Vehicle for longer than 14 days in any one year.

(b) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any Vehicle or parts thereof upon any public right-of-way or public property or on any property used primarily for residential purposes except such as shall be accomplished within fully enclosed buildings and will not constitute a nuisance or annoyance to adjoining property owners or occupants. Any such work shall not, however, consist of any major repair, redesigning, modifying or dismantling work, but only such occasional minor work by the owner thereof as may infrequently be required to maintain the Vehicle or parts thereof in normal operating condition.

### **SECTION 3. NUISANCE**

Any parking, storage, placement, or operations in violation of the provisions of this ordinance are hereby declared to be a public nuisance, may be enjoined, and may subject the owner or possessor thereof or the owner of the real property where the Vehicle is located to civil damages or the fines and penalties provided by this ordinance.

### **SECTION 4. SEVERABILITY**

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so invalidated.

### **SECTION 5. PENALTY**

Any person, firm, or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00, or by imprisonment in the Houghton county jail for not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the imposition of the foregoing fines and penalties, any police officer of the Village of Calumet, or such other officer as the village council of the Village of Calumet may designate from time to time, may cause any Vehicle or parts thereof, which contravene the provisions of this ordinance to be removed from the premises where the vehicle is located, impounded and destroyed or sold for junk, in the discretion of the officer, and the cost thereof assessed against the owner or possessor of the Vehicle or parts thereof from time to time, or of the premises on which the Vehicle or parts are located. If the Vehicle is not destroyed but sold, any sums realized on such sale may be retained by the Village of Calumet to reimburse it for the costs incurred in such removal and sale to the extent of such costs. Any balance of such sums remaining after such reimbursement shall be paid to the owner of the Vehicle, or Vehicle parts.

### **SECTION 6. EFFECTIVE DATE**

The provisions of this ordinance are hereby ordered to take effect on September 01, 2007 or as otherwise provided by law.

**SECTION 7. ENACTMENT**

This ordinance is hereby declared to have been enacted by the village council of the Village of Calumet at a meeting thereof duly called and held on the 17 day of July, 2007.

This is an amendment of ordinance 102 of the Village of Calumet previously adopted by the village council on May 20, 1976.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

STATE OF MICHIGAN       )  
                                      ) SS  
COUNTY OF HOUGHTON    )

I, the undersigned, the duly qualified and acting Clerk of the Village of Calumet, Houghton County, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the village council of the Village of Calumet at a meeting held on the 17 day of July, 2007, the original of which is on file in my office.

I further certify that this meeting was conducted and public notice of this meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of this meeting were kept and will be or have been made available as required by this Act.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 17 day of July, 2007

  
JOYCE BAUSANO  
VILLAGE CLERK

ORDINANCE NO. 102

An ordinance prohibiting the open storage of junked automobiles in the Village of Calumet.

The Village of Calumet ordains:

1. Storage of Junked Automobiles. No person shall store, place on or permit to be stored or placed on or allow to remain on any premises within the Village, any dismantled, partially dismantled or inoperable motor vehicle or any parts of any motor vehicle, unless such partially dismantled motor vehicle, inoperable motor vehicle or parts of a motor vehicle shall be kept in a wholly enclosed garage or other wholly enclosed structure. Any bona fide owner, co-owner, tenant or co-tenant of any premises may store, permit to be stored or allow to remain on the premises of which he is the owner, co-owner, tenant or co-tenant, any one such dismantled, partially dismantled or inoperable motor vehicle, for a period of not to exceed forty-eight (48) hours, if such motor vehicle is registered in his, her or its name and provided, that any such owner, co-owner, tenant or co-tenant may, in the event of hardship, upon payment of the fee hereinafter provided, secure a permit from the Village President to extend this period of forty-eight (48) hours for an additional period of not to exceed one (1) week for any one such dismantled, partially dismantled or inoperable motor vehicle, if such motor vehicle is registered in his, her or its name. Nothing contained in this section shall be construed to permit parking or placing of any dismantled or partially dismantled vehicle within any street area within the Village or in any front yard of any premises upon which a dwelling exists and the placement of such vehicle in such places is hereby expressly prohibited.

2. Permits. Upon application duly made by the registered owner of a motor vehicle and upon a showing of undue hardship, the Village President is hereby authorized to issue the permit provided for in Section 1 of this Chapter. A fee of Ten (\$10.00) Dollars for each such permit issued shall be collected and paid into the General Fund.

3. Licensed Junk Yards. Nothing contained in this Chapter shall be applicable to any junk yard licensed under the provisions of this Code.

4. Definitions.

- (a). "Motor Vehicle" shall have the meaning ascribed to it in Public Act 300 of 1949, State of Michigan, being the Michigan Vehicle Code.
- (b). "Inoperable motor vehicle" shall mean a motor vehicle which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.
- (c). "Dismantled or partially dismantled motor vehicle" shall mean a motor vehicle from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

5. Nuisance. The presence of a dismantled, partially dismantled or inoperable motor vehicle or parts of a motor vehicle on any premises in violation of the terms of this Ordinance is hereby declared to be a misdemeanor and shall be subject up to One Hundred (\$100.00) Dollars and/or ninety (90) days in county jail or both.

6. This ordinance shall become effective June 10, 1976.

Adopted by the village council of the Village of Calumet  
this 20.th day of May A. D. 1976.

Lillian C. Bravellotte  
Deputy Clerk