

**ALMENA TOWNSHIP
ORDINANCE NO. 2025-01
INOPERABLE VEHICLES, VEHICLE REPAIR AND STORAGE ORDINANCE**

At a regular meeting of the Township Board of Almena Township, Van Buren County, Michigan, held at the Almena Township Hall on February 19, 2025 at 6:30 p.m., Township Board Member Pat Denny-Diget moved to adopt the following Ordinance, which motion was seconded by Township Board Member Mark Roman:

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Almena Township, Van Buren County, Michigan, by regulating the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft, cargo container, railcars, railroad cars, semi-truck tractors and trailers, box cars, truck boxes and new or used parts or junk therefrom; to define common types of conveyances and to prohibit the utilization of the various types of conveyances for storage or as storage structures on real property premises within the Township; to provide civil sanctions and remedies for any violation of this Ordinance; and to repeal any ordinance or parts of ordinances in conflict herewith.

THE TOWNSHIP OF ALMENA, VAN BUREN COUNTY, ORDAINS:

SECTION 1. TITLE. This Ordinance shall be known and cited as the Inoperable Vehicle, Vehicle Repair and Storage Ordinance.

SECTION 2. 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 inoperable vehicles, including any conveyance, trailer, boat, aircraft, cargo container, railcars, railroad cars, semi-truck trailers, box cars, truck boxes or new or used parts thereof upon premises within the Township; to provide restrictions concerning the repairing of said vehicles; to define common types of conveyances, such as motor homes, recreational vehicles, mobile house trailers, mobile homes, and campers; to ensure that said conveyances are utilized only for their intended purposes and not for, as, or in the place of a storage structure or unit on premises within the Township; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION 3. DEFINITIONS.

- A. "Vehicle" means any vehicle, motorized or not, operated or designed to be operated on public or private highways, streets, or roads. "Vehicle" also means any machine, motorized or not, that is or can be used as a pleasure vehicle on private property, such as boats, snowmobiles, and dirt bikes.

- B. "Inoperable" means a vehicle or machinery with any of the following conditions:

1. Where it is being dismantled for the sale, salvage, repair, or reclamation of parts thereof;
 2. 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;
 3. Where any other or additional conditions exist which cause the machinery to be incapable of being used for the purpose it was designed;
 4. Is subject to registration under the Michigan Vehicle Code, MCL 257.1, *et seq.*, and has not been registered or does not display an unexpired and valid license plate for the vehicle;
 5. Has remained on a premises for a period of thirty (30) days or more, and does not have an engine in running condition, four (4) inflated tires
 6. Has remained on a premises for a period of thirty (30) days or more and is incapable of safe operation on the streets and highways as required by the Michigan Vehicle Code; or
 7. For any reason, including dismantling, disrepair, or otherwise, is not operable, not repairable, cannot be started, or is unable to be propelled under its own power
- C. "Portable Storage Container" means a receptacle designed for transport of cargo aboard ship and also by truck trailer or rail car, and which exhibits features designed to facilitate the movement of containerized cargo, including but not limited to corner fittings for pins, design for stacking, and which is otherwise designed and constructed in conformance with standards for shipping containers as set forth by the International Standards Organization.
- D. "Unoccupied Mobile Home" shall mean a movable or portable structure constructed to be towed on its own chassis and designed for permanent year-round living as a single family dwelling which is not presently being occupied, is not attached to sanitary sewer or septic facilities, is not connected to electrical power, or is not connected to potable water utilities.
- E. The terms "camper"; "recreational vehicle"; "motor home" and "vacation trailer" as utilized in this Ordinance shall be synonymous and are intended to mean that group of conveyances which are capable of being moved on their own chassis or wheels upon a roadway or highway, either with or without its own engine; which can be utilized or occupied as a temporary residence or vacation structure for limited time periods, which are not designed to be permanently connected to electrical power, water, sewage and potable water utilities, whether or not said unit is licensed and operational for use upon the public highways and roadways and whether or not said unit is actually operational for use as a vacation trailer or temporary dwelling.

SECTION 4. PROHIBITED STORAGE AND PARKING; EXCEPTIONS.

A. *Parking and Storage Prohibited.* No person, firm, or corporation shall park or store or permit to be parked or stored upon any premises within Almena Township outside a lawful, fully-enclosed building any inoperable vehicle, including any inoperable conveyance, boat, aircraft, trailer, camper, recreational vehicle; or any new or used parts therefrom, unless in compliance with this ordinance.

B. *Modification and Dismantling Prohibited; Exceptions.*

1. No repairing, redesigning, modifying, or dismantling work or operations shall be allowed upon any vehicle, boat, trailer, aircraft, cargo container, rail car, railroad car, box car, semi-truck trailer, truck box, or conveyance or parts thereof upon any public right-of-way or public property or upon any property not zoned for such purpose, unless in compliance with this ordinance.
2. Emergency minor repairs not exceeding eight hours in duration are allowed and may be performed on any vehicle in the public right-of-way or on public property.
3. Occasional work by the owner of the vehicle as may be required to maintain the same in normal operating condition is permitted if such work is:
 - a. accomplished within fully enclosed buildings; will not and does not constitute a nuisance or annoyance to a person of ordinary sensibilities, including an adjoining property owner or occupant; or
 - b. Occasional minor work may be performed outside by the owner of the vehicle as may infrequently be required to maintain the same in normal operating conditions is permitted if such work will not and does not constitute a nuisance or annoyance to a person of ordinary sensibilities, including an adjoining property owner or occupant, and does not result in the vehicle being inoperable for more than 48 hours; or
 - c. More extensive work by the owner of a vehicle is permitted on parcels two acres or greater, will not and does not constitute a nuisance or annoyance to a person of ordinary sensibilities, including an adjoining property owner or occupant, is not readily visible from the public right of way or nearby residential dwelling, and is conducted outside of setbacks required by the applicable zoning district.
4. Any repair or dismantling must be consistent with and not violate any provisions of the Almena Township Zoning Ordinance.

C. *Container Storage Prohibited.*

1. The outdoor storage or placement of cargo containers, portable storage containers, railcars, railroad cars, semi-truck tractors and trailers, boxcars, truck boxes and any new parts, used parts, or junk from any of the foregoing, either with or without wheels attached, on any property is prohibited.
2. No conveyance, unoccupied mobile home, mobile house trailer, or semi-truck trailer shall be used as storage.

D. *Campers, Semi-Trucks, and Farm Equipment; Parking Allowed; Conditions.*

1. Trailers, campers, recreational vehicles, semi-truck tractors, tractors, and farm machinery, and similar conveyances may be parked or stored so long as the same are 1) licensed; 2) operable; and 3) regularly used for their intended purposes. However, on farm properties, tractors and farm machinery are not subject to this requirement.
2. A camper, recreational vehicle, semi-truck, farm machinery, or similar vehicle or trailer is not permitted to be used as a residential unit or dwelling unit.

E. *Storage and Parking Allowed.* Inoperable vehicles are allowed under one or more of the following conditions:

1. On lots two acres or greater, no more than two inoperable vehicles shall be allowed to be stored outdoors so long as the placement will not and does not constitute a nuisance or annoyance to a person of ordinary sensibilities, including an adjoining property owner or occupant, is not readily visible from the public right-of-way or nearby residential dwellings, and is outside of setbacks required by the applicable zoning district.
2. Such parking or storage is located within a fully-enclosed building.
3. A special permit is first obtained therefor for a period of not to exceed 365 days from the Supervisor of Almena Township, or such other officer or official as the Township Board may designate, 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 these regulations are still observed.
4. The inoperable vehicles, boats, trailers, portable storage containers, railcars, railroad cars, semi-truck trailers, boxcars, truck boxes, aircraft, recreational vehicles, or conveyances are legally authorized under the Township Zoning Ordinance. Examples include but are not limited to: a properly zoned junkyard, salvage yard, new or used dealer's lot, automobile repair facility, service station, commercial garage, paint shop, body shop, or storage yard.

F. *Container Storage Exceptions:* Portable storage containers and other containers are allowed under one or more of the following conditions:

1. Operation of a *bona fide* railroad in accordance with Michigan Public Act 354 of 1993, as amended.

2. Commercial or industrial storage yard under the Township Zoning Ordinance.
3. Portable storage containers may be used as an accessory storage building with a zoning permit.
4. Temporary storage containers can be used for moving, renovating, remodeling purposes with a Township Permit.

G. *Zoning Exceptions.* If any of the foregoing prohibitions are authorized through one or more provisions of the Almena Township Zoning Ordinance, the zoning regulation shall supersede this ordinance so long as the appropriate zoning permit is issued.

SECTION 5. NUISANCE. Any parking, storage, placement, repair, modification, dismantling, 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 6. SANCTIONS.

A. Any person, firm, association, partnership, corporation or entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction which shall be punishable by a civil fine as determined and set by the Township Board via resolution. The initial civil fines shall be as set for in the following schedule:

	Minimum Fine	Maximum Fine
—1st Offense within 3-year period*	\$ 150.00	\$500.00
—2nd Offense within 3-year period*	250.00	500.00
—3rd Offense within 3-year period*	325.00	500.00
—4th or More Offense within 3-year * Period	500.00	2,500.00

*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 Almena Township 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, exclusive of Court authorized abatement costs. In addition, the Township 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.

C. Each day that a violation exists may constitute a separate offense.

SECTION 7. SEVERABILITY. The provisions of this Ordinance are hereby declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 8. SAVINGS CLAUSE. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 9. REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.


SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following publication after adoption by the Township Board.

YEAS: J. Wagner-yes, T. Kloosterman-yes, S. Rickli-yes, K. Redmond-yes, Pat Denny-Diget-yes, M. Roman-yes, J. Leduc-yes

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED

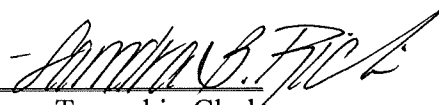
Joe Leduc 
Joe Leduc, Almena Township Supervisor

CERTIFICATE

STATE OF MICHIGAN)
) ss
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk for Almena Township, Van Buren County, Michigan, HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Almena Township Board at a meeting held on February 19, 2025.

ATTESTED:

Sandra B. Rickli 
Sandra Rickli, Almena Township Clerk