

**SALEM TOWNSHIP ORDINANCE NO. 8142018**  
**VEHICLE REPAIR AND STORAGE ORDINANCE**

**ADOPTED: 8/14/2018**

**EFFECTIVE: 10/13/2018**

An Ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Salem Township, Allegan County, Michigan, a municipal corporation, by the regulation of the outdoor parking, storage and repair of vehicles, including any conveyance, trailer, boat, aircraft, cargo container, railcars, railroad cars, semi-truck trailers, box cars, truck boxes and new or used parts or junk therefrom, within said Township of Salem; 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 the violation of this Ordinance; and to repeal any Ordinance or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF SALEM**  
**ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**NAME**

This Ordinance shall be known and cited as the Salem Township Vehicle Repair and Storage Ordinance.

**SECTION II**

**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 avoid injury and hazards to children and others attracted to such 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 III**

#### **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. "Main Component Parts" means fenders, hood, radiator, motor, windows, doors, muffler, transmission, wheels, clutches, pulleys, and safety guards.
- C. "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.
- D. "Unoccupied Mobile Home" shall be 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 and is not connected to electrical power and potable water utilities.
- E. The terms "camper"; "recreational vehicle"; "motor home" and "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 IV**

### **REGULATIONS**

- A. No person, firm or corporation shall park or store or permit to be parked or stored upon any premises within Salem Township any vehicle, including any conveyance, boat, aircraft, 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.
  2. Such vehicle or conveyance is licensed or registered by the State of Michigan, is an operable vehicle or conveyance, has all of its main component parts attached, as hereinafter defined, has a proper and valid license plate displayed upon it, and is, in fact, regularly operated for its designed purpose;
  3. Such vehicle(s), boats, trailers, cargo containers, railcars, railroad cars, semi-truck trailer, boxcar, truck box, 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 Township 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 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 longer 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, 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 (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 Salem Township Zoning Ordinance.

C. The outdoor storage or placement of railroad cars, boxcars, cargo containers, land/sea/air containers and/or railcars, either with or without wheels attached, on any property which is not operated as a bona fide railroad in accordance with Michigan Public Act 354 of 1993, as amended, or a commercial or industrial storage yard authorized under the Township Zoning Ordinance constitutes a violation of this ordinance. The outdoor storage or placement of railroad cars, boxcars, cargo containers, land/sea/air containers and/or railcars, either with or without wheels attached, on any property which is not operated as a bona fide railroad in accordance with Michigan Public Act 354 of 1993, as amended, or a commercial or industrial storage yard authorized under the Township Zoning Ordinance constitutes a violation of this ordinance. The following exceptions shall be exempt from this provision:

1. "Storage Pods" as leased from commercial enterprises offering mobile storage solutions for a period of thirty (30) days.
2. Permission based on Demonstrated Need: Railroad cars, boxcars, cargo containers, land/sea/air containers, semi truck trailers and/or rail cars, may be authorized by the Zoning Administrator and Township Supervisor based on demonstrated need under the following conditions:
  - a. Container shall only be used as an accessory structure
  - b. Container shall not be placed on a vacant parcel
  - c. Container shall be less than 200' square feet as measured by exterior dimension
  - d. Container shall be completely screened from surrounding properties via fencing or vegetation that remains intact in all seasons.
  - e. Container shall be placed not less than ten (10) feet from all other structures.
  - f. Container shall meet setbacks for accessory structures as required in the Salem Township Zoning Ordinance.
  - g. Applicant must demonstrate a valid reason that a container is more appropriate to serve storage needs than a traditional accessory structure would. Financial consideration does not demonstrate validity.
  - h. Only one such permit shall be granted per parcel.
3. Permit Process for items meeting criteria in item 2 above:
  - a. Applicant shall submit written request to the Salem Township Zoning Administrator with corresponding fee as set by Salem Township Board.

- b. Within 21 Days of application, the Salem Township Zoning Administrator shall notify applicant of approval, approval with conditions, or denial stating reasons for denial in written form. Appeals to this decision may be made to the Salem Township Board by written request to the Township Clerk within ten (10) days of the date of notification of denial.
  - c. The permit shall authorize the use of the container for a period not to exceed 2 years from the date of approval. Re-application shall be required after two years, with demonstration of continued need. Reapplication fee shall be one half of application fee.
  - d. Permit, if granted shall apply to the container specified. No changing/enlarging of containers shall be permitted. Not more than one container shall be allowed per permit.
- D. The foregoing shall not be construed to prohibit the storage of farm machinery, vehicles, equipment and material used for agricultural purposes upon an operating farm of not less than twenty (20) acres. Farm equipment not in use but stored for parts shall be stored in an area totally obscured from adjacent premises and roads.
- E. Trailers, campers, mobile house trailers, semi-truck trailers, campers and other conveyances may be parked or stored upon premises in Salem Township so long as the same are 1) licensed; 2) operable; 3) regularly used for their intended purposes. No conveyance, trailer, camper, unoccupied mobile home, mobile house trailer, or semi-truck trailer shall be parked, placed or stored upon premises within Salem Township for use as a storage building or unit; nor shall any of the above be permitted to be utilized as a storage unit or structure upon real property premises within Salem Township.

## **SECTION V**

### **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 VI**

### **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 VII**

### **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*	\$100.00	\$500.00
- 2nd Offense within 3-year period*	200.00	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).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Salem Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. 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. Each day that a violation exists shall constitute a separate offense.

## **SECTION VIII**

### **REPEAL**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed; however, 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. This ordinance is not to be interpreted so as to vary the terms of or to create an inconsistency with the Salem Township Zoning Ordinance.

**SECTION IX**

**EFFECTIVE DATE**

This Ordinance shall take effect 30 days after publication following adoption.

SALEM TOWNSHIP  
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