

Proposed Revision to Unlicensed Parking/Storing Vehicle Ordinance

Inoperable motor vehicle means a vehicle that, by reason of dismantling, disrepair, **flat tires**, or any other cause, is incapable of being propelled under its own power; and any motor vehicle that has a main component part missing or unattached shall be construed as being dismantled or partially dismantled.

Motor vehicle means any vehicle that is self-propelled and designed to travel along the ground and shall include but is not limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts and snowmobiles.

Private property means any real property within the township that is privately owned and is not public property.

Public property means any street or highway, which shall include the entire width between the boundary lines of every right-of-way publicly maintained when any part is open to the use of the public for the purpose of vehicular travel, and shall also mean any other publicly owned property or facility.

Unlicensed motor vehicle means any motor vehicle that is not licensed for use upon the highways of the state for a period in excess of ten days.

Non-plated motor vehicle means any motor vehicle that does not have a license plate properly displayed on the vehicle, even if licensed.

Sec. 26-212. Parking or Storing

No person shall park, **keep**, or store on any lands within the township any inoperable motor vehicle, unlicensed motor vehicle, **non-plated motor vehicle**, machinery, equipment, or any part except as they may be licensed under the pertinent provisions of ordinances of the township, unless the inoperable motor vehicle, **unlicensed motor vehicle, non-plated motor vehicle**, machinery or equipment or part shall be kept in a wholly enclosed garage or structure, **storing or keeping such vehicles under a tarp shall not be sufficient**; however, any person in whose name such motor vehicle, machinery or equipment is registered may store it on any lands belonging to or rented by the owner for a period not to exceed **a total of 72 hours from the date of purchase**. This section shall not be construed to permit the parking or placing of such motor vehicle, machinery or equipment on any street or highway in the township nor shall it permit the sale of such inoperable, **non-plated**, or unlicensed motor vehicles, machinery or equipment or any part by the use of "for sale" signs to circumvent the intent of this article.

26-213. Inoperable motor vehicles; public nuisance; machinery and equipment.

The presence of any inoperable motor vehicle, machinery or equipment or their parts outdoors on any lands in the township in violation of this division is a public nuisance and offensive to the public health, welfare and safety.

26-214. Notice to remove.

Whenever it comes to the attention of the police chief that any nuisance exists in the township, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or if there is no such occupant, then upon the owner of the property or agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this division. Such notice shall be given at least seven days before the time of compliance. It shall constitute sufficient notice when a copy is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by mail to the owner or occupant of the private property at his/her last known address. The notice shall contain the request for removal within the time specified in this division, and the notice shall advise that upon failure to comply with the notice to remove, the township and its designee shall undertake such removal with the cost of the removal to be levied against the owner or occupant of the property. Persons to whom the notice is directed shall be advised that they have a right to a hearing before the police chief or his designee, to be held within the seven-day time compliance. *In lieu of removal, the vehicle owner or property owner/occupant may receive a municipal misdemeanor citation. No notice shall be required prior to the police chief or his designee serving the owner of the vehicle and/or owner/occupant of the property with a municipal misdemeanor citation. Notice shall only be required prior to actual removal, unless a court order directs the removal of the vehicle. Such removal directed by court order shall be at the cost of the vehicle owner or the property owner/occupant.*

26-215. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the offending property and the owner or occupant of the private property on which the nuisance is located, either or all of them shall be responsible for the removal or for the expense of removal and disposition by the township. Upon completion of proper notice, opportunity to be heard and expiration of the time of compliance, along with failure to remove by those responsible, the township police may remove the offending property, dispose of it, and hold those responsible liable for the expense incurred.

2nd Reading & Adoption – July 2, 2019

Advertise: 7/14/2019

Publication: Herald Palladium/Legal Ad

Effective Date: 8/14/2019