

## Chapter 19 – Junk and Inoperable Vehicles

### Section 1. Title

This Chapter shall be known and may be cited and referred to as the “Eureka Charter Township Junk and Inoperable Vehicle Ordinance,” and shall hereinafter be referred to as “this Chapter.”

### Section 2. Purpose and Intent

A. This Chapter is intended to protect the health, safety and general welfare of the residents, property owners, inhabitants and citizens within the Charter Township of Eureka, to protect property values within the Township, to enhance the scenic beauty of the Township and its neighborhoods, to provide an aesthetically pleasing environment in which to live and work by regulating the outdoor storage of motor vehicles, and to provide for penalties for the violation thereof.

B. Eureka Charter Township does hereby find that the improper placement, storing and accumulation of motor vehicles outdoors is a public nuisance; constitutes an attractive nuisance to children and endangers their safety; decreases property values due to their poor aesthetic nature; interferes with the scenic beauty of the Township; provides harborage for rodents and vermin; contaminates the soil and water by chemical and hydrocarbon drainage; promotes vandalism; and creates or enhances fire hazards.

### Section 3. Definitions

For the purposes of this Chapter, the following terms shall have the following meanings:

“**Vehicle**” – means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices moved by human power or used exclusively upon rails or tracks.

“**Motor vehicle**” – means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

“**Inoperable vehicle**” or “**inoperable motor vehicle**” means any vehicle or motor vehicle which cannot be started or legally or physically operated on public streets or highways by virtue of lacking the equipment required by the laws of the State of Michigan or which does not bear valid and current license plates.

“**Junk vehicle**” or “**junk motor vehicle**” means a vehicle or motor vehicle which has been so damaged or dismantled as to be a total loss. These terms shall also include all parts or accessories of vehicles or motor vehicles without which vehicles or motor vehicles cannot be operated in a safe manner on streets or public highways.

“**Total loss**” means where the cost to fully repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally-recognized appraisal book or method.

**Section 4. Prohibition on Vehicles Over a Certain Number on a Property**

No person, firm, entity, or corporation shall accumulate, store, place, or permit the accumulation, storage, or placement outdoors of more than four (4) motor vehicles on a lot or parcel which can be physically and legally operated on the public roads for more than seven (7) days during any thirty (30) day time period unless such motor vehicles are within a completely enclosed building or the motor vehicle is being used and is necessary in the operation of any lawful business conducted on the lot or parcel in full compliance with the Eureka Charter Township Zoning Ordinance. In the event that more than four (4) licensed drivers reside on the lot or parcel, the number of motor vehicles may be increased to equal the number of licensed drivers residing permanently on such parcel or lot, in which case all such licensed drivers shall provide the Township Clerk with proof of such permanent residence and a copy of a valid driver's license for all drivers residing on such a lot or parcel.

**Section 5. Keeping or Storage of Inoperable or Junk Vehicles or Motor Vehicles**

No person, firm, entity, or corporation shall accumulate, store, place, or permit the accumulation, storage, or placement of any inoperable or junk vehicle or motor vehicle in Eureka Charter Township for more than 48 hours during any calendar year on a lot or parcel, unless such inoperable or junk vehicle or motor vehicle is stored in a fully-enclosed lawful garage or other building.

**Section 6. Nuisance**

The presence of an inoperable vehicle, junk vehicle or motor vehicle in violation of this Chapter is hereby declared to be a public nuisance *per se*.

**Section 7. Prima Facie Evidence**

The ownership, lease, occupation, or use of land by any person, entity, firm, or corporation upon which an inoperable or junk vehicle or motor vehicle is accumulated, stored, or placed outdoors shall be *prima facie* evidence that such person, firm, entity, or corporation accumulated, stored, or placed such inoperable or junk vehicle or motor vehicle upon such land, or permitted such inoperable or junk vehicle or motor vehicle to be accumulated, stored, or placed upon such land.

**Section 8. Vehicle and Item Sales**

No automobile, truck, vehicle, snowmobile, farm and/or garden implement or vehicle, recreational vehicle, trailer, snowmobile, appliance or similar item shall be parked, stored, or kept on any property with any sign, banner, or device indicating that such item is for sale, rent or lease for more than 45 days per calendar year. If such item is still displayed for sale 45 days or more after the Township (or its designated official) sends the property owner a letter indicating that there may be a violation of this Section 8, a rebuttable presumption shall arise that such item has been displayed for sale, rent, or lease for more than 45 days in violation of this section. This Section 8 prohibition shall not apply where neither the item nor the signage is visible from a public road right-of-way or any adjoining property. Nor shall the prohibitions in this Section 8 apply to a lawful commercial

vehicle or implement sales business which complies with the Eureka Charter Township Zoning Ordinance, as amended, and is otherwise lawful.