

NEW BUFFALO TOWNSHIP

RESOLUTION TO ADOPT ABANDONED VEHICLE ORDINANCE

A resolution made and adopted at a meeting of the Township Board of the Township of New Buffalo, County of Berrien, State of Michigan, held at the Township Hall on _____, _____, at __:00 p.m.

PRESENT: _____

ABSENT: _____

The following Resolution was offered by _____ and seconded by _____.

WHEREAS, the Township General Ordinance Statute, PA 246 of 1945, as amended, authorizes the New Buffalo Township Board to adopt ordinances regulating the public health, safety and general welfare of persons and property; and

WHEREAS, the Township desires to implement regulations regarding the storage and abandonment of motor vehicles on property in the Township (proposed Ordinance attached as **Exhibit A**, “the Ordinance”); and

WHEREAS, the Township Board has determined that adoption of the Ordinance is in the best interests of the public health, safety, and welfare.

THEREFORE, the Township Board of the Township of New Buffalo resolves as follows:

1. Ordinance No. ____, Abandoned Vehicle Ordinance (attached as Exhibit A), is hereby adopted.
2. The Ordinance shall be filed with the Township Clerk.
3. The Township Clerk shall publish the Ordinance or a summary of the Ordinance within 30 days after adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed but only to the extent to give this Resolution full force and effect.

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)ss:
COUNTY OF BERRIEN)

I, Judith Handley Zabicki, Township Clerk of the Township of New Buffalo, hereby certify this to be a true and complete copy of Resolution No. _____, duly adopted at a regular meeting of the Township Board held on the _____ day of _____, 201_.

Judith Handley Zabicki
Township Clerk

NEW BUFFALO TOWNSHIP
ORDINANCE NO. 20180305
ABANDONED VEHICLE ORDINANCE

Section 1. Definitions

A motor vehicle is hereby defined as any wheeled vehicle which is self-propelled or intended to be self-propelled. Abandoned motor vehicles for purposes of this Ordinance, shall include:

- (1) A vehicle that has remained on public property, unmoved, for a period of not less than 48 hours;
- (2) A vehicle that has remained on private property without the consent of the owner.
- (3) A vehicle which is unlicensed or can no longer propel itself that has remained parked, stored or placed on private property for more than five days.

Section 2. Abandonment Prohibited

No person shall abandon a motor vehicle or part thereof on the premises of another. A person who violates this Ordinance and who fails to redeem the vehicle before disposition of the vehicle under this Ordinance is responsible for a civil infraction.

Section 3. Unlicensed Vehicles or Junk Vehicles

No person shall park, store or place an unlicensed vehicle on private property for more than five days. In addition, no vehicle which can no longer propel itself which is partially dismantled, wrecked, junked or discarded or any parts thereof, shall not be parked, stored or placed in the open for more than five days. This provision shall not apply to Junk Yards operating under Special Land Use permits.

Section 4. Abatement for Abandonment on Public Property

- (1) If a vehicle has remained on public property for a period of time so that it appears to the Municipal Ordinance Violations Bureau to be abandoned, the Ordinance Enforcement Officer shall determine if the vehicle has been reported stolen and affix a written notice to the vehicle. The written notice shall contain the following information:
 - (a) The date and time the notice was affixed.
 - (b) The name and address of the Municipal Ordinance Violations Bureau.
 - (c) The name of the Ordinance Enforcement Officer affixing the notice.
 - (d) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.
 - (e) The year, make and vehicle identification number of the vehicle if available.
- (2) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the Municipal Ordinance Violations Bureau may have the vehicle taken into custody.

- (3) When the Municipal Ordinance Violations Bureau has taken the vehicle into custody as abandoned, it shall do all of the following:
 - (a) Recheck to determine if the vehicle has been reported stolen.
 - (b) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network
 - (c) Within seven days after receiving notice that the vehicle has been taken into custody, the secretary of state shall send to the last title owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form of the notice shall contain such information as required by statute.
- (4) The owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing pursuant to MCL 257.252a.
- (5) If the owner does not request a hearing, he may obtain the release of the vehicle by showing proper identification and proof of ownership of the vehicle to the Municipal Ordinance Violations Bureau, and paying the required fee.

Section 5. Abatement for Abandonment on Private Property

- (1) If a vehicle has remained on private property without the consent of the property owner, the owner of the private property may have the vehicle taken into custody as an abandoned vehicle by contacting a local towing agency. Before removing the vehicle from private property, the towing agency shall notify the Municipal Ordinance Violations Bureau that the vehicle is being removed. The Ordinance Enforcement Officer shall determine if the vehicle has been reported stolen and have the vehicle entered into the law enforcement information network as an abandoned vehicle.
- (2) The owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing as outlined in subsection 4 (4) above. If the owner does not request a hearing, he may obtain the release of the vehicle by showing proper identification and proof of ownership of the vehicle to the custodian of the vehicle, and paying the required fee.
- (3) If a vehicle has remained on private property for a period of time so that it appears to the Municipal Ordinance Violations Bureau to be abandoned either by not being properly licensed and/or being a junk vehicle, the Ordinance Enforcement Officer shall determine if the vehicle has been reported stolen and affix a written notice to the vehicle. The written notice shall contain the following information:
 - (a) The name and address of the Municipal Ordinance Violations Bureau.
 - (b) The date and time the notice was affixed.
 - (c) The name of the Ordinance Enforcement Officer affixing the notice.
 - (d) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.
 - (e) The year, make and vehicle identification number of the vehicle if available.
- (4) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle is deemed abandoned and the Municipal Ordinance Violations Bureau may have the vehicle taken into custody.

(5) When the Municipal Ordinance Violations Bureau has taken the vehicle into custody as abandoned, it shall do all of the following:

(a) Recheck to determine if the vehicle has been reported stolen.

(b) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network.

(c) Within seven days after receiving notice that the vehicle has been taken into custody, the secretary of state shall send to the last title owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form of the notice shall contain such information as required by statute.

(6) The owner may contest the fact that the vehicle has been deemed abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing pursuant to MCL 257.252a.

(7) If the owner does not request a hearing, he may obtain the release of the vehicle by showing proper identification and proof of ownership of the vehicle to the Municipal Ordinance Violations Bureau, and paying the required fee.

Section 6. Public Sale Not less than 20 days after the disposition of the hearing described in Section 4 or 5 above or, if a hearing is not requested, not less than 20 days after the date of the notice, the Municipal Ordinance Violations Bureau, if the abandoned vehicle is found on public property, or the custodian of the vehicle if the vehicle is found on private property, shall offer the vehicle for sale at a public sale pursuant to MCL 257.252g. Recoupment of accrued towing and storage charges shall be pursuant to MCL 257.252g and MCL 257.252i.

Section 7. Fines and Costs

Civil fines: Violation of the provisions of this Ordinance or failure to comply with any requirements shall constitute a Municipal Civil Infraction. Any person or other entity who violates any provision of this Ordinance is responsible for a Municipal Civil Infraction and shall be responsible for Civil Fines as defined in the Municipal Ordinance Violations Bureau Ordinance Section 5. Schedule of Civil Fines and Costs. Fines shall be made payable to New Buffalo Township and submitted to the Municipal Ordinance Bureau.

Costs: Additional costs may include but are not limited to towing, storage, legal ownership checks and title requests. These items may be billed separately.

Section 8. Repealer

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 9. Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 10. Effective Date

This Ordinance shall be published and take effect immediately after its adoption.

