

JAMESTOWN TOWNSHIP ORDINANCE NO. 106

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE LICENSING OF JUNKYARDS AND JUNK DEALERS

Pursuant to Act 12 of 1929 (CL 1948 445.451, MSA 19.731) as amended,

THE TOWNSHIP OF JAMESTOWN ORDAINS:

1. NAME OF ORDINANCE.

This ordinance shall be referred to as the Jamestown Township Junkyard Licensing Ordinance.

2. NECESSITY OF LICENSE.

Any person, firm or corporation desiring to conduct and maintain a junkyard or place of dismantling, wrecking and disposing of junk and/or refuse material of automobiles in the Township of Jamestown shall first procure from the Township Board of the Township of Jamestown a license for that purpose.

3. APPLICATION FOR LICENSE.

Application for such license shall be made to the Township Clerk upon forms to be furnished by said Clerk. The Clerk shall then submit such application to the Township Board for its approval or disapproval.

4. APPROVAL BY THE TOWNSHIP BOARD

On receiving the application for license, the Township Board may require the Clerk, Building Inspector, Zoning Administrator or Township Supervisor to make such investigation and report to the board as it deems necessary. After such report is received, the Township Board shall consider such application in relation to the following standards:

a) That any proposed junkyard or place for dismantling, wrecking or disposing of junk and/or refuse material of automobiles shall not be within 2,000 feet from any school, church or public park, or within 1,000 feet of any residence.

b) That such junkyard would not discourage the use of lands and natural resources in the township in accordance with their character, adaptability, and suitability for any particular purposes. The proposed junkyard shall not be detrimental to the conservation of social and economic stability, property values and the general character and trend of community development in the township.

c) That such junkyard shall not be detrimental to the safety, health, morals and general welfare of the people of the township.

d) Whether or not there are adequate provisions for streets, highways, sewage and drainage, water supply distribution, and other public resources available.

In the event the application for such license is not approved, the Township Board shall notify such applicant in writing within 10 days from date of such meeting at which it denies the application. In the event the application for such license is approved, the applicant shall pay to the Township Clerk a license fee of \$25.00, and upon such payment the Clerk shall issue such license.

5. EXPIRATION OF LICENSE.

Such license shall expire one (1) year after the issuance thereof; renewals shall be made upon application, approval and payment of the license fee as herein provided for the original license.

6. REGULATIONS OF JUNKYARDS.

Each licensee shall enclose his junkyard or place for dismantling, wrecking, and disposing of junk and/or refuse material of automobiles by a fence of not less than seven (7) feet in height. Such fence shall be constructed of lumber so as to leave no cracks of greater width than one-half (1/2) inch and shall be painted and kept in good repair and slightly condition. No advertising shall be affixed to said fence other than advertising the licensee. No junk, dismantled automobiles, or parts of dismantled

automobiles, shall be displayed or placed outside of said fence. Such fence shall be set back from the street such distance as shall be specified by the Township Board.

7. EXISTING JUNKYARDS.

Any and all junkyards now located in Jamestown Township shall, within thirty (30) days after the effective date of this ordinance, make application for license hereunder. The Township Clerk shall send a true copy of this ordinance to the owners and/or operators of such junkyards within ten (10) days after this ordinance is enacted.

8. DEFINITIONS.

a) "Junkyard" A junkyard as used herein is defined to be any establishment or premises where worn out or discarded material is bought, kept, sold and/or stored; any premises upon which two or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

b) "Junk Dealer" The term "junk dealer" shall mean any person who buys, stores, sells, receives at a fixed location, used rags, paper, used bags, used brass, used copper, used tin, used iron or any other used metal, or, used machinery and/or automobiles acquired for the purpose of dismantling or stripping for the sale of used metals and parts.

c) "Person" The term "person" when used herein shall mean any one or more natural persons, firms, co-partnerships, corporations and all associations of natural persons incorporated or unincorporated, whether acting by themselves or by servant, agent or employee. All persons who violate the terms of this ordinance whether as owner, or as agent, servant or employee shall be equally liable as principals.

9. COMPLIANCE WITH STATE LAW.

All licensees hereunder shall, at least once each month, prepare and mail to the commissioner of the Department of Public Safety at East Lansing, Michigan, a sworn statement of all purchases made by such licensee.

10. PENALTY.

Any person, firm or corporation which shall operate a junkyard without a license hereunder or violate any rule, regulation or condition of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding One Hundred (\$100) Dollars, or imprisonment in the county jail for not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the court. Each day in violation shall constitute a separate offense.

11. OTHER RELIEF—NUISANCE PER SE.

The township also reserves the right to pursue any other remedy provided by law, including but not limited to injunctive reliefs, and any violation hereunder shall be considered to be a nuisance per se.

12. SEVERABILITY.

If any section, paragraph, clause or provision of this ordinance is held invalid, such invalid section, clause, provision or paragraph shall not affect any other provisions of this resolution.

13. EFFECTIVE DATE.

This ordinance shall take effect on the 31st day following publication.

The foregoing ordinance was offered by Board Member Henry Edema, supported by Board Member Lee Brinks, the vote being as follows:

YEAS: 4.

NAYS: 0.

ABSENT: Myrtle Newhouse

ORDINANCE DECLARED ADOPTED.

Gerrit Feyen
Jamestown Township Clerk

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