

BUSINESS REGULATIONS

21.000 **JUNK DEALERS, JUNK YARDS AND PLACES FOR THE DISMANTLING OF AUTOMOBILES ORDINANCE NO. 1**

Adopted: March 2, 1959

Effective: April 15, 1959

An Ordinance adopted for the purpose of regulating and licensing junk dealers, junk yards and places for the dismantling of automobiles; to prescribe rules, regulations and conditions for the operation thereof; and to establish penalties for the violation of such rules, regulations and conditions.

A. Definitions

Automobile graveyard means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

Enforcement Officer shall mean the Township Supervisor or such other person as may be designated by the Cooper Township Board to supervise the enforcement of this Ordinance.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts of automobiles, iron, steel and other old or scrap ferrous or nonferrous material.

A *Junk Dealer* is hereby defined to be any person, firm, association or corporation who shall conduct or maintain any building, structure, yard or place for keeping, sorting, storing, buying or selling any second-hand, old or used material of any kind, including cloth, rags [rags], rubber, paper, rubbish, bottles, iron, steel, brass, copper, or any other metals or old boxes, cartons, crates, or other refuse material or who deals in or maintains any structure, yard or premises for the dismantling, wrecking or disposing of the salvage material of automobiles.

Junkyard means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, or for scrap processing.

The word *person* whenever used herein shall be held and construed to mean and include one or more 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 any of the rules, regulations or conditions set forth herein, whether as owner or as agent, servant or employee, shall be liable as principals.

Scrap processor means a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable for consumption by recycling mills, foundries, and other scrap processors.

B. Licenses required

No Person, directly or indirectly, himself or by his clerk, agent, employee or assign, shall hereafter engage in the business of a junk dealer, junkyard, automobile graveyard or scrap processor within the Charter Township of Cooper, Kalamazoo County, Michigan, without having first obtained a license from the Township Board.

C. Request for license.

1. Request for a junk dealer's license shall be made, in writing, to the Township Board and shall be filed in the office of the Township Clerk. Said request shall contain the name and address of the applicant, the location where the business is to be carried on, previous experience as a junk dealer and any other information as may be deemed necessary for the proper enforcement of the rules, regulations and conditions herein set forth. The request shall be accompanied by a check for the license fee of \$25.00 per year and by a bond in the amount of \$1,000.00, conditioned upon the faithful performance of the duties, rules, regulations and conditions as herein provided and the laws of the State of Michigan.
2. Every request for a junk dealer's license shall be accompanied by written consent, to the granting of such license, signed by the owners of seventy-five (75) percent of the property within two thousand (2,000) feet of the place where said business is proposed to be conducted.

D. Investigation of applicant; board consideration; issuance of license

Upon receiving said request, the Township Clerk shall immediately transmit the same to the Township Supervisor who shall promptly investigate and prepare a report regarding the moral character and record of the applicant and any other matters pertinent to the issuance of the license, including, but not limited to, the suitability of the proposed site for the operation of said business and necessity for, and extent of, fencing of such site to conform with requirements of Section 21.000 E. 2 as hereinafter set forth. Upon receiving such report, with the request attached, the Township Clerk shall submit the same to the Township Board for its consideration.

Upon the approval of the Township Board, the tender of all license fees and bonds required and the performance of any and all requirements directed to be done by the licensee by the Township Board, the license shall be issued by the Township Clerk in the form of a letter of acknowledgement of issued license.

E. Standards and requirements

Said junk yard or business of a junk dealer, above defined, shall be conducted subject to the following standards and requirements:

1. No portion of any yard used in conjunction with said business shall be located nearer than 40 rods from the right-of-way line of any primary road nor nearer than 10 rods from all other roads, nor shall any fence used to contain said junk yard, as hereinafter required, be located nearer than 10 feet from the property line of adjacent owners unless such prohibition is waived as hereinafter provided with respect to such fence.
2. Any yard used in conjunction with said business shall be shielded from the view of any person traveling upon a public right-of-way or any person upon the premises of an adjoining residence, if any, unless this requirement is waived by the owners of such residence, by a solid fence of wood or metal 7 feet high and maintained in a sightly and painted condition, free of posted handbills or advertising other than the name and character of the business of the owner thereof in letters not exceeding 4 inches wide and 12 inches high; provided, however, that the front of any such yard shall be fenced as herein indicated and the rear and sides of such yard, or either of them, shall be so fenced irrespective of the consent of adjacent owners whenever, from the investigation of the Supervisor, it would appear that due to the terrain or for any other reason such yard would be unsightly unless so fenced.
3. It shall be so conducted as not to create a nuisance by reason of excessive noise, disagreeable odors, smoke or fumes, and no rubbish dump shall be operated or permitted in conjunction therewith.
4. No loads of iron or other heavy materials may be loaded or unloaded in an excessively noisy manner, heavy sorting take place, or breakup hammers be used between the hours of 9:00 p.m. and 7:00 a.m. Excessive burning of rubber or other substance tending to pollute the air shall not be permitted, and any fires lighted or maintained upon said premises shall be limited to the business hours abovementioned and within such hours permitted, only when the wind conditions are such as not to create a nuisance to adjacent or nearby property owners.
5. All adjoining streets, sidewalks, alleys or rights-of-way, public or private, shall be kept free of obstruction caused by the maintenance of said business at said location.
6. No junk dealer or yard knowingly shall receive or take junk or any other article covered by these rules, regulations and conditions, by purchase or otherwise, from any minor under 18 years of age, except paper or rags, without said minor's parent's or guardian's written consent, nor from any intoxicated person, nor from any person known by a reputation or suspected of being a thief or an associates of thieves.

7. Every junk dealer or yard operator shall keep a record of the name, address, age and, when possible, the license number of any vehicle used by any person, firm or corporation selling to or buying from him any of the following items: Copper, copper wire, brass, tin, car batteries, nickel, lead and aluminum. He shall take such identification from an official source such as driver's license, license plate, Social Security card, or other similar source. Such records and the premises of every junk dealer shall be open to the inspection of all police, fire and health officials of the Township of Cooper at all reasonable hours. In addition, any such license shall, at least once each month, prepare and mail to the Commissioner of the Department of Safety at East Lansing, Michigan, a sworn statement of all purchases made by said licensee.
8. Said junk dealer shall maintain the premises used so that rats, vermin and all other hazards to health are kept to a reasonable minimum and under control at all times, and he shall comply promptly with all requests and directives of the Director of the County Health Department.
9. Said business shall be conducted at all times in compliance with the ordinances of the Township of Cooper and the laws of the State of Michigan.

F. Revocation of license; board's right of injunctive relief; authority of enforcement officer

Any license issued hereunder shall be subject to revocation by said Township Board upon the failure to conduct said business in conformity with any of the rules, regulations or conditions herein contained and the laws of the State of Michigan, or if any of the statements in the said application are found to be false, or if 65 percent of the freeholders residing in said Township within a radius of one mile from the place of said business petition said Township Board therefore.

Before any such license shall be revoked, the Township Board shall notify such licensee in writing of the complaint against him and shall set a time and place for the licensee to be heard with respect to such complaint, which hearing shall be held not less than 10 nor more than 20 days from the date of the notification of such licensee.

The violation of any of the rules, regulations or provisions as set forth herein is hereby deemed a nuisance and such violation, in addition to the other means of enforcement of said ordinance as set forth herein, shall constitute a basis for injunctive relief and, at the option of the Township Board, said Board may proceed to obtain an injunction requiring any person to cease and desist from the activity claimed to be in violation of the rules, regulations and provisions herein set forth.

The enforcement officer shall have the authority to enforce this Ordinance, and may take such action as is necessary for the enforcement thereof in accordance with the provisions contained therein. Provided that the enforcement officer shall not commence any legal action or action to revoke any license granted hereunder without first obtaining authority to do so from the Cooper Township Board.

G. Expiration of license; renewal

Any license hereunder shall automatically expire on the following April 15th, and the conduct of any business under said license shall immediately cease upon said date unless and until a new license has been secured in accordance with the provisions hereof.

H. Severability

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

I. Penalty for violations

1. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, who fails to obtain a permit; or fails to comply with any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

2. Municipal civil infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
First Offense	\$ 75.00	\$ 500.00
Second Offense	\$ 150.00	\$ 500.00
Third Offense	\$ 325.00	\$ 500.00
Fourth or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Cooper Charter Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

3. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

J. Repeal of conflicting ordinances

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

K. Effective date

This Ordinance took effect on April 15, 1959. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 236, Eff. 02/25/2016]