

**TOWNSHIP OF LAPEER
JUNK YARD ORDINANCE
Ordinance No. 3.1**

An ordinance to secure the public health, interest, and general welfare of the residents and property owners of the Township of Lapeer, Lapeer County, Michigan, a municipal corporation, by the regulation and licensing of junk yards and places for the dismantling, wrecking, and disposing of the junk and/or refuse material of automobiles within said Township; and to provide penalties for the violation thereof, and to repeal all ordinances and parts of ordinances in conflict therewith.

THE TOWNSHIP OF LAPEER, LAPEER COUNTY, MICHIGAN ORDAINS:

Section 1 TITLE

This ordinance shall be known as the Lapeer Township Junk Yard Ordinance.

Section 2 DEFINITIONS

- 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 or storing, or any person who deals in, buys or sells any hides, old or used material of any kind, including cloth, rags, paper, rubbish, rubber, 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, or other machinery.
- B. The word "Person" whenever used in these regulations, shall be held and construed to mean and include one or more persons, firms, co-partnerships, corporations, and all associations of natural person, incorporated or unincorporated, whether acting by themselves or by servant, agent or employee. All persons who violate any of the provisions of these regulations, whether as owner or as agent, servant or employee, shall be liable as principals.

Section 3 REGULATIONS

The following regulations are hereby adopted:

- A. No person, directly or indirectly, himself or by his clerk, agent or employee, shall hereafter engage in the business of a Junk Dealer or the operation of a Junk Yard, within the corporate limits of the Township of Lapeer without first having obtained a license from the Township of Lapeer.
- B. Applications for a junk dealer's license shall be made, in writing, to the Township Board and filed with the Township Clerk. Such application shall contain the name and address of the applicant, the location where the business is to be carried on, owner of the real estate on which the business is to be conducted, previous experience as a junk dealer, and other such information as may be deemed necessary for the proper enforcement of the provisions of these regulations.
- C. On receiving such application, the Township Board shall consider the application, and if the Board considers the premises a proper and suitable location for the business to be conducted thereon, and the applicant or applicants suitable persons to conduct such business, the Township Board may, by majority vote, issue license; but if in the judgment of the Township Board the premises shall not be suitable or the applicant or applicants not be suitable and proper persons to conduct such business, the Board shall deny the application.
- D. The applicant, before issuance of such license, shall obtain a permit from the Zoning Administrator, it being the intention of these regulations that the issuance of a license hereunder shall be subject to the Township Zoning Ordinance.
- E. A junk yard, shop or place for the dismantling of automobiles, trucks and other motor vehicles or machinery, shall be so conducted as not to create a nuisance by reason of noise or disagreeable odors or fumes. There shall be no burning whatsoever, other than by the use of cutting torches, (provided that automobile and truck bodies may be burned out after obtaining from the Township Board a permit to do so) at such times and upon such conditions

as the Board may authorize. All activity shall comply with the Township of Lapeer noise ordinance. There shall be no dismantling or burning whatsoever on Sundays.

- F. The Township Board shall require appropriate screening of the junk yard to minimize any adverse effects on surrounding property. The screening may take the form of fencing, obscuring vegetation, or any combination of the two. If fencing is utilized, it should be not less than eight (8) feet in height. If vegetation is utilized, it may consist of existing vegetation or new plantings.
- G. The fence shall not be used for advertising or as billboards, other than a suitable sign, showing the name of the person and the business conducted on the premises. All grass and weeds shall be kept closely cut for a width of ten (10) feet on the outside of the enclosed fence.
- H. No premises shall be licensed hereunder as a junk yard nearer than two hundred (200) feet from the highway (I-69 & M-24), no nearer than ten (10) feet from the side property line.
- I. The Township Board, through its officers, shall have the right at all reasonable times during business hours to inspect the licensed premises. In the event the business that is conducted on the licensed premises shall become a nuisance; or if these regulations are disregarded; the Township Board may rescind such license upon written complaint, and said junk yard shall cease to operate until such violations are corrected, or upon such terms and conditions in its discretion may require; Provided that before rescinding such license, the licensee shall be informed of the complaint against him and shall be given a reasonable opportunity to be heard thereon.
- J. Applications for a junk dealer's license shall be accompanied by the annual license fee as set by the Township board for the year ending on June 30th; and if such license shall designate a particular place or location where such business may be conducted, then it shall be unlawful for any licensee to engage in such business in any place other than that designated in such license. No license shall be transferred or assigned.
- K. No junk dealer shall receive or take junk or automobiles, motor vehicles, trucks or other machinery, by purchase or otherwise, from any minor without the consent of such minor's parents or guardian.
- L. Every junk dealer shall keep record of all items, goods and merchandise received, purchased and sold and such records and the premises of every junk dealer shall be open to the inspection of all police and health officials' at all reasonable hours.
- M. Every licensee hereunder shall comply with all state laws and regulations.
- N. If any section, subsection, clause or phrase of these regulations shall for any reason be held void, the remaining provisions hereof shall not be affected thereby.

Section 4 **PENALTIES FOR VIOLATIONS**

Any person, firm or corporation who violates any of the provisions of this ordinance will be held responsible for a municipal civil infraction and for creating a public nuisance, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Lapeer Township Civil Infraction Ordinance.

Section 5 **ENFORCEMENT**

The provisions of the within Ordinance shall be enforced by the Lapeer Township Supervisor or such other officer as the Township Board may designate.

Section 6 **SEVERABILITY**

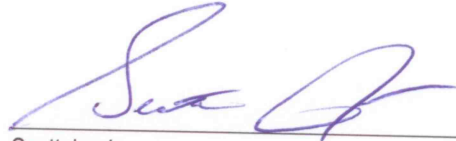
The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 7 **FORMER ORDINANCE REPEALED**

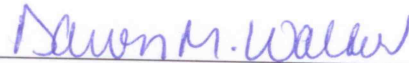
The former Lapeer Township Junk Yard Ordinance No. 3 as amended is hereby repealed.

Section 8 **EFFECTIVE DATE**

This ordinance was adopted by the Township Board of the Township of Lapeer, Lapeer County, Michigan at a meeting duly called and held on the 14th day of November 2011 and was published in the LAView newspaper on the 24th day of November 2011. This ordinance shall take effect thirty (30) days after publication.



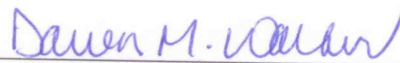
Scott Jarvis
Lapeer Township Supervisor



Dawn M. Walker, CMC
Lapeer Township Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Lapeer Township Board, County of Lapeer, State of Michigan, at a duly held meeting on the 14th day of November 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.



Dawn M. Walker, CMC
Lapeer Township Clerk