

ORDINANCE NO. 178 JUNKYARD ORDINANCE

The Charter Township of Larkin, pursuant to Act 359 of 1947 of the Public Acts of the State of Michigan, as amended, and Act 12 of 1929 of the Public Acts of the State of Michigan, as amended, ordains: An ordinance to provide for the licensing and regulation of junkyards in Larkin Township; to provide places for dismantling, wrecking, and storage of inoperable vehicles, appliances, and machinery and for storage of parts and/or refuse materials from vehicles, appliances, and machinery; the prescribe rules, regulations, and conditions for the operation of junkyards; and, to provide penalties for the operation of junkyards without a license and for violation of any regulation.

Section 1. Title

This ordinance shall be known, and may be referred to, as the "Larkin Township Junkyard Ordinance".

Section 2. Definitions

Appliance - An instrument or device designed for a particular household use including such items as stoves, refrigerators, freezers, washing machines, dryers, dish washers, fans and air conditioners.

Inoperable - Incapable of being used for its intended purposes; or, in the case of vehicles, lacking a current license or registration or failing to meet the requirements for use on public roads as detailed in Michigan Vehicle Code, being Act 300 of 1949, of the Public Acts of the State of Michigan, as amended.

Junkyard - An establishment or premises where more than one (1) inoperable, dismantled, or partially dismantled vehicle, appliance, or machine, or parts therefrom, or any metal or other material that is damaged, deteriorated or is in a condition such that it cannot be used for its original purposes is bought, sold, and/or stored out of doors for more than thirty (30) days.

Machine - A mechanical device or mechanized equipment, machinery.

Person - One or more persons, firms, partnerships, corporations, or associations of persons, incorporated or unincorporated, acting by themselves, or as an agent or employee.

Vehicle - A means of conveyance or means of carrying or transporting something.

Section 3. License Required

Any person operating a junkyard within Larkin Charter Township shall be required to obtain a license for each location of such operation within the Township and shall be subject to the conditions, terms, and regulations hereinafter provided.

Section 4. License Fee

The license fee shall be \$25.00 for each junkyard maintained and operated within the Township. The license shall extend for a period of one (1) calendar year or portion remaining for mid-year applications unless revoked for failure to comply with the terms under which it was granted or the terms and regulations of this Ordinance.

Section 5. Application for License

Application for a junkyard license or for renewal of a junkyard license shall be in writing and directed to the Township Clerk. The application shall contain the names of all persons interested in operation or ownership of the junkyard and a legal description of the property affected. The application shall contain a statement that the applicant(s) will abide by the terms and regulations of this Ordinance if granted a license. The fee shall be included. All applications must be reviewed by, and approved by the Township Board.

Application for renewal of a junkyard license shall be in writing and directed to the Township Clerk prior to January 1 of the calendar year. However, the applicant(s) may continue to operate under the rules and regulations of this Ordinance during the review and approval period. Failure to apply for renewal of a junkyard license prior to January 1 of the calendar year shall cause the license to lapse and may subject the owner/operator to penalties for operating an unlicensed junkyard.

Section 6. Review of Application

Upon receipt of the application for a junkyard license by the Township Clerk, the application shall be referred to the Township Supervisor who is responsible to investigate the applicant and the site where the applicant proposes to operate the junkyard.

For new applications, all property owners within three hundred (300) feet of the property shall be notified in writing that the application will be reviewed at the next regular meeting of the Township Board.

The Township Supervisor shall report the results of the investigation along with a recommendation to approve or disapprove to the next regular meeting of the Township Board, at which time the Township Board shall act on the application.

Section 7. Regulations and Conditions for Operation

The operation of a junkyard shall comply with the following regulations and conditions:

1. No junkyard shall be operated or used in such a manner so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth, loose debris, mosquitoes, or rodents.
2. No junkyard shall be operated or used in such a manner so as to pollute the air, ground, or water through such actions as burning or allowing volatile or liquid substances to escape into the environment.
3. No junkyard shall be operated so that the operation can be readily seen from any public place, road, or right of way.
4. All licensees under this Ordinance shall comply with all rules, regulations, and laws of the State of Michigan; and, with all other governmental regulations pertinent to the operation of junkyards.

Section 8. Penalties

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

Upon the finding of violation of this Ordinance, the Township Board shall revoke the existing issued junkyard license held by such violator.

Section 9. Validity

Should any section, clause, or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 10. Repeal, Saving Clause

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed, providing, however, any proceedings pending, including prosecutions for violations, under any previous ordinance being repealed hereby shall

not be affected by this Ordinance and may be continued pursuant to said previous ordinance.

Section 11. Effective Date

This Ordinance shall take effect thirty (30) days after publication.

Adopted by the Township Board, Charter Township of Larkin, County of Midland, Michigan.

Ordinance No. 178, adopted June 12, 1990
Amended by Ordinance No. 218, adopted April 9, 1996