

**TOWNSHIP OF IONIA**

**ORDINANCE NO. 2013-1**

**JUNK ORDINANCE**

AN ORDINANCE TO REGULATE NUISANCES CREATED THROUGH THE ACCUMULATION OF JUNK; TO REGULATE, THE STORAGE OF INOPERABLE VEHICLES, OPERATION OF JUNK YARDS AND PLACES FOR THE DISMANTLING, WRECKING AND DISPOSAL OF JUNK AND/OR REFUSE MATERIAL OR AUTOMOBILES; TO PRESCRIBE RULES, REGULATIONS AND CONDITIONS FOR THE SAME; AND TO PROVIDE PENALTIES FOR THE SAME.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF IONIA, COUNTY OF IONIA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Definitions.

Unless it appears in the context that a different meaning is intended, the following words shall have the meaning given them by this Ordinance.

(a) The term "Inoperable Vehicle" shall include, but not be limited to, any motor vehicle which is unregistered, or unlicensed, or uninsured; or any vehicle whose motor is inoperable or is unable to move under its own power.

(b) The term "Junk Yard" shall include any lot, field, enclosure, place, or building, wherein the business of collecting, buying storing, salvaging, or disposing of scrap or waste iron, steel, copper, brass, zinc, tin, lead, rope, rubber, rags, paper, glass, or any other scrap or waste material is conducted.

(c) The term "Nuisance" shall include, but not be limited to:

1. Whatever is forbidden by any provision of this Ordinance;
2. Whatever unreasonably annoys, injures, or endangers the safety, health, comfort, or repose of the public; offends public decency; interferes with, obstructs, or renders dangerous any street, highway, or navigable body of water or street; or in any way renders the public insecure concerning life or property; or
3. Any building, property maintenance, mechanical, plumbing, or electrical code violation.



(d) The term "Person" shall mean and include any natural person, firm, association, d/b/a, co-partnership, corporation, or limited liability company.

(e) The term "Place For The Dismantling Of Automobiles" shall include any lot, field, enclosure, place, or building where the business of dismantling, wrecking, storing, salvaging, or disposing of the parts or waste material of motor vehicles is conducted; **provided**, that this shall not be construed to include the business of dismantling automobiles for reassembly and/or repair only.

### Section 2. License.

No Person shall hereinafter own, maintain, or operate within the Township a Junk Yard or Place For The Dismantling Of Automobiles, without first having secured a license to do so from the Township Clerk.

### Section 3. Application For License.

The application for license to operate a Junk Yard or Place For The Dismantling Of Automobiles shall be made to the Township Board by the owner or authorized agent in writing on forms to be furnished by the Township Board, and shall contain the following:

- (a) The full name, age, and residence of the applicant;
- (b) A description of the site, including its dimensions and the street address;
- (c) The name and address of the title owners of the site;
- (d) Whether the Person making application for a license has been previously licensed by the Township for such business;
- (e) Whether the Person making application for a license is now engaged in conducting such business in any other location;
- (f) The trade name under which the business is to be conducted;
- (g) If a corporation, the name, age, and address of its executive officer and the principal stock holders.

The application shall be subscribed and sworn to by the applicant and filed with the Township Clerk. The Township Clerk shall immediately refer the application to the Township Supervisor, who may call a special meeting of the Township Board to consider the application or may delay such consideration until the next regular meeting. The Township Board shall cause an



investigation to be made as to the suitability of the site and fitness of the applicant as to character and ability to conduct such a business. If, in the opinion of the Township Board, the Person making application is a proper Person and the place to be used is suitable and zoned for such business, the Township Board may authorize the granting of a license upon the payment of the required license fee.

The Township Board may in its discretion, for just cause, refuse to grant the license provided for in this Ordinance. All officers charged with making the investigation as provided for in this Section shall have free access to all parts of the site for which license has been applied, and a refusal to give such access by any Person in charge of the site shall be a sufficient cause for a denial of the license.

Section 4. Licenses.

(a) Every license provided for hereunder shall be issued by the Township Clerk and shall be on forms approved by the Township Board; the license shall be signed by the Township Clerk and countersigned by the Township Supervisor.

(b) All licenses issued hereunder shall expire on the 15<sup>th</sup> day of January of each year following issuance.

(c) The licenses issued under this Ordinance shall not be transferable.

(d) Separate licenses shall be required for each separate location.

(e) No license shall be issued until at least 10 days shall have elapsed from the date the application for such license is filed with the Township Clerk.

(f) Each license issued shall be conspicuously displayed at all times at the site licensed.

Section 5. License Fee.

The license fee for each site licensed as a Junk Yard or Place For The Dismantling Of Automobiles shall be \$25.00 for each year or fraction thereof for each separate location in which the business is carried on or conducted.

Section 6. Regulations.

Any Person who shall be granted a license to operate any Junk Yard or Place For The Dismantling Of Automobiles shall comply with the following regulations:

(a) Operate such establishment so as not to create a Nuisance by reason of excessive noise or disagreeable odors or fumes.



- (b) Keep all junk, automobiles, or parts thereof within the areas specifically licensed.
- (c) Refrain from burning any material which by reason of excessive smoke or bad odor is offensive or may tend to be offensive to the surrounding neighborhood. No fire shall be allowed to continue unattended or to be lighted in violation of any rule, regulation, or law of the State of Michigan or ordinance or resolution of the Township.
- (d) No loading or unloading iron or other heavy material between 9:00 p.m. and 6:00 a.m.
- (e) Store all material of combustible nature so as not to create a fire hazard. Such material shall not be permitted to accumulate in excess, but shall be disposed of promptly.
- (f) Upon order of the Township Board, as a condition precedent to the issuance of a license, erect a cyclone fence at least six feet high around such yard, shop, place, or such portion as the Township Board may deem necessary.
- (g) Upon vacating any site or upon abandonment of such business for any reason, promptly remove all junk, automobiles, parts thereof, or other waste material from the site.
- (h) No obstructing or causing to be obstructed sidewalks, streets, alleys, or rights-of-way.
- (i) No placing or causing to be placed outside the licensed property any secondhand articles, automobiles, parts, wheels, tin, iron, metal, or other waste materials of any kind or nature.

Section 7. Exhibit.

Every Person licensed under the provisions of this Ordinance shall, on-demand of the Township Supervisor, any law enforcement officer, or any Township officer, exhibit all goods bought or received and give the description of the Person selling the same.

Section 8. Posting.

Any Person owning, operating, or using a Junk Yard or Place For The Dismantling Of Automobiles shall post in a conspicuous place in or upon the Person's shop, store, wagon, vehicle, barn, or other place of business a sign having the Person's name and occupation legibly inscribed thereon.

Section 9. No Purchases.

No Person shall purchase, or receive by sale, barter, exchange, or otherwise, any article mentioned in this Ordinance from any Persons between the hours of 9:00 p.m. and 7:00 a.m. or from any Person who at the time is intoxicated, or from any habitual drunkard, or from any



Person known to the licensee to be a thief, or an associate of thieves, or a receiver of stolen property, or from any minor under the age of 18 years, without the written consent of parent or guardian of such minor.

Section 10. Suitable Persons.

No Person known to be a thief or an associate of thieves, an habitual drunkard, a receiver of stolen property, or any Person incapable of keeping the records and making the reports herein provided for shall be deemed to be a suitable Person to receive a license. Any such Person to whom a license may have been granted may have the license revoked by the Township Board on good cause shown and after reasonable notice and opportunity to be heard before the Township Board.

Section 11. Neatness.

All places of business and sites upon which a license herein provided for has been issued shall be kept neat and orderly and subject to the inspection of any law enforcement officer or Township officer at all reasonable times.

Section 12. Suspension And Revocation.

The Township Board may suspend or revoke any license with or without hearing for failure of the licensee to comply with any of the provisions of this Ordinance. If done without a hearing, a hearing shall still be scheduled as soon as possible thereafter to confirm or reverse the immediate action.

Section 13. Nuisance Prohibition.

No Person shall commit, create, or maintain any Nuisance or permit any Nuisance to be committed, created, or maintained on any property owned, occupied, or possessed by the Person.

Section 14. Outdoor Storage.

The outdoor storage, parking, display, accumulation, or placing of building materials, scrap, waste, machinery, Inoperable Vehicles or parts thereof, whether new or used, on any real property located within the Township (including without limitation residential property) is prohibited unless licensed as a Junk Yard, even if the materials are not associated with any business or commercial purpose. This does not include such items stored within a garage or enclosed within a building.

Section 15. Violation.

Any Person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500.00, or by



imprisonment not to exceed 93 days, or by both such fine and imprisonment in the discretion of the court.

Section 16. Severability.

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

Section 17. Administrative Liability.

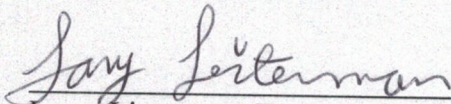
No officer, agent, or employee of the Township, or member of the Township Board, shall be personally liable for any damage that may accrue to any Person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

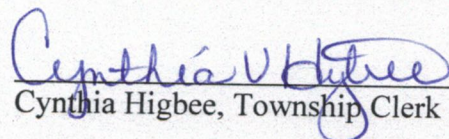
Section 18. Repeal.

All ordinances or their parts which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are repealed to the extent of such conflict, except that terms defined in this Ordinance for purposes of interpretation, administration and enforcement of this Ordinance only will in no manner repeal, modify or otherwise change the definition of any such terms as used in other Township ordinances.

Section 19. Effective Date.

This Ordinance was approved and adopted by the Township Board of Ionia Township, Ionia County, Michigan, at a regular meeting held on Dec 10, 2013, and it is ordered to take effect 30 days after publication in the Ionia Sentinel-Standard, a newspaper with general circulation in the Township.

  
\_\_\_\_\_  
Larry Listerman, Township Supervisor

  
\_\_\_\_\_  
Cynthia Higbee, Township Clerk



**CERTIFICATE**

I, Cynthia Higbee, the Clerk for the Township of Ionia, Ionia County, Michigan, certify that the foregoing Ionia Township Junk Ordinance was adopted at a regular meeting of the Ionia Township Board of Trustees held on Dec 10, 2013. The following members of the Township Board were present at that meeting: Listerman, Higbee, Sharp, Hanulick, Lange and the following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Township Board \_\_\_\_\_ voting in favor and members of the Township Board \_\_\_\_\_ voting in opposition. The full text or a summary of the Ordinance published in the Ionia Sentinel-Standard on \_\_\_\_\_, 2013. A certified copy of the Ordinance was sent to the Ionia County Clerk, by first-class mail with postage pre-paid on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Cynthia Higbee  
Ionia Township Clerk