

BIG CREEK TOWNSHIP
ORDINANCE NO. 12

An ordinance to provide for licensing, regulation and control of junk yards, refuse transfer sites, used automobile part lots; to provide for enforcement thereof and to provide penalties for the violation thereof.

WHEREAS, the presence of junk yards, refuse transfer sites and used automobile parts lots can constitute an attractive nuisance for children and endanger their safety; can provide an attraction for rats and other vermin constituting a menace to public health and can cause neighborhoods to become unsightly, resulting in the diminution of property values thus endangering the health, safety and general welfare of the residents.

THE TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN ORDAINS:

SECTION 1. Definition

a. Junk yards - an area used by a sole proprietorship, co-partnership, corporation or association of individuals engaged in the business of buying, selling, collecting, storing parts of machinery or motor vehicles, broken or unusable furniture, stoves, refrigerators or other appliances, remnants of metal, rubber, wood, paper or other material.

b. Refuse transfer site - an area used by a sole proprietorship, co-partnership, corporation or association of individuals engaged in the transfer and/or collection of refuse, garbage, trash or rubbish.

c. Used auto parts lots - an area used by a sole proprietorship, co-partnership, corporation or association of individuals engaged in the business of collection and/or storage of abandoned, unlicensed, damaged, inoperable motor vehicles, which are dismantled or are in the process of being dismantled for purposes of obtaining parts for resale or scrap.

d. Person - means all natural persons, firms, co-partnerships, corporations, and all associations of natural persons incorporated or unincorporated, whether acting by themselves or by any officer, official, servant, agent or employee.

SECTION 2

That no person shall be permitted to engage in the operation of a junk yard, refuse transfer site, or used automobile parts lot in the Township of Big Creek without first applying to and securing a license from the Township Board of such township and paying a fee as prescribed herein.

SECTION 3

That no person shall be permitted to operate a junk yard, refuse transfer site, or used automobile parts lot at any point 200 feet from a previously established residence without the written consent of the owners of such residence except for those businesses established and operating at the time of passage of the ordinance.

SECTION 4

That no such junk yards, refuse transfer site, or used automobile parts lot shall be operated without:

a. Being fenced or contained in such a manner as to prevent

material from being blown on to adjoining lands.

b. Being fences or screened by natural objects, plantings or other appropriate means so as not to be visible to the public or adjoining land owners. Said screening to be subject to approval by the Township Board.

SECTION 5

That an annual license fee shall be paid to the township in the amount of \$10.00, which shall be valid for one (1) year from the date it shall be issued.

SECTION 6

That the Big Creek Township Supervisor is hereby authorized to enforce this ordinance and he may delegate this authority to another official or employee of the Township of Big Creek. In addition to the penalty provided, the township supervisor or other designated official may seek other relief such as injunctive relief in circuit court.

SECTION 7

Any person which shall operate any of the above described operations without a license, or shall violate any of the provisions hereof shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$100.00 or by imprisonment not to exceed 90 days, or both. Each day that a violation of this ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable by conviction in the same manner provided in this section, provided that no person shall be imprisoned for a single but continuing violation of this ordinance for a period longer than 90 days.

SECTION 8

Should any section, clause, word or provision of this ordinance be declared by any court to be invalid, the same shall not effect the validity of the remaining portions of such section of this ordinance.

SECTION 9

This ordinance shall take effect 30 days after its approval.

Adopted October 19, 1987
By Authority of the Township Board

Big Creek Township Clerk
Frances Galer

Frances Galer

Ordinance # 11 as amended 5-18-98

JUNK YARD ORDINANCE

THE TOWNSHIP OF BIG CREEK, OSCODA COUNTY, MICHIGAN ORDAINS.

Section 1:

No person, corporation, member or members of a co-partnership or firm shall engage in the business of purchasing, selling, exchanging, storing or receiving second-hand articles of any kind, such as cast iron, old iron, old steel of any kind, tool steel, aluminum, copper, brass, lead pipe or tools, lighting and plumbing fixtures, old machinery and automobiles stored for the purpose of dismantling, or conducting a place for the dismantling of automobiles in the Township of Big Creek without a license therefor from the township board of said Big Creek Township.

Section 2:

Every person desiring to engage in the business of junk as herein specified in said township and all those now engaged in said business in said township shall make application in writing to the township board, specifying the street and building and street number or road of the premises on which said person intends to carry on said business.

Section 3:

After such application shall be granted, and before a license shall be issued thereon, persons engaged in said line of business shall pay into the treasury of said township the sum of \$25 per annum as license fee before such license shall be issued. Every person engaged in said junk business as specified in the ordinance after the first Monday in July in any year shall pay a pro-rate portion of the yearly license fee for the remainder of the year ending on the first Monday of July next ensuing; and in computing the time of such fractional part of a year for which a license is required, the same shall commence on the first day of that month in which said business shall be commenced. But no license fee shall be less than one-fourth of the yearly license fee. All licenses granted under the ordinance shall expire on the first Monday in July after the same have been granted.

Section 4:

Whenever the township board shall have determined to grant a license to such applicant or applicants upon a receipt of the treasurer of said township for the license fee, the said clerk

shall issue to said person or persons a license under the seal of the township in which it shall be stated that the same is recoverable at any time by the township board of said township, for such time as the township board shall prescribe. Before the said township clerk shall issue any such license, he shall record the same in a book to be provided for that purpose.

Section 5:

No person or persons licensed as junk dealers as designated in this ordinance shall by virtue of one license keep more than one house, shop, store, or place for such business; provided, however, that such person or persons may remove from one place of business to another in said township by giving an immediate notice in writing to the township clerk of said township specifying the building, number and street or road to which removal is made, but no removal shall be made until it has been approved by the Big Creek Township board.

Section 6:

Every person or firm licensed under this ordinance shall cause his or her name or their firm name (as the case may be) with the words "Licensed Junk Dealer" to be printed or painted in large legible characters and placed over the door or entrance of such shop, office, or place of business.

Section 7:

Every person licensed to carry on a junk business in said township shall at all times keep a book in which shall be legibly written in ink at the time of purchase or receiving any goods, articles, or things, an accurate account and description in the English language of the goods, articles or other things purchased or received, the amount therefore, the time of purchasing or receiving same, the name and address of the persons selling or leaving such goods, articles and/or things and a description of the person from whom the same were purchased or received.

Section 8:

The book provided for in Section 7 of this ordinance shall at all reasonable times be open to the inspection of the supervisor of the Township of Big Creek.

Section 9:

It shall be the duty of every person licensed as aforesaid upon receiving information of learning that any goods, articles or things purchased or left with him having been lost or stolen, to notify in writing the police officers of that fact, give the name of the person from whom he

received the same, the time when the things were received, and all other facts connected therewith that may tend to the discovery or conviction of the thief or thieves.

Section 10:

No person licensed as aforesaid shall purchase or receive by sale, barter, or exchange or otherwise any articles mentioned in this ordinance from any person between the hours of 9 p.m. and 7 a.m. nor from any person who is at the time intoxicated or from an habitual drunkard or from any person known by said junk dealer to be a thief or an associate of thieves or receiver of stolen property, or from any person he has reason to suspect of being such, or from any person under the age of 16 years.

Section 11:

No junk yard shall be located within four hundred (400') feet of a dwelling house. No junk yard shall be located on a parcel of land less than ten (10) acres in size. No person shall conduct the business of a junk yard unless the same be located in and all the junk stored in a side building, provided however, that junk automobiles stored for the purpose of dismantling, and parts of dismantled automobiles may be stored on an open lot if said lot has a tight board fence which shall enclose the view of said junk or dismantled automobiles from a public road or street, free from advertising except as it shall apply to the owner's business, 6 ½ feet in height, and all junk shall be stored inside of said fence and at no greater height than the height of the fence. No materials causing offensive odor or unsanitary conditions shall be stored on any premises where a junk business is carried on. No dismantling or salvaging operations shall be carried on on said premises on Sunday or during the hours between 8 p.m. and 7 a.m., provided however, that this provision shall not be applicable to the sale of parts and merchandise of said business.

Section 12:

A. Any violation of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Zoning Administrator, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be a municipal civil infraction. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission of failure to act where the act is required by this Ordinance.

B. The sanction for any violation of this Ordinance which is a municipal civil infraction

shall be a civil fine as provided in Section 13 of this Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

C. The Zoning Administrator and the Building Inspector, are the township officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

D. The Township may also seek abatement of the blight or blighting factors and such other relief as may be obtained by civil proceedings in court.

Section 13:

A. General

1. A person, corporation or firm who, as a result of violating any provision of this Ordinance, is responsible for a municipal civil infraction shall pay a civil fine of not less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each infraction.

2. Repeat offenses shall be subject to increased fines as set forth below. As used in this Section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance (i) committed by a person, corporation or firm within any 30-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

a. The fine for any offense which is a repeat offense shall be no less than \$250.00 plus costs and other sanctions.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.

3. The foregoing penalties shall not prohibit the township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 14:

This ordinance shall become effective on the 18th day of May, 1998.