

RILEY TOWNSHIP ORDINANCE NO. 2

AN ORDINANCE FOR THE LICENSING
AND REGULATIONS OF JUNK YARDS

An Ordinance to license and regulate Junk Yards and Places for the dismantling, wrecking and disposing of Junk and/or refuse material of automobiles; to prescribe rules, regulations and conditions for the operation of the same; to provide penalties for the operation of the same without a license and for the violation of any rule, regulation or condition.

THE TOWNSHIP OF RILEY ORDAINS THAT:

Section 1.

It shall be unlawful for any person, firm, partnership association or corporation to engage in the business of operating a junk yard and/or place for the dismantling storage, wrecking, parts, salvage and disposal of automobiles and/or junk in the Township of Riley, St. Clair County, Michigan, without a license issued by this Township as hereinafter set forth.

Section 2.

All applications for license by any person, firm, partnership, association or corporation to engage in the business of operating a junk yard and/or place for the dismantling, storage, wrecking, parts, salvage and disposal of automobiles and/or junk in said Township shall contain the following information, approvals and endorsements:

- A. Legal name and residential address of applicant.
- B. Legal or proposed business name and address of applicant.
- C. Location and size of junk yard or dismantling place.
- D. A brief statement as to the type of business, or use of premises to be operated.
- E. The name of the owner of the premises, and in case premises are owned by persons other than the applicant, evidence of notice of such intended use of premises given to the owner must accompany said application.
- F. Whether such premises is enclosed as provided in Section V of this ordinance.
- G. The application shall be accompanied by the written consent of the owners of 75% of the property, residential and/or farming within a radius of 1000 feet of any boundary line of the

property on which the proposed business is to be conducted; provided that in the event such written consent of property owners does not accompany said application, the Township Clerk, upon receipt of said application, will cause a notice of such application to be posted in two public places, and published at least once in any legal publication or newspaper circulated in the Township, setting a date for a public hearing on said application, naming time, place and date thereof and such posting and publication shall be made at least 15 days before license can be granted by the Township Board. An additional fee of \$200.00 for the expenses of posting, publishing and attendant costs must accompany such application unaccompanied by correct signatures above mentioned.

Section 3.

Upon receipt of said application by the Township Clerk, together with a license fee of \$25.00 the Clerk will cause the application to be presented to the Township Board for action thereon at its next regular or special meeting.

Section 4.

The Township Board shall have the power to refuse to approve such application if in its determination the granting of such license would be detrimental to the public health, interest and general welfare of the Township or enjoyment of property owners or constitute a continuing nuisance. False statements made on the application, storage or dismantling of cars on the premises and/or the sale of used parts at the proposed location prior to the issuance of a license thereto, or prior revocation of license shall be deemed grounds for refusal to approve the application.

Section 5.

Upon the approval of said application by the Township Board, the Clerk shall, within five (5) days, notify the applicant of such approval and upon receiving satisfactory evidence that the premises intended to be used for such business have been completely enclosed by a solid fence, not less than (8) feet in height, so constructed as to screen said premises from view, shall issue said license.

Section 6.

All licenses issued shall be prominently displayed in the principal office on the premises.

Section 7.

The licensee shall, at least once each month prepare and mail to the Commissioner of the Department of Public Safety at East Lansing, Michigan, a sworn statement of all purchases made by said licensee as provided by Act 270 of Public Acts of 1951, as amended, State of Michigan.

Section 8.

A licensee shall, in the interests of public welfare or quiet enjoyment of property, observe the following regulations and rules:

- A. No junk, parts or trash shall be piled higher than the enclosure fence.
- B. No tires shall be burned on the premises.
- C. No materials shall be burned on the premises which will produce thick oily smoke or offensive stench.
- D. The business shall not be operated except between the hours of 7:00 o'clock a.m. and 8 o'clock p.m.
- E. There shall be no operation of the business except for the sale of parts on Sundays, or legal holidays.

Section 9.

The Township Board, may at its discretion revoke any license issued, for any of the following reasons:

- A. Discovery of false statement made by the applicant or agent of said applicant on said application.
- B. Discovery of evidence of operation of the business prior to the issuing of a license.
- C. Discovery of failure to renew or of revocation of license required by the State of Michigan.
- D. Violation of any of the rules and regulations of operation as set forth in paragraph VIII hereof.
- E. Conviction by any Court of illegal or unlawful practice or use of premises.

Section 10.

Licenses issued shall be valid for one year ending July 1st,

following its issuance, and shall be renewed each July 1st thereafter, upon writing request and payment of a license fee of \$25.00.

Section 11.

Any person, firm, association, corporation or partnership which shall violate any of the provisions of this ordinance or which shall operate such establishment without having first been issued a license, or shall violate any rule or regulation or condition shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100.00 or by a jail sentence in County Jail not exceeding 90 days or by such fine and imprisonment in the discretion of the Court.

Section 12.

Each day of operation of such business without a license shall constitute a separate offense and subject such violator to the penalties herein provided.

Section 13.

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

Section 14.

This ordinance is hereby declared to be necessary for the preservation of the public peace, health, general welfare, safety and interest, and is ordered to take effect 20 days from the date of its first publication.

RIGHT TO INJUNCTIVE RELIEF:

To restrain a violation of any of the terms of this ordinance, the Township Board or its duly authorized agent or representative, may apply to the Circuit Court in Chancery for St. Clair County, in the name of the Township, and said Court shall have jurisdiction to grant the injunctive relief, applied for.

Riley Township Board
J.D. Doty
Township Clerk

The foregoing ordinance was adopted by the Riley Township Board at its regular meeting on Feb. 5, 1968.

Kenneth Chapman, Supervisor
Riley Township, St. Clair
County, Michigan