

KINROSS TOWNSHIP ORDINANCE NO. 1.107

JUNK YARD/JUNK VEHICLE ORDINANCE

THE CHARTER TOWNSHIP OF KINROSS ORDAINS:

Section 1 - PURPOSE:

The purpose of this Ordinance is to establish a Township control program designed to reduce unregulated junk, including abandoned motor vehicle wreckage and parts thereof, and junk farm machinery accumulations throughout the Township to the extent permissible by state law, and nothing in this Ordinance shall be construed to abrogate or affect the authority of the state under 1966 PA 219, being MCLA 252.201 et seq.; MSA 9.391 (11) et seq. or under 248 to 249 of the Michigan Motor Vehicle Code being MCLA 257.248 through and including 257.249; MSA 9.1947 through and including 9.1948 within the prerogative of townships under 1929 PA 12 being MCLA 445.451 et seq.; MSA 19.731 et seq.; being an act to authorize townships to license and regulate junkyards and places for the dismantling, wrecking and disposing of junk and /or refuse material of automobiles. It is the purpose of this Ordinance to supplement state law providing for control of junkyards and the regulation of junk, as herein above set forth.

Section 2 - DEFINITIONS:

- 2.1 **Junk.** Second-hand articles of any kind, such as, but not limited to cast iron, old iron, old steel of any kind, tool steel, aluminum, copper, brass, lead, lighting and plumbing fixtures, old machinery and parts, old cars stored for the purpose of dismantling and car parts stored for the purpose of sale or repair. Also to include discarded materials such as, but not limited to construction scrap and debris, manufacturing by-products and other non-toxic or non-caustic wastes.
- 2.2 **Junk Dealer.** Any individual, corporation, member or members of a co-partnership or firm engaged in the business of purchasing, selling, exchanging, storing or receiving junk, as defined in this Section.
- 2.3 **Junkyard.** The immediate locale or premises from which a junk dealer bases his/her operation. To include any area in which any of the materials heretofore defined as junk is stored.
- 2.4 **JUNKED VEHICLES** shall mean any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and the condition of which is one or more of the following:
 1. Wrecked
 2. Dismantled
 3. Partially dismantled

4. Inoperative
5. Abandoned
6. Discarded

EXCEPTIONS: The provisions hereof shall not apply to:

Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

- 2.5 **OWNER** shall mean any person legally vested with the title and ownership of any moveable or immovable property situated within the Township.
- 2.6 **VEHICLE** shall mean any vehicle which was originally operable on two or more wheels or tracks and which was originally capable of transporting one or more persons.
- 2.7 **The term "Private Premises"** shall mean any lot or parcel of land owned or occupied by any person whether or not improved with any dwelling, house, building or other structure inhabited or temporarily or continuously uninhabited or vacant.

Section 3 - LICENSING, REVIEW BY BOARD, FEE, RENEWAL AND LICENSE EXPIRATION

Every individual, corporation, member or members of a co-partnership or firm desiring to operate a junkyard or presently operating a junkyard in Kinross Township shall make application to the Clerk of the Township on an application form supplied by the Clerk. This application shall include the junkyard dealers name and the name of any partners or co-owners, a street or road address of the premises on which said person or persons intend to carry on said operation. A separate application and license shall be required for each junkyard the person (s) may operate if the junkyards are in different nonadjacent or non-connected locations. The Township Board shall review each application on an individual basis. If the application is approved, the dealer shall be approved for licensure. Upon being granted such approval, the dealer shall pay a fee of \$24.00, and upon receipt of such fee, shall be granted a license by the Clerk of the Township. The dealer shall be required to renew the license annually and prior to renewal, the Township Board shall review the application of renewal and either approve or disapprove the application and license. The fee for renewal shall be \$10.00. Any license granted shall expire September 1 of each year or the first business day after that date. The fee for any new license granted shall be paid on a pro-rated basis, the rate decreasing by one quarter every three months (September 1 through November 30 - \$24.00; December 1 through February 29 - \$18.00; March 1 through May 31 - \$12.00; June 1 through August 31 - \$6.00). The renewal fee shall not be pro-rated. The Township Clerk shall maintain all records, applications and copies of licenses granted, refused or revoked. It shall also be the responsibility of the Clerk to notify each licensee that his/her license is up for renewal. This notice shall be by mail or in person at least 30 days, but not more than 45 days before expiration of license on September 1.

Section 4 - DENIAL, REVOCATION OR SUSPENSION OF LICENSE:

The Township Board reserves the right to deny issuance or renewal of any license under this Ordinance, to revoke or suspend any license granted under this Ordinance. Any licensee whose license is revoked or suspended shall not be entitled to a refund or return of any of the fees already paid. Denial, revocation or suspension of any license can be made for failure to comply with one or more items in Section 3 of this Ordinance, but not limited to these items. Should the Board deny, revoke or suspend any license under this Ordinance, they shall supply the dealer or applicant with the reason for their action in writing.

Section 5 – RULES AND REGULATIONS:

- 5.1** No person shall operate a junkyard on a lot of less than five (5) acres. Said lot must have a tight board or sheet metal fence at least seven (7) feet high and 100 feet back from the centerline of the road which shall enclose the view of said junkyard from any public street or highway. All junk shall be stored inside of said fence at a height so that said junk is not visible from any public road or street. The fence shall be painted and kept in good repair at all times.
- 5.2** No material causing offensive odors or unsanitary conditions shall be stored on any lot or premises.
- 5.3** No material having caustic, toxic or otherwise potentially harmful chemicals or compounds shall be stored on any lot or premises.
- 5.4** Except to the extent permitted under state law or city or village charter provision, no person or corporation, whether owner, tenant or manager of private property, or whether the past registered owner of the vehicle or transferee on a bill of sale covering the vehicle, shall permit the parking, storage or accumulation thereof upon any public right-of-way, public property or private premises within the Township of any junk, including junk motor vehicles, wreckage or parts thereof, unless the same are wholly contained within a fully enclosed building, except for the following:
 - 1.** Motor vehicles in operating condition may remain on private property for a period of 30 days after the expiration of said license for the purpose of sale or other disposition of said vehicle;
 - 2.** Motor vehicles in operating condition held as stock in trade by a regularly licensed dealership of new or used motor vehicles or equipment used in the operation of such dealership;

3. Motor vehicles or parts thereof located in junkyards or places of business of wreckers duly licensed by the state;
4. Motor vehicles inoperable due to minor mechanical failure which have not been dismantled and have substantially all main motor parts attached may remain on private property for 30 days for the purposes of repair.

Section 6 – NUISANCE:

Any parking, storage, accumulation, placement or operation in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined pursuant to governing law or for which the violator may be subjected to a suit for civil damages, as well as the fines and penalties herein provided.

Section 7 – SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, work section or provisions is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in force.

Section 8 – MISDEMEANOR:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment not to exceed 90 days in jail, or both, plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance.

This Ordinance hereby repeals Ordinance No. 42 and Ordinance No. 54 as formally enacted by the Kinross Township Board.