

Ordinance No. 40

JUNKYARD ORDINANCE TOWNSHIP OF COVERT, MICHIGAN Adopt. Aug. 8, 1995

AS AMENDED BY ORDINANCE NO. 94

EFFECTIVE DATE OF AMENDMENTS: MAY 21, 2017

THE TOWNSHIP OF COVERT, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Sec. 1. LICENSE REQUIRED.

No person, corporation, member or members of a co-partnership or firm shall engage in the business or 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 Covert without a license therefore from the Township Board of said Covert Township. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 2. CRITERIA OF LICENSE APPLICATION.

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. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 3. LICENSE FEE; EXPIRATION.

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 one hundred dollars (\$100.00) before such license shall be issued; and, fifty dollars (\$50.00) per year for the annual renewal of such license. 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 from 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. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 4. ISSUANCE AND RECORDING OF LICENSE.

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,

Ordinance No. 40

he shall record the same in a book to be provided for that purpose. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 5. SEPARATE LICENSE AND APPROVAL FROM BOARD REQUIRED FOR REMOVAL FROM ONE PLACE OF BUSINESS TO ANOTHER.

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 Covert Township Board. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 6. ENTRANCE SIGN REQUIRED.

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. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 7. RECORDS TO BE KEPT.

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, article and/or things, and a description of the person from whom the same were purchased or received. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 8. RECORDS OPEN TO INSPECTION.

The book provided for in Section 7 (Section 20.557) of this Ordinance shall at all reasonable times be open to the inspection of the supervisor, police officers of the Township or any member of the Sheriff's force authorized by the supervisor of the Township of Covert. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 9. LICENSEE'S DUTY TO REPORT LOST OR STOLEN GOODS.

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. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 10. HOURS OF OPERATION.

Ordinance No. 40

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. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 11. LOCATION REQUIREMENTS: FENCES.

No junk yard shall be located on the same lot or premises as a dwelling house. No junk yard shall be located in a residential zone. 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, six and one-half (6 1/2) 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 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 or parts and merchandise of said business. (ord. No. 40 adopt. Aug. 8, 1995)

Sec. 12. VIOLATION; PENALTY.

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
- 1st Offense within 3-year period*	\$150.00	\$500.00
- 2nd Offense within 3-year period*	250.00	500.00
- 3rd Offense within 3-year period*	350.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Covert Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

Sec. 13. EFFECTIVE DATE.

Adopted: July 8, 1995

This ordinance shall become effective thirty days after the date of publication.