

**JUNK YARD ORDINANCE**  
**TOWNSHIP OF MANCELONA**  
**COUNTY OF ANTRIM, STATE OF MICHIGAN**  
**ORDINANCE NUMBER 2**

**Adopted:** February 16, 1998

**Effective:** April 3, 1998

**JUNK YARD ORDINANCE**

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the township, enacted pursuant but not limited to, *Michigan Public Act 246 of 1945*, as amended, and Act 12 of 1929, as amended; to prescribe a penalty for the violation of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

**TOWNSHIP OF MANCELONA**

**Antrim County, Michigan**

**ORDAINS:**

**SECTION I**

**TITLE**

This Ordinance shall be known as the Mancelona Township Junkyard Ordinance.

**SECTION II**

**PURPOSE**

The purpose of this Ordinance is to promote and secure the public health, safety, and general welfare of persons, property owners, and property in the Township of Mancelona, by establishing reasonable regulations regarding the licensing and operation of junkyards.

## MANCELONA TOWNSHIP

### RESOLUTION CHANGING JUNKYARD PERMIT FEES

A special meeting of the Board of Mancelona Township  
was held on the 31<sup>st</sup> day of January 2002 at 8:00 a.m.

Members present: Charles Johnson, Rae Ann Thompson, Maurice McGleish,  
Cathy Sue Robinson, and Dan Bean.

Members Absent: None

The following Resolution was discussed by the Board and subsequently adopted:

NOW BE IT RESOLVED that:

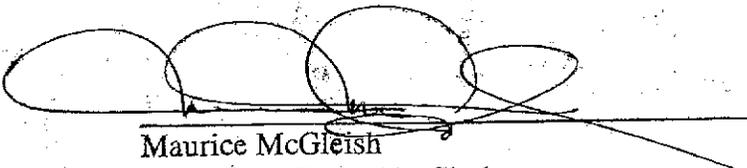
The schedule of permit fees set forth in Section IV of Ordinance No. 2 under  
"Application and Annual Fees" is hereby amended changing the amount for a new permit  
from \$25.00 to \$500.00, and changing the amount for a renewal of a permit from \$25.00  
to \$200.00.

~~Under motion duly made and seconded and upon a roll-call vote, the Township  
Board adopted the resolution set forth above.~~

Members voting "Yes": Charles Johnson, Rae Ann Thompson, Maurice McGleish,  
Cathy Sue Robinson, Dan Bean.

Members voting "no": None

The undersigned, duly qualified and acting as Clerk for the Township of Mancelona,  
hereby certifies that the foregoing is a true and complete copy of a resolution adopted by  
the Board at a special meeting held on January 31, 2002, and that notice of the meeting  
was given to the public as required by law.



Maurice McGleish  
Mancelona Township Clerk

### SECTION III

#### PERMIT AND PROHIBITION

Any person engaged in the operation of a junkyard or junkyards within the Township of Mancelona shall be required to obtain a permit from the Township for each and every location of a junkyard or junkyards within the Township of Mancelona, and shall be subject to the conditions, terms and operational regulations of this Ordinance. No person shall engage in the operation of a junkyard within the Township of Mancelona without first obtaining such a permit. No person shall knowingly permit the operation of a junkyard without such a permit on real property within the Township of Mancelona which is owned or possessed by such person.

### SECTION IV

#### APPLICATION AND ANNUAL FEES

The application fee for a new permit shall be \$ 25.00, and the fee for the renewal of a permit shall be \$ 25.00. Said fees may be amended by resolution of the Township Board. If a new permit is issued after June 30, the annual permit fee for the first year shall be reduced by one-half of the regular annual permit fee.

### SECTION V

#### RENEWAL

Once a junkyard permit is issued under this Ordinance, the permit shall automatically terminate on January 31 of the next year. An application to renew the permit shall be made on or before January 2 of each year. A request for a renewed permit may be granted, denied or granted with continued or new conditions. The decision whether to renew the permit shall be based on the following considerations:

A. Whether there are or have been violations of this Ordinance, and the frequency and severity of those violations;

B. Whether there are or have been violations of applicable State of Michigan statutes or administrative rules, and the frequency and severity of those violations;

C. Whether there are or have been violations of any conditions of the permit, and the frequency and severity of those violations; and,

D. Whether the application fee has been paid with the application for renewal.

## SECTION VI

### DEFINITIONS

For purposes of this Ordinance, certain terms and words as used herein shall have the following meanings:

A. Junk yard - a business at a fixed location or locations operated by a person who buys, stores, sells, exchanges, processes, receives or recycles, second-hand articles of any kind, including, but not limited to, rags, paper, bags, plastics, metals, tires, car parts, appliances, lighting and plumbing fixtures, machinery, motor vehicles, busses, trucks and trailers stored for the purpose of dismantling, or conducting a place for the dismantling of machinery or automobiles.

B. Person or licensee - one or more natural persons, firms, co-partnerships, corporations, and all associations of natural persons incorporated or unincorporated, whether acting by themselves or by servant, agent or employee. A person or licensee who violated the terms of this Ordinance, whether as owner or as agent, servant or employee shall be equally liable as a principal.

C. Junk - those types of items described above in the definition of junkyard, which are used in the operation of a junkyard.

D. In public view - an item that can be seen from any public property, street, roadway, highway or right-of-way or from any adjoining property. Adjoining property includes, but is not limited to, property located in the vicinity or located on the opposite side of any street, roadway, highway or right-of-way of the property where a nuisance is located.

E. Motor vehicle - every vehicle which is designed to be self-propelled, including, but not limited to, automobiles, motor homes, trucks, tractors, motorcycles, mopeds, snowmobiles, and recreational vehicles, and/or new or used parts thereof or therefrom.

## SECTION VII

### APPLICATION

Applications for a junkyard permit shall be in writing and directed to the Township Clerk along with the application fee. An application shall contain the following information:

- A. The names and addresses of the owners of the property on which the junkyard is to be located;
- B. The legal description of the property on which the junkyard is to be located;
- C. The names and addresses of all persons who will have an ownership interest in the junkyard. If the applicant is a corporation, partnership, or limited liability company, the application shall include the names and address of all persons who will be involved in the operation of the junkyard.
- D. The name under which the business shall operate;
- E. If the applicant is a corporation, proof that the applicant is a corporation in good standing under the laws of the State of Michigan;
- F. A site plan which will include the following information:
  1. The location of customer and employee parking;
  2. The location of all entrances and exits to the junkyard site;
  3. The location of all fencing (actual or proposed) and natural barriers;
  4. The location of all structures on the premises;
  5. The location of all structures on properties which are adjacent to the site of the proposed junkyard;
  6. The location of all public roads adjacent to the site of the proposed junkyard; and,
  7. Such other information as is necessary to show that the proposed junkyard will be in compliance with all requirements of this Ordinance.

## SECTION VIII

### INVESTIGATION AND HEARING

Upon receipt of an application for a new junkyard permit or renewal by the Township Clerk, the application shall be referred to the Township Board. The Township Board may designate a person of its choosing to investigate the applicant and site. The results of such an investigation shall be reported to the Township Board at the hearing on the application. The Township Board may consider the application at a regular or special Township Board meeting. The Township Board may publish notice of the hearing on the junkyard application in a newspaper of general circulation within the Township and may notify property owners who may have an interest in the consideration of the application. At the hearing on the application the Township Board may grant the permit, deny the permit, or grant the permit with conditions. At the hearing the Township Board shall also have the right to table a final decision on the application if more information is required of the applicant or any other source, or if a revised site plan is required.

## SECTION IX

### STANDARDS FOR REVIEW

In deciding whether to grant, deny or grant with conditions the application, the Township Board shall consider the following factors:

A. Land uses of nearby property and what effect, if any, the junkyard would have on these properties. A proposed junkyard within a reasonable proximity to residential property should be discouraged.

B. The need of Township residents for the junkyard and the nearness of other businesses, even outside of the Township, which provide the same services or products.

C. Whether the applicant or a person involved in the operation of the junkyard has been convicted of a crime of theft, receiving and concealing stolen property, or possession of stolen property, or a similar crime within the last ten (10) years; provided, however, if the person has been incarcerated, then the ten years shall be measured from the day on which the incarceration ended.

D. Whether the applicant has already taken action which violates this Ordinance or another township ordinance, if any, which regulates the accumulation or storage of junk.

E. The extent to which the applicant's property has adequate parking for the proposed business. There must be at least one (1) off-street parking spot for each employee and two (2) off-street parking spots for customers.

F. Location and size of signs which will be used in the junkyard business and their affect on adjoining property and traffic.

G. Whether adequate lighting exists.

H. What traffic patterns are likely to be present or develop at the proposed site and its affect on traffic safety and neighboring property.

I. Whether the site, site plan, and applicant meet or can meet all requirements of this Ordinance.

J. The proposed hours of operation of the junkyard and its affect on nearby properties.

K. Such other considerations that are reasonably related to the health, safety, and welfare of the public.

## SECTION X

### REQUIREMENTS

The following regulations and conditions are required for the granting of a junkyard permit and the continued operation of a junkyard:

A. The minimum site area allowable for a junkyard shall be ten (10) acres.

B. No junkyard shall be permitted closer than one thousand feet (1,000') to a dwelling house. This requirement is a minimum. It does not mean that a junkyard is automatically allowed because it is greater than one thousand feet from a dwelling house. The number of dwelling houses and their proximity to the proposed junkyard site are factors to be considered under Section VII.

C. No junkyard shall be operated so as to create a nuisance by reason of noise, odors, fumes, filth, or unsanitary conditions. Intensity level of sounds generated by the operation of the junkyard shall not exceed sixty (60 db) decibels

between the hours of 6:00 p.m., and 8:00 a.m. daily when measured at the property line of the residential use which is closest to the junkyard.

D. There shall be no burning of junk on the premises.

E. Licensee shall comply with all statutes and administrative rules of the State of Michigan regarding the operation of the licensee's business.

F. All junkyards shall provide an area of sufficient size for the dismantling of motor vehicles and/or appliances. Said area shall have an impervious surface, such as concrete, constructed and sloped so that any liquids will flow to a drain. Said drain is to be connected to a storage tank of a type approved by the Department of Environmental Quality of the State of Michigan for the storage of hazardous waste. Contents of said storage tank shall be hauled and disposed of in the manner as prescribed by law. It shall be unlawful to spill, pour, or dispose of any hazardous or toxic wastes or liquid, such as gas, oil, or antifreeze, on or into the ground.

G. Any hazardous or toxic wastes or fluids such as those mentioned above, if stored on the premises in any container such as barrels, cans, etc., shall be stored on an impervious surface also sloped as to drain into the above-mentioned storage tank, so as to prevent any leakage or spillage from contaminating the soil or groundwater.

H. 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 person or persons selling or leaving such goods, articles and/or things, and a description of the person or persons from whom the same were purchased or received. This book shall be open to inspection by the State Police, Antrim County Sheriff's Department, or a designee of the Township Board during normal business hours.

I. It shall be the duty of the licensee upon receiving information that any goods, articles, or things purchased or left with the licensee have been lost or

stolen to notify, in writing, the Michigan State Police, or the Antrim County Sheriff's Department of such fact.

J. No junkyard shall be located on the same premises as a dwelling house except by special permit issued by the Township Board for good cause.

K. The junkyard shall have a wall, fence, or screen around the entire periphery of the property to be used as a junkyard unless naturally shielded by woods or hills of such nature that junk located on the property is not in public view.

L. Walls, fences, or screens shall:

1. Be of a uniform height in relation to the ground upon which they stand and shall be a minimum height of eight (8') feet; this requirement is a minimum. All junk must not be in public view.
2. Be constructed at least five (5') feet inside the front, side, and rear lot lines, and at least five (5 ') feet from the boundary of a public road right-of-way.
3. Be maintained in a manner commensurate with the original site plan and as originally erected.

M. All activities associated with the junkyard shall be confined within the enclosed area of the wall, fence, or screen. No equipment or material associated with the junkyard shall be used or stored outside the wall, fence, or screen.

N. A wall, fence, or screen may consist of natural or planted vegetation or earthen embankments protected to minimize erosion, subject to specific approval of the Township Board which shall insure that the proposed barrier meets the criteria of Section X, L., (a. - c.).

O. The junkyard may be inspected during normal hours of operation by a representative of the Township Board. If the licensee fails to consent to the inspection, then an administrative search warrant may be issued by a court or magistrate under applicable law.

P. No licensee shall purchase or receive any junk from a person under the age of eighteen (18) years.

## **SECTION XI**

### **PERMIT PREREQUISITE**

All of the above requirements must be in place and approved prior to the granting of the permit or renewal thereof. An authorized representative of the Township shall inspect the junkyard to ensure that there has been compliance with requirements of this Ordinance and any conditions set by the Township Board as a prerequisite for the issuance of the permit or renewal thereof.

## **SECTION XII**

### **PERMIT CONDITIONS**

The Township Board may grant the permit with such conditions as the Township Board deems reasonably necessary to protect the health, safety, and welfare of the public and to ensure compliance with this Ordinance. By way of example and not limitation, the Township Board may limit the days and hours of operation of the junkyard. The Township may also set conditions which shall be met by the applicant as a prerequisite to the issuance of the permit.

## **SECTION XIII**

### **FINANCIAL GUARANTEES**

As a condition of approving the permit, the Township Board may require that a cash deposit, certified check, bond, or other financial guarantee acceptable to the Township be furnished by the applicant in sufficient amount to ensure compliance with all fiscal improvements which must be made to the proposed junkyard site. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit. As work progresses, the Township may authorize a proportional rebate of the financial guarantee upon completion of a proportionate amount of the improvements.

## **SECTION XIV**

### **PERMIT REVOCATION**

If there is reason to believe that the licensee has violated this Ordinance or a permit condition, the Mancelona Township Board may revoke the junkyard

permit in compliance with the following procedure. Written notice of the alleged violations and the date of a public hearing at which the Mancelona Township Board will consider these allegations shall be sent to the licensee at their last known address. Licensee may present evidence at the hearing. If the Mancelona Township Board determines after the hearing that the licensee has violated the terms of this Ordinance or permit conditions, the Mancelona Township Board may revoke the permit or impose such additional conditions on the permit as it deems appropriate to ensure compliance with this Ordinance and/or earlier permit conditions. This revocation procedure shall be in addition to civil and/or criminal remedies available to Mancelona Township.

#### **SECTION XV**

##### **PENALTY**

Any person, firm, or corporation who shall violate or assist in the violation of any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than One Hundred Dollars (\$ 100.00) or imprisonment in the Antrim County Jail for a period not exceeding ninety (90) days, or both such fine and imprisonment. Every day that such violation shall continue shall constitute a separate and distinct violation under the provisions of this Ordinance.

#### **SECTION XVI**

##### **ENFORCEMENT**

The Township Supervisor is hereby authorized to enforce this ordinance. The Supervisor may delegate the enforcement of this ordinance to the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or any other delegatee permitted by law. Prosecutions may be commenced by Appearance Ticket issued by the Township Constables, the Antrim County Sheriff's Department, the Michigan State Police, or by a Complaint and Warrant from the District Court.

#### **SECTION XVII**

##### **SEPARATE COURT ACTION**

Nothing in this Ordinance shall prohibit the Township or any interested party or agency from seeking such other relief as may be permitted by law or in equity regarding the violation of this Ordinance.

**SECTION XVIII**

**VALIDITY**

If any section, provision, or clause of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**SECTION XIX**

**REPEAL**

Any previously adopted junkyard ordinance of the Township is hereby repealed, and any other ordinances, or parts of ordinances, or resolutions, or parts of resolutions, inconsistent with this Ordinance are hereby repealed upon the effective date of this Ordinance.

**SECTION XX**

**EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days from the date of its publication in the Antrim County News.

Dated: 4-3-98

  
MARGARET CHAPMAN, Clerk  
Mancelona Township

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on February 16, 1998, at 7:00 p.m.:

PRESENT: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

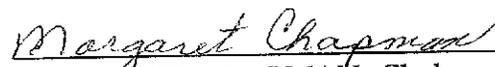
ABSENT: none

Ordinance No. 2, the JUNK YARD ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on *March 4*, 1998, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.

  
MARGARET CHAPMAN, Clerk  
Mancelona Township

## MANCELONA TOWNSHIP

### RESOLUTION CHANGING JUNKYARD PERMIT FEES

A special meeting of the Board of Mancelona Township  
was held on the 31<sup>st</sup> day of January 2002 at 8:00 a.m.

Members present: Charles Johnson, Rae Ann Thompson, Maurice McGleish,  
Cathy Sue Robinson, and Dan Bean.

Members Absent: None

The following Resolution was discussed by the Board and subsequently adopted:

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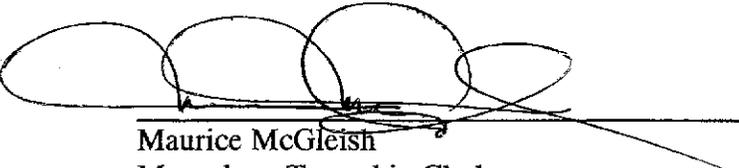
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Under motion duly made and seconded and upon a roll-call vote, the Township  
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Members voting "Yes": Charles Johnson, Rae Ann Thompson, Maurice McGleish,  
Cathy Sue Robinson, Dan Bean.

Members voting "no": None

The undersigned, duly qualified and acting as Clerk for the Township of Mancelona,  
hereby certifies that the foregoing is a true and complete copy of a resolution adopted by  
the Board at a special meeting held on January 31, 2002, and that notice of the meeting  
was given to the public as required by law.



Maurice McGleish  
Mancelona Township Clerk