

ORDINANCE NO. 13

JUNK YARD ORDINANCE

No. 13, Adopted: Sept. 9, 1965

INTENT:

An Ordinance defining, regulating and licensing Junk Yards, Junk Shops, Junk Dealers and Second-Hand Dealers, establishing fees for the licensing thereof and providing penalties.

Because the business of purchasing and dealing in Junk and Second-Hand property is one offering opportunity for thievery and attracting juvenile miscreants, and because said business is of such character as to affect the value of property located in the vicinity of such a business and because said business requires supervision to control health and fire hazards:

THE TOWNSHIP OF GRANT ORDAINS:

ARTICLE I: DEFINITIONS:

Junk - Any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition or which is possessed, transported, owned, accumulated, dismantles or assorted for any of the aforesaid reasons. Without limiting the definition of Junk, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged ropes, bags, papers, rags, glass, rubber and similar articles or property and used motor vehicles which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom, except that this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

Junk Dealer - A person who engages in the business of buying, exchanging, accumulating, receiving, storing or selling any article or articles which may reasonably be defined as Junk, except that this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

Junk Shop or Yard: - Any place at which a Junk Dealer buys, exchanges, accumulates, received, stores, sells or otherwise handles Junk.

Person: - Any individual person, partnership, firm or corporation.

Second-Hand Dealer: - Any person who engages in the business of buying, exchanging, accumulating, receiving, storing or selling any Second-Hand property, except that this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

Second-Hand Property: - Any used household furniture, used wearing apparel, used lumber, brick or tile, used plumbing fixtures, used electrical fixtures, used articles made of metals, used

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jewelry, used tools and any other used articles or personal property bought and sold by other than the original user.

Second-Hand Store: - Any place at which a Second-Hand Dealer buys, exchanges, accumulates, receives, stores or sells Second-Hand property.

ARTICLE II: LICENSES:

No person shall maintain or operate a Junk Yard or Second-Hand Store without first obtaining a license therefore. Applications for such a license shall be made to the Township Clerk. The applicant shall state his name, whether person, firm or corporation, the place or places where the business is to be or is conducted or maintained, and the applicant's residence for a period of three (3) years preceding such application. All applications so received shall be referred to the Departments of Health, Fire and Police for purposes of investigation and recommendation.

After receipt of such divisions' recommendations, the application shall be submitted to the Grant Township Board. The sole power to grant licenses hereunder is vested in said Township Board and licenses so granted shall be issued by the Township Clerk of Grant.

Any applicant seeking to establish a Junk Yard in a locality not previously used for that purpose, or any licensee seeking to move or establish a Junk Yard in a locality not previously used for that purpose must first obtain the consent in writing of sixty percent (60%) of the owners of all property within three hundred (300) feet of any boundary line of the property on which the proposed business is to be conducted.

All licenses issued hereunder shall expire on the first day of April of each year.

ARTICLE III: FEES:

Each person engaged in or carrying on the business of a Junk Dealer or Second-Hand Dealer shall pay the sum of twenty-five dollars (\$25) license fee per annum, provided that a separate license must be taken out for each store, yard or location at which such a business is conducted.

ARTICLE IV: GENERAL PROVISIONS:

1. The business of a Second-Hand Store shall be conducted entirely within the confines of a building provided for the same.
2. **Lot Size** - "The minimum lot size of a Junk Yard shall be three (3) acres."
3. **Set Backs** - "All Junk Yard building, fences and greenstrips shall be set back a minimum of one hundred (100) feet from all property lines fronting on any road, street or highway.
4. A Junk Yard must be completely enclosed by a tight board fence, eight (8) feet in height or by a thickly-planted and well-maintained greenstrip eight (8) feet in height and at least fifteen (15) feet in width except for gates and places of ingress and the main building in which the business is conducted.

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Barbed wire may be installed on the tops of such fences on arms or supports projecting over the private property side of the fence.

Gates for access to said premises shall swing inward and such gates shall be closed when the premises are not open for business.

5. **Business Hours:** - "No Junk Yard, or Second-Hand Store shall be open to the public for the transaction of business before the hour of 7:00 A.M. or remain open later than 9:00 P.M. and shall be closed all day Sunday.
6. All burning, smelting, rendering or reducing by heat shall be carried on between the hours of 6:00 A.M. and 10:00 A.M. Tuesdays through Fridays and shall be done in compliance with fire and health regulations.
7. All premises used as a Junk Yard shall be kept and maintained in a clean, sanitary and neat condition and so used that rats, vermin, fire hazards are reduced to a minimum. Such Junk Dealer or Second-Hand Dealer shall post in a conspicuous place in or upon his shop, store or other place of business, a sign having his name and occupation legibly inscribed thereon. Such Junk Dealer or Second-Hand Dealer shall keep a separate book in which shall be written in the English language at the time of the purchase or exchange of all articles, a description thereof, the name, description and residence of the person from whom the same is secured and the date and hour when such transaction was made. Each entry shall be numbered consecutively commencing with number one (1) and such record book shall be open to inspection by member of the Police Force, the Sheriff's office and other public officials.
8. Such articles purchased or exchanged shall be retained by the purchaser thereof for not less than eight (8) days before disposing of them and shall be kept in an accessible place on the property where such articles are purchased and received. A tag shall be attached to such article in some visible and conspicuous place with a number written thereon to correspond with the entry number in such record book. Such dealer shall prepare and deliver on Monday of each week to the Sheriff's Department before 12:00 Noon, a legible and correct copy written in the English language from such book containing a description of each article purchased or received during the preceding week, the hour and day when the purchase was made and the description of the person from who it was received. Such statements shall be verified by the affidavit of the person subscribing his name thereon, provided, however, that this section shall not apply to scrap iron, steel, old rags or waste paper provided, further, that nothing herein contained shall make it necessary for the purchaser to retain the articles purchased from individuals, firms or corporations having a fixed **place of business in the Port Huron area after such articles shall have been reported to the Sheriff's Department as herein provided.**
9. No purchase or receipt of any articles shall be made from any person who is at the time intoxicated or from a habitual drunk or from any person known by said dealer to be a thief or an associate of thieves or a receiver of stolen property or from any minor under the age of twenty-one(21) years without the consent of the parents of such minor.

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10. No person known to be a thief or an associate of thieves, a habitual drunk, a receiver of stolen property or incapable of keeping the records or making the reports herein provided for shall be deemed to be a suitable person to receive a license as a Second-Hand Dealer or Junk Dealer.

11. It shall be unlawful for any Second-Hand Dealer or Junk Dealer to sell or deliver or cause to be sold or delivered, any bed mattress which is stained or discolored or the contents of which are musty or to sell or deliver any second-hand clothing or bedding until the same has been thoroughly cleaned and disinfected or to sell or deliver any second-hand linen until the same has been laundered. Such provisions are inapplicable when such articles are to be sold or delivered for reprocessing.

ARTICLE V: PENALTIES:

Any person violating any of the provisions of this Ordinance shall be punished by a fine of not exceeding one hundred dollars (\$100) or by imprisonment in the County Jail, St. Clair County, not exceeding ninety (90) days or by both such fine and imprisonment at the discretion of the Court trying the offender. Each day that said dealer is in violation shall be considered as a separate offense.

ARTICLE VI: VALIDITY:

Each and every section and provision of this Ordinance shall be deemed a separate, severable, independent and distinct section or provision hereof and the invalidity of any section or part thereof shall not affect the remaining sections or parts.

ARTICLE VII: EFFECTIVE DATE:

This Ordinance, adopted this 15th day of September, 1965 shall become effective thirty (30) days after publication.