

ORDINANCE NO. 6

A RESOLUTION DEFINING, LICENSING, AND REGULATING JUNK YARDS, JUNK SHOPS, JUNK DEALERS, JUNK COLLECTING, SECOND HAND DEALERS, COLLECTORS OF SECOND HAND PROPERTY, AND PLACES FOR THE DISMANTLING, WRECKING AND DISPOSING OF JUNK AND/OR REFUSE MATERIAL OF AUTOMOBILES; AND PRESCRIBING RULES, REGULATIONS AND CONDITIONS FOR THE OPERATION OF THE SAME; AND PROVIDING PENALTIES FOR THE OPERATION OF THE SAME WITHOUT A LICENSE AND FOR THE VIOLATION OF ANY RULE, REGULATION AND/OR CONDITION IMPOSED BY THIS RESOLUTION.

Whereas, the business of purchasing and dealing in second hand property and junk is one offering opportunity for thievery and attracting juvenile miscreants; and said business being of such a character as to affect the value of property located in the vicinity of such a business, and

Whereas, said business requires supervision to eliminate health and fire hazards:

NOW THEREFORE, pursuant to the statute in such case made and provided, be it Resolved as follows:

Section I. Definitions: The following words shall have the following respective meanings for the purpose of this resolution:

"Junk" as used in this resolution, shall be deemed to be any personal property which is or may be salvaged for re-use, re-sale, reduction or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for any of the aforesaid purposes.

Without limiting the aforesaid definition of junk, the term shall include used or salvaged iron, brass, lead, copper and other base metal or metals, and

their compounds or combinations; used or salvaged building materials, rope, bags, paper, 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, and motor vehicle parts thus obtained.

"Person" shall be deemed to be firm, corporation or individual person.

"Junk Dealer" shall be deemed to be every person who engages in the business of buying, exchanging, collecting, receiving, storing or selling any article or articles hereinabove defined as "junk".

"Junk Yard or Junk Shop" shall be deemed to be any place at which junk dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise handles junk.

"Second Hand Property" shall be deemed to be any used household furniture, used wearing apparel, used lumber, used brick, used tile, used plumbing fixtures, used electrical fixtures, used articles made of precious metal or metals, used jewelry, used tools, and used motor vehicles or parts thereof, and any other used articles or personal property bought and sold by and from other than the original purchaser or user.

A "Second Hand Dealer" shall be deemed to be any person who engages in the business of buying, exchanging, collecting, receiving, storing, selling any property herein defined as "Second Hand Property".

A "Second Hand Store" shall be deemed to be any place at which a Second Hand Dealer buys, exchanges, collects, receives, stores, or sells "Second Hand Property".

"Collector" shall be deemed to be a person engaged in the business of collecting, receiving or purchasing second hand property or junk.

Section 2. Licenses: No person shall maintain or operate a Second Hand Store or Junk Shop or Junk Yard or Motor Vehicle Dismantling Establishment in the Township of Chikaming, Berrien County, Michigan, without first obtaining a license therefor. Application for such license shall be made to the Township Clerk upon blanks to be provided. The applicant shall state his name, whether a person, firm, or corporation, the place or places at which such business is to be or is conducted or maintained, and the applicant's residence for a period of three years preceding such application. The applications so received by the Township Clerk shall be referred to the Township Supervisor and by him to the Township Health Officer, for purposes of investigation and recommendation by such.

After receipt of such recommendation, the application shall be submitted to the Township Board. The sole power to grant licenses hereunder is vested in said Township Board. Licenses granted by said Township Board shall be issued by the Township Clerk.

Any applicant seeking to establish a second hand store or junk shop or junk yard or motor vehicle dismantling establishment, in a location not previously used for that purpose, or any such licensee seeking to move or establish same in a location not previously used for that purpose, must first obtain the consent in writing of sixty-five percent (65%) of the owners of residential property within three hundred (300) yards of any part of the area in which the proposed business is to be conducted. Said area shall include any portion to be used for the storage of any property in connection with such proposed business.

No second hand store, junk shop, junk yard or motor vehicle dismantling yard or any part thereof, shall be hereafter established or

located in any residential zone in the Township of Chikaming, nor shall same be hereafter established or located within 100 feet from the edge of any public street or highway in the Township of Chikaming, nor shall same be hereafter established, or located, within 300 feet from any inhabited dwelling or building, nor shall same be hereafter established or located within 300 feet from any adjoining private property line.

Section 3. Fees: The following fees shall be paid:

(1) For each person, corporation, co-partnership or firm engaged in or carrying on the business in the Township of Chikaming, of second hand dealer, or junk dealer as hereinbefore defined, having a yard for the storage of second hand property and/or junk, the sum of Twenty Five (\$25.00) Dollars per annum; provided, that separate license must be taken out for each yard so used for the storage of second hand property and/or junk.

(2) For each person, corporation, co-partnership or firm engaged in or carrying on the business in the Township of Chikaming of second hand dealer or junk dealer as hereinbefore defined, having a store-room or building for the storage of second hand property and/or junk, the sum of Twenty Five (\$25.00) Dollars per annum; provided, that a separate license must be taken out for each separate location so used for the storage of second hand property and/or junk.

(3) For each collector in the Township of Chikaming as defined herein, the sum of \$5.00 per annum.

All licenses issued hereunder, shall expire on the 30th day of June of each year.

Section 4. Fences: No person shall maintain a junk yard or junk shop within the Township of Chikaming unless such business is carried on entirely inside a building or buildings, or unless the premises on which such business is conducted are entirely enclosed, except for gates, by a solid or closed board fence not less than six (6) feet in height. ~~If~~ painted, said fence shall be painted one solid color, and said fence shall be maintained in good solid and sightly condition at all times.

Gates for access to said premises shall swing inward and such gate shall be closed when the premises are not open for business, and such gates shall be of solid board construction not less than six (6) feet high and match the fence.

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

For a distance of at least 30 feet from the exterior of all buildings and/or fences enclosing or housing such junk yards or junkshop or motor vehicle dismantling yard, no grass, weeds, shrubbery or undergrowth shall be allowed to grow to a height exceeding one foot.

Section 5. Any person, corporation, member or members of a co-partnership or firm whose business in whole or in part is that of purchasing, selling, exchanging or receiving second-hand articles of any kind, is hereby declared to be a second hand dealer or junk dealer; Provided, that this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract, or chattel mortgage basis, nor shall this definition apply to retail merchants who take trade-ins as or on the sale of their own merchandise.

Section 6. Business Hours: No person shall purchase any junk, as defined herein, between the hours of 6 p.m. and 7 a.m. nor on any Sundays.

Section 7. Such second-hand dealer or junk dealer as defined herein shall post in a conspicuous place in or upon his shop, store, wagon, vehicle, barn or other place of business, a sign having his name and occupation legibly inscribed thereon, and shall keep a separate book, open to inspection by members of the Michigan State Police force, Berrien County Sheriff's office, and other public officers, in which shall be written in the English language at the time of the purchase or exchange of such articles a description thereof, the name, description and residence of the person from whom the same was purchased and received and the day and hour when such purchase or exchange was made. Each entry shall be numbered consecutively, commencing with number one.

Section 8. Such articles purchased or exchanged, as provided herein, shall be retained by the purchaser thereof for not less than eight days before disposing of them, in an accessible place in the building, 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 entry in such book; such purchaser shall prepare and deliver on Monday of each week to the Township Clerk of the Township of Chikaming before twelve o'clock 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 the day when the purchase was made and the description of the person from whom it was purchased. Such statement shall be verified by the affidavit

of the person subscribing his name thereto; provided, however, that this section shall not apply to iron, steel, old rags or waste paper. Provided, further, that nothing herein contained shall make it necessary for the purchaser to retain articles purchased from individuals, firms or corporations having a fixed place of business in Chikaming Township or elsewhere after such articles shall have been reported to the Township Clerk as herein provided.

Section 9. No purchase or receipt of any article shall be made from any person who is at the time intoxicated or from any habitual drunkard or from any person known by said junk dealer to be a thief or an associate of thieves or a receiver of stolen property, or from any person whom he has reason to suspect or from any minor under the age of twenty-one years without the consent of the parents of such minor.

Section 10. All premises used as a junk yard or junk shop shall be kept and maintained in a clean, sanitary and neat condition. The person operating a junk yard or junk shop shall maintain the premises so used so that rats, vermin and fire hazard are as far as practicable reduced to a minimum. No rubbish or portion or parts of wrecked machines and other accumulations which are to be discarded by such junk dealer shall be burned in such premises without the written consent of the Health Officer of the Township of Chikaming.

Section 11. Any person violating any of the provisions of this resolution shall be punished by a fine of not exceeding One Hundred (\$100.00) Dollars, not less than Ten (\$10.00) Dollars, or by imprisonment in the County Jail of Berrien County not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the court trying the offender.

Section 12. No person known to be a thief or an associate of thieves, an habitual drunkard, a receiver of stolen property or incapable of keeping the records and making the reports herein provided for shall be deemed to be a suitable person to receive a license as second-hand dealer or junk dealer, and any person to whom a license may have been granted may have his license revoked by the Township Board of Chikaming Township on good cause shown and after reasonable notice and opportunity to be heard before such Township Board or committee thereof.

Section 13. Each collector licensed hereunder shall receive from the Township Clerk a cardboard tag not exceeding six inches in diameter bearing the type of license and the license number. Said tag shall be kept by such collector on his person or vehicle when engaged in the business of collecting second hand property or junk as defined herein. Said tag must be produced at the request of any police officer or private person.

Section 14. 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.

Provided, that the foregoing provisions shall apply only when such articles are sold or delivered for consumption or use or re-sold at retail, and that such provisions are inapplicable when such articles are to be sold or delivered for re-processing.

Section 15. Each and every section and provision of this resolution 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 thereof.

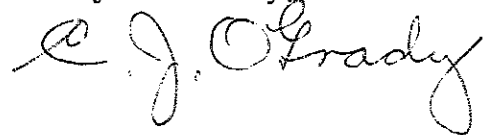
Section 16. This resolution shall take effect on the 5th day of June, 1957.

Section 17. Approved this 2nd day of May, 1957.



Harold V. Nelson, Supervisor

C. J. O'Grady, Clerk



PROOF OF PUBLICATION # 6

I, Clarence J. O'Grady, Township Clerk of Chikaming Township, Berrien County, Michigan, do hereby certify that notice of the adoption of the foregoing Ordinance was publicly given by publishing a true copy of same in _____ on the _____ day of _____, 19____.

Clarence J. O'Grady
Township Clerk