

BEAVER CREEK TOWNSHIP
ORDINANCE NO. II
JUNK YARDS

Whereas, we the Township of Beaver Creek is authorized by Act 12 of the Public Acts of 1929 as amended to adopt Township ordinances, pertaining to Junk Yards, Desmantled or Inoperable Motor Vehicles.

Now therefore be it ordained that Junk Yards, within the Township of Beaver Creek, Crawford County Michigan, be licensed in accordance with the following rules and regulations:

Article 1. Junk Yards

Section 101 Definitions

101.1 Persons. Persons as hereinafter used the term "Persons" shall mean any and every or several individuals co-partnerships, or corporations or any combinations thereof. All such persons violating any of the several sections of this ordinance shall be equally liable for any penalties thereunder acting as principal agents, servants or employees.

101.2 Junk Yards. The term junk yard shall mean any place fixed in location within the Township where used metal including brass, copper, tin and iron, used paper and rags, or used machinery including automobiles, is brought or bought for resale, or for dismantling and stripping for resale of parts or as scrap.

101.3 Junk Dealer. The term Junk Dealer as hereinafter used, shall mean any person who engages in the activity of operating a Junk Yard.

Section 102 License

102.1 Licenses shall be secured from the Beaver Creek Township Board, and subsequent to the effective date of this ordinance, no Junk Yard shall operate as such without having secured such license.

102.2 Applications for license shall be submitted to the Township Clerk in writing. Such application shall contain the names and addresses of all persons having an interest in said Junk Yard, whether as owners, agents, servants, or employees, including all officers of any corporate persons. Said application shall also contain information as to the exact location and extent of area to be used by said junk Yard. Any changes shall be made known upon application for license renewal.

102.3 The Beaver Creek Township Board shall have sole authority to grant, withhold or revoke any license in existence or applied for, but does not have sole authority for bringing action against any violation of the terms, conditions, or regulations, contained herein.

102.4 Upon receipt of a license application, the Township Board shall direct the Township Supervisor to make a full and complete investigation of the applicant and site that the applicant proposes to conduct the Junk Yard business using whatever means are available to him or whatever agents are delegated by him. The Supervisor shall report the results of his investigation to the Township Board as soon as possible. The Township Board shall thereupon act upon the application.

102.5 ~~THE~~ Upon application approval, the applicant shall forthwith pay an application fee of \$25.00 and shall thereafter pay an annual license renewal fee of \$25.00 unless the license shall be revoked in the interim. Each license shall be good for one year from the date of issuance, but only for the location indicated thereon.

102.6 The following standards shall be criteria for determining whether or not a license shall be granted or renewed or revoked as well as conditions to be complied with in the operation of any and every Junk Yard.

- A. All places where junk is stored in a Junk Yard shall be suitable and Completely walled from view from any roadway, public street or highway by being enclosed by a solid face fence not less than eight (8) feet high and shall contain nothing less than five (5) acre of land.
- B. No junk Yard shall be so operated or used as to create a nuisance by reason of noise, disagreeable odors, air pollution, fumes, filth, or loose debris.
- C. No junk dealer shall purchase, take, receive, or acquire junk from any person that said junk dealer knows or reasonably should know or suspect is intoxicated, a thief, an associate of thieves, or a receiver of stolen property.

Article 2. Dismantled or inoperable motor vehicles

Section 103 Definitions

103.1 Motor Vehicles. Motor vehicles are hereby defined as any wheeled vehicle which are self-propelled. Inoperable motor vehicles are defined as motor vehicles which by reason of dismantling, disrepair, lack of licensing or other cause are either incapable of being propelled under their own power or are prevented by law from being so propelled.

103.2 Dismantled and partially dismantled motor vehicles. Motor vehicles from which some part or parts ordinarily a component of such motor vehicle has been removed or is missing.

Section 104 Parking and storing dismantled or inoperable motor vehicles.

104.1 No person, firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle or parts thereof outdoors on any premises within the limits of Beaver Creek Township for a period of more than thirty (30) days continuously, and no person firm or corporation shall permit any dismantled, partially dismantled, or inoperable vehicle or parts thereof to remain outdoors on any premises within the limits of Beaver Creek Township for a period of more than thirty (30) days continuously. This section shall not apply to junk dealers duly licensed by the Township of Beaver Creek or to garages and service stations openly and actively engaged in making service repairs for the public, nor to dismantled, partially dismantled or inoperable motor vehicles or parts thereof stored in a closed building.

104.2 Any person, firm, or corporation owning a dismantled, partially dismantled or inoperable motor vehicle who is repairing, or who is about to have said motor vehicle repaired may obtain a permit from the Township Clerk to permit the said motor vehicle to remain on the premises for an additional thirty (30) days.

A fee of \$5.00 for each permit issued shall be collected by the Township Clerk and paid into the General Fund of said Township.

104.3 The presence of any dismantled, partially dismantled or inoperable motor vehicle or parts thereof outdoors on any premises within the limits of Beaver Creek Township is hereby declared to be a public nuisance and is hereby further declared to be offensive to the public health, welfare and safety.

Section 105 Penalty

105.1 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 by imprisonment in the county jail for a period not exceeding ninety (90) days or both fine and imprisonment. Every day that such violation shall continue shall

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constitute a separate and distinct violation under the provisions of this ordinance. In addition, said convicted person shall have any previously granted license revoked for a period of one (1) year, and upon two convictions in any three (3) year period, said license be revoked permanently.

Section 106 Effective Date

106.1 This ordinance shall take effect on the 12th day of March, 1979

Florence Nelson clerk
Florence Nelson

Adopted: 3-12-1979

BEAVER CREEK TOWNSHIP ORDINANCE NO. 32**ORDINANCE REPEALING ORDINANCE NO. II, ENTITLED "JUNK YARDS"**

ADOPTED: 4/11/2005
EFFECTIVE: THIRTY (30) DAYS FOLLOWING
PUBLICATION AFTER ADOPTION

An Ordinance to repeal Ordinance No. II entitled "Junk Yards", adopted 3/12/1979, effective March 12, 1979.

**TOWNSHIP OF BEAVER CREEK
CRAWFORD COUNTY, MICHIGAN
ORDAINS**

SECTION 1**TITLE**

This ordinance shall be known and cited as the Ordinance Repealing Ordinance No. II, entitled "Junk Yards."

SECTION 2**PURPOSE**

The purpose of this ordinance is to repeal Ordinance No. II, entitled "Junk Yards."

SECTION 3**REPEAL**

Ordinance No. II entitled "Junk Yards" which was enacted 3/12/1979, and effective March 12, 1979, is hereby repealed in its entirety. However, any provision in any other ordinance of Beaver Creek Township, including the Beaver Creek Township Zoning Ordinance, which may regulate junk yards or contain similar regulations, shall not be affected by this ordinance.

SECTION 4**EFFECTIVE DATE**

This ordinance shall take effect 30 days after publication in accordance with the law.

Motion by Little and seconded by Hartman to Adopt Ordinance No. 32.

Ayes: Riley, Balmes, Little, Summers and Hartman. Nays: 0.

Adopted: 4/11/2005

Published: 4/21/2005

Effective: 5/21/2005

Sharon Hartman
Beaver Creek Township Clerk