

**VILLAGE OF MATTAWAN
JUNK YARD ORDINANCE
ORDINANCE NO. 14**

An Ordinance requiring a license fee for the operation of a junkyard, defining a junk dealer, the requirement of fencing of said enterprise, as well as additional rules and regulations for the operation of a junkyard, and the providing of penalties for the violation of said Ordinance.

THE VILLAGE OF MATTAWAN, COUNTY OF VAN BUREN, MICHIGAN, ORDAINS:

SECTION 1.

Any and all and every person engaged in the operation of a junk yard or junk yards within the Village of Mattawan, Van Buren County, Michigan, shall be required to obtain a license for each and every location of such business within said Village and shall be subject to the conditions, terms and operational regulations hereinafter provided.

SECTION 2.

All persons engaged in the junk business within the said Village shall obtain a license for each junk yard operated or maintained within the said Village, from the Council of said Village.

SECTION 3.

The license fee shall be in the amount of Twenty-five (\$25.00) Dollars and the license shall extend for a period of one year unless revoked for failure to comply with the terms under which it was granted and the terms of these regulations. The annual license fee shall be the sum of Twenty-five (\$25.00) Dollars for each junkyard maintained or operated.

SECTION 4.

The term "junk dealer" shall mean any person who buys, stores, sells, receives at a fixed location, used rags, paper, used bags, used brass, used copper, used tin, used iron or any other used metal, or, used machinery and/or automobiles acquired for the purpose of dismantling or stripping for the sale of used metals and parts. The term "junk yard" shall mean any place within the Village used as a site for the activities of a junk dealer. The term "person" when used herein shall mean any 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. All persons who violate the terms of this Ordinance whether as owner, or as agent, servant or employee shall be equally liable as principals.

SECTION 4A.

Applications for a junkyard license shall be in writing and directed to the Village Clerk. The application shall contain the names of all persons interested in the operation and ownership of the junkyard. The application shall contain the addresses of all persons interested in the junk yard, the mailing address of the business and the exact location of the junk yard and adequate site diagram showing the manner of screening and/or fencing of said junk yard. The name under which the business shall operate shall be given and in the event that the business is to be operated by a corporation, the names and addresses of the officers of the corporation shall be disclosed, together with the corporate authorization for the application. The application shall contain a statement that the applicant will abide by the terms and rules of this Ordinance and regulations if granted a license.

SECTION 5.

Upon receipt of an application for a junkyard license by the Village Clerk, such application shall be referred to the Village Council. Upon receipt of the application by the Village Council, the Village Council shall direct the Village Clerk to make a full and complete investigation of the applicant and site the applicant proposes to conduct the junkyard business. The Clerk may call upon the Michigan State Police and the Office of the State Fire Marshall for assistance in the investigation. The Clerk shall report the results of his investigation to the Village Council as soon as possible. The Village Council shall thereupon act upon the application.

SECTION 6.

The following regulations and conditions for the granting of a license to operate a junkyard shall be complied with:

- A. No junkyard or junk dealer shall operate his business or use the junkyard so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth or loose debris.
- B. The junk yard or business shall not be operated so that the air of any property owner in the vicinity is polluted by the burning of rubber or other substances.
- C. All places within the junkyard for the storage of junk shall be completely and suitably screened or fenced from view as required by the Village Council.
- D. All persons having a license under this Ordinance shall comply with all the rules, regulations and laws of the State of Michigan, or other governmental regulations relating to the operation of their business.

SECTION 7.

No licensee under this Ordinance shall purchase, receive or take any junk from any person under the age of seventeen (17) years, from any intoxicated person, or from any person known by reputation or suspected by him to be a thief or any associate of thieves or a receiver of stolen property.

SECTION 8. PENALTIES.

Any person convicted of violating or assisting in the violation of any provision of this Ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) and costs of prosecution or by imprisonment in the County Jail for not more than ninety (90) days, or both at the discretion of the Court. Each violation and every day upon which such violation shall occur shall be a separate offense. Upon conviction of any person failing to comply with terms of this Ordinance, the Village Council shall revoke the junk yard license held by such convicted person and such a person shall not be granted a license to maintain and operate a junk yard in the said Village of a period of two (2) years. (Ord. No. 14, eff. 2-6-1965, amended by Ord. No. 114, eff. 1-3-1992)

SECTION 9. REPEAL CLAUSE.

Any Ordinance or parts of any Ordinance of the Village of Mattawan in conflict with this Ordinance is hereby repealed.

SECTION 10. SEVERABILITY.

If any part or parts of this Ordinance shall by any court of competent jurisdiction be held unconstitutional, the remaining part or parts of this Ordinance shall remain in full force and effect.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect on the 6th day of February, 1965.