

VILLAGE OF ALMONT

ORDINANCE NO. 53

An ordinance to define, regulate, and license junk yards, junk shops, junk dealers and second-hand dealers; to establish fees for the licensing thereof; and provide penalties for violation.

PURPOSE: Inasmuch, as the business of purchasing and dealing in junk and second-hand property requires supervision in the interests of controlling fire, health hazards, and other condition; and the character of such business affects property located in the vicinity thereof; and such business offers opportunity for thievery and tends to attract juvenile miscreants,

NOW, THEREFORE, The Village of Almont ordains:

ARTICLE I - DEFINITIONS

53.01 JUNK - Any personal property which is or may be salvaged for reuse, resale, reduction, or similar disposition or which is possessed, transported, owned, accumulated, dismantled 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 employed, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

53.02 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.

53.03 JUNK SHOP OR YARD - Any place at which a Junk Dealer buys, exchanges, accumulates, receives, stores, sells or otherwise handles junk.

53.04 PERSON - Any individual person, partnership, firm or corporation.

53.05 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.

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

53.07 SECOND-HAND STORE - Any place at which a Second-Hand Dealer buys, exchanges, accumulates, receives, stores or sells Second-Hand property.

ARTICLE II - LICENSES

53.08 APPLICATION - No person shall maintain or operate a Junk Yard or Second-Hand store without first obtaining a license therefor. Applications for such a license shall be made to the Village Clerk. The applicant shall state his name, whether person, firm or corporation, the

address and legal description of 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 Village Manager for investigation and recommendation.

53.09 ISSUE - After receipt of such agencies' recommendations, the application shall be submitted to the Village Council. The sole power to grant licenses hereunder is vested in said Village Council and licenses so granted shall be issued by the Village Clerk.

53.10 CONSENT OF PROPERTY OWNERS - Any person seeking to establish or move a Junk Yard in a locality not previously used for that purpose shall first obtain the consent in writing of sixty (60) percent of the owners of all property within Three Hundred (300) feet of any boundary line of the property on which the Junk Yard is to be conducted.

53.11 EXPIRATION - All licenses issued hereunder shall expire on the 1st day of January each year.

53.12 - All conditions of this ordinance must be fully met before a license shall be issued.

53.13 - Upon application for a license on a renewal of license the Village Manager shall make a thorough inspection of the premises, and a written report made to the Village Council before the license is approved by them.

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 Fifty (\$50.00) Dollars license fee per annum, provided that a separate license shall be required for each store, yard, or location at which such a business is conducted. This license shall not be transferrable from one person to another.

ARTICLE IV - GENERAL PROVISIONS

53.14 SECOND-HAND STORES - The business of a Second-Hand Store shall be conducted entirely within the confines of a building approved for the same.

53.15 LOT SIZE - The minimum lot size of each Junk Yard shall be three (3) acres.

53.16 FENCING OR GREENSTRIPS - All Junk Yards shall be completely enclosed by a tight, uniformly-finished and maintained wall or wooden fence no less than eight (8) feet in height, or by a thickly-planted and well-maintained greenstrip not less than eight (8) feet in height and fifteen (15) feet in width, except for gates and places of ingress and the main building where the business is conducted. Barbed wire may be installed on the top of such fences on arms or supports projecting over the private property side of the fence. No advertising matter shall be displayed thereon, other than that of the licensee.

53.17 GATES - All access gates to the premises shall swing inward and shall be closed when the premises are not open for business.

53.18 SET BACK - All Junk Yard buildings, fences and greenstrips abutting a public road or highway shall be set back a minimum of ten (10) feet from the abutting property line or highway right-of-way line, as the case may be.

53.19 LIMITATION ON BURNING, ETC. - All burning, smelting, rendering or reducing by heat shall be limited to the hours of 6:00 A.M. to 10:00 A.M. on Tuesdays through Fridays, and shall be done in compliance with all fire and health regulations.

53.20 NAME OF DEALER AND RECORD OF ACQUISITION - Every Junk Dealer and Second-Hand Dealer shall post in a conspicuous place in or upon his place of business a sign bearing his name and occupation legibly inscribed thereon. He shall maintain a separate book in which shall be entered in the English language at the time of purchase or exchange a record and description of all articles including the name, residence and description of the person from whom the article was secured, and the date and hour when such transaction occurred; provided, however, that this requirement shall not apply to scrap iron, steel, old rags, or waste paper. Each entry shall be numbered consecutively beginning with number one (1) and such record book shall be open for inspection by members of any police agency, sheriffs office or other public official.

53.21 RETENTION AND TAGGING - Every recorded article acquired or exchanged shall be retained not less than eight (8) days before further disposition thereof, and shall be kept in an accessible place on the property where purchased, received or exchanged. A tag bearing the recorded entry number shall be attached thereto at a visible and conspicuous place.

53.22 LIMITATION ON PURCHASE OR ACQUISITION OF ARTICLES - No purchase or receipt of any article shall be made from any person who at the time is intoxicated, or from a habitual drunk, or from any person known by the 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 written consent of his parents.

53.23 LIMITATION ON LICENSES - 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.

53.24 SANITARY REQUIREMENTS - 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 sanitarily laundered. The limitations shall not be 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 (\$100.00) Dollars or by imprisonment in the County Jail, Lapeer County, not exceeding ninety (90) days or by both such fine and imprisonment at the discretion of the Court. Each day that a violation is maintained shall be considered as a separate offense.

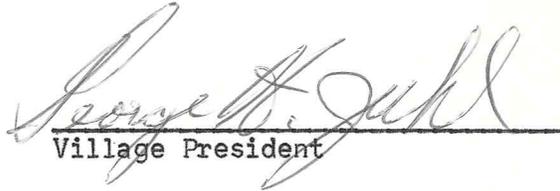
ARTICLE VI - VALIDITY

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 shall be adopted in accordance to the Village Charter, chapter 7, sections 7.1 and 7.3 and shall be in full force and effect fifteen days from the date of its adoption by the Village Council, during which time it shall be published in the Almont Times Herald at least once.

Date Adopted SEPT 16, 1969


Village President


Village Clerk