

ORDINANCE NO. \_\_\_\_4\_\_\_\_ OF 2018

**AN ORDINANCE TO REPEAL AND REPLACE THE JUNKYARD ORDINANCE FOR THE TOWNSHIP OF CLARENDON; TO ESTABLISH PENALTIES FOR VIOLATION OF THE SAME; AND TO OTHERWISE PROTECT THE PUBLIC HEALTH SAFETY AND GENERAL WELFARE.**

The Township of Clarendon, Calhoun County, Michigan ordains:

**SECTION 1. Title.**

This ordinance shall be known and may be cited as “The Clarendon Township Junkyard Ordinance.”

**SECTION 2. Definitions.**

- a. *Junk or disabled automobile* means a motor vehicle from which one (1) or more parts has been removed, making lawful operation impossible. For purposes of this ordinance, an unlicensed motor vehicle shall be considered a junk or disabled automobile.
- b. *Junkyard* means a place where scrap or old or discarded materials, such as metal, paper, rags, etc., and which is considered no longer of use for its original intent, is collected before being recycled or discarded; a scrapyards. The presence of two (2) or more junk or disabled automobiles on a lot or parcel shall constitute a junkyard for purposes of this ordinance.

**SECTION 3. Findings.**

The Clarendon Township Board finds that collection and stockpiling of junk or disabled automobiles can present hazardous conditions including rodent infestation, health hazards, fire hazards, traffic hazards, and that the unsightly stockpiling of junk or disabled automobiles tends to reduce neighborhood property values.

**SECTION 4. Junkyard license application process.**

- a. It shall be unlawful for a person, firm, corporation, or association to operate, conduct, or carry on any junkyard and/or places for the dismantling, wrecking, and disposing of junk and/or refuse materials of automobiles in said Township of Clarendon without first having obtained a license therefor from the Clerk of said Township.
- b. Applications for such license shall be in writing and signed by the applicant(s), shall

contain the correct legal description of the premises where such business is to be conducted and shall further state the age and previous residences of the applicant(s). The application shall also state whether the applicant(s) has been previously convicted of a felony offense and shall list any license denials or revocations previously suffered by said applicant(s). The statements contained in such applications shall be verified before a notary public or some other officers of the State of Michigan authorized to take oaths and affirmations.

- c. The annual fee for such license shall be as establish by the township board from time to time as set forth in the Clarendon Township fee schedule.

**SECTION 4. Conditions for approval; issuance of license.**

- a. As a condition to the original granting of such license or renewal thereof, proof shall be presented that the operation is covered by ten thousand and 00/100 dollars (\$10,000.00) of liability insurance, the carrying of such policy of insurance shall be a condition precedent to the continuing of such license in force.
- d. Such applications and the annual fee shall be delivered to the Clerk of the Township, who shall present same to the next regular meeting of said Township Board.
- e. If said application is in accordance with the requirements herein, the statements therein are true, the applicant(s) is/are over twenty-one (21) years of age and person(s) of good character, the license fee has been paid, and recommendations have been obtained of present property owners, as herein provided, then said Board shall grant said license and authorize the Clerk of the Township to issue the same forthwith.

**SECTION 5. Conduct of operations; setbacks; minimum area.**

- a. Said licenses shall operate, conduct, and carry on said business without violating the resolutions and ordinances of this Township, the laws of the State of Michigan, or the laws of the United States.
- b. All dismantling or junkyards operated by such licenses in said Township shall be enclosed by a solid fence, six (6) feet in height. The fence shall be set back one hundred (100) or more feet from the highway right-of-way. An office and parts building or drive gates may replace a portion of the fence.
- c. The one hundred (100) feet setback area shall be used only for custom parking or for traffic to and from the yard, and weeds, grass, etc., shall be controlled.

- d. A driveway and fire lanes shall be provided on all sides of the yard interior, a clear area of fifteen (15) feet minimum shall be reserved, and grass and weeds shall be controlled in such a manner as to prevent spread of fire from the yard.
- e. All junk yards established after the effective date of this Ordinance shall provide a minimum area of ten (10) acres.

**SECTION 6. Licenses not transferable; revocation.**

- a. Licenses are not be transferrable. Licenses shall permit such business to be conducted only on the premises described in said application.
- b. Said license shall be subject to revocation by said Board and upon failure to conduct said business in conformity with any of the rules, regulations, or conditions herein contained or if any of the statements in said application are found to be false, the license may be revoked.
- c. Before revoking said license, the license holder shall be notified in writing by mail at licensee's last known address of the reasons for such revocation and shall be advised therein of the date of the next meeting of said Board where the licensee shall be entitled to appear and give reasons why said license should not be revoked.
- d. Such revocation shall be in writing, signed by a member of the Township Board, and be mailed to the license holder's last known address.

**SECTION 7. Penalties.**

Any person, firm, association, or corporation who shall operate a dismantling or junkyard without a license or shall violate any rule, regulation, or condition hereof, shall be responsible for a Class C Municipal Civil Infraction punishable by a fine of \$50 to \$500 and such other penalties as provided in the Clarendon Township Civil Infraction Ordinance.

**SECTION 8. Repeal.**

The Clarendon Township Junkyard Ordinance, dated July 25, 1969, and all ordinances or parts of law in effect that are in conflict herewith are hereby repealed to the extent necessary to give this ordinance full force and effect.

**SECTION 9. Severability.** The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Clarendon Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 10. Savings.** All suits, proceedings, or prosecution, whether civil or criminal, for causes arising, or acts done or committed prior to said amendment, may be commenced, maintained and/or prosecuted as if said amendment had not been made.

**SECTION 11. Effective date.** This Ordinance shall take effect thirty (30) days after the date of publication of this ordinance or a summary thereof pursuant to MCL 41.184, which publication shall take place within thirty days from the date of adoption and shall be in a local newspaper of general circulation.

This ordinance is hereby declared to have been passed and adopted by Clarendon Township, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Steve R. Schrock, Supervisor

ATTEST:

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Sharla Vincent, Township Clerk

Prepared by:  
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