

**TOWNSHIP OF BOSTON**

**COUNTY OF IONIA, MICHIGAN**

**ORDINANCE NO. 02-9, AS AMENDED**

**AN ORDINANCE TO REGULATE AND TO PROVIDE FOR  
THE LICENSING OF JUNKYARDS AND TO ADOPT  
PENALTIES FOR VIOLATIONS THEREOF**

**THE TOWNSHIP OF BOSTON ORDAINS:**

**Section 1. Title.** This ordinance shall be known and may be cited as the Boston Township Junkyard Licensing Ordinance.

**Section 2. Purpose.** The purpose of this ordinance is to:

- (a) Promote and protect the health, safety and general welfare of the residents and property owners in the Township.
- (b) Provide for the annual licensing of junkyards within the Township.
- (c) Require minimum standards applicable to the maintenance, operation and appearance of junkyards for the purpose of protecting property values and the health, safety and welfare of residents of the Township.
- (d) Protect the Township's natural resources.

**Section 3. Scope.**

(a) *Applicability.* The license required by this ordinance shall be obtained prior to the construction, installation, operation, or modification of any junkyard as defined in this ordinance. The licensing, maintenance and operation requirements for junkyards imposed by this ordinance shall apply to junkyards existing on the effective date of this ordinance and all junkyards which are sought to be established thereafter.

(b) *Exceptions.* The license, maintenance and operation requirements imposed by this ordinance shall not apply to facilities established by a state, county or township governmental agency or by nonprofit institutional, public service, or philanthropic organizations for the express purpose of serving as a collection point for the recycling of household glass, paper, metal, leaves, grass clippings or other similar recyclable household materials.

**Section 4. Definitions.** The following words shall have the following meanings as used in this ordinance:

(a) "Disabled motor vehicle" means a motor vehicle which is dismantled, in whole or in part, or which is not mechanically operable as a result of a defect, malfunction, or

state of disrepair. For the purpose of this ordinance, the term also includes any vehicle which is not currently licensed, or for which the motor vehicle registration has expired, or which is not capable of being licensed for operation upon the public streets, alleys, or highways under the provisions of the State Motor Vehicle Code; provided, however, that the term does not include any of the following:

(i) A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased, or consigned to a duly licensed new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery; or

(ii) A motor vehicle which is stored on the premises of a duly licensed auto repair shop, provided that the auto repair shop has all licenses or registrations required by the State of Michigan; provided, further, that all vehicles stored on the premises of the auto repair shop must be stored either entirely within a building or a completely enclosed area with fences not less than seven (7) feet in height, and so that any disabled motor vehicle cannot be seen from any public right of way or from any adjacent property.

(b) “Discarded or damaged vehicle parts” means any component part of a motor vehicle as defined in this ordinance, including tires and wheels, which by reason of disrepair, damage or other cause is incapable of functioning or being operated in the manner for which it was designed, manufactured or modified.

(c) “Discarded or damaged machinery” means any item or piece of machinery or equipment which by reason of dismantling, disrepair or other cause is incapable of functioning or being operated in the manner for which it was designed, manufactured or modified.

(d) “Dismantled or partially dismantled motor vehicles” means motor vehicles from which some component has been removed or is missing.

(e) “Dismantled or partially dismantled machinery and equipment” means machinery or equipment from which some part or parts which are ordinarily a component of such machinery or equipment have been removed or are missing.

(f) “Inoperable machinery and equipment” means any item or piece of machinery or equipment which by reason or dismantling, disrepair, or other cause is incapable of functioning or being operated as it was intended to function or be operated.

(g) “Inoperable motor vehicles” means motor vehicles which by reason of dismantling, disrepair or other cause are incapable of being propelled under their own power or are unsafe for operation on the streets and highways of the State because they do not comply with the State Motor Vehicle Code.

(h) “Junk” means discarded or damaged vehicle parts; rubbish; discarded or damaged machinery; wrecked vehicles; inoperable motor vehicles; dismantled or partially dismantled motor vehicles; disabled motor vehicles; discarded or damaged machinery; inoperable machinery and equipment; dismantled or partially dismantled machinery and equipment; scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel, other scrap ferrous or nonferrous material; and any other trash, junk, debris, refuse, rubbish, scrap or waste material not specifically mentioned herein but commonly understood to be junk or waste material.

(i) “Junkyard” means an establishment, property, place of business, or a premises which is maintained, operated, used or occupied, wholly or in part, for any or all of the following activities: the storing, keeping, buying, selling, acquisition, processing, dismantling, recycling, resale, wrecking, sorting, repairing, processing or fabricating junk as defined in this ordinance.

(j) “License” means a junkyard license as provided for in this ordinance.

(k) “Motor vehicles” mean any wheeled vehicles which are or are intended to be operable as self-propelled vehicles.

(l) “Person” means any individual, association, organization, corporation, partnership, firm (either incorporated or unincorporated), or business entity of any type including but not limited to limited liability companies.

(m) “Rubbish” means combustible or noncombustible solid waste, including paper, cardboard, cloth, metal containers, plastic, yard clippings, wood, glass, bedding, crockery, demolished or scrap building materials or litter of any kind.

(n) “Wrecked vehicle” means any or all of the following:

(i) Any vehicle which by reason of damage resulting from a vehicle accident, dismantling or disrepair, or other cause, that is incapable of being propelled under its own power.

(ii) Any vehicle that is unsafe for operation in the manner for which it was designed, manufactured or modified, by reason of damage resulting from a vehicle accident, dismantling, disrepair or other cause.

(iii) Any vehicle that is incapable of being operated in the manner for which it was designed, manufactured or modified, by reason of inability to comply with any code, regulation or statutes established by the State of Michigan governing the operation of such vehicle.

**Section 5. *Licensing.*** A person shall not maintain or operate a junkyard in the Township without first applying for and obtaining a license therefor from the Township Board.

**Section 6.     *Application.***

(a)     *Required Information.* The application for a license shall be in the form prescribed by the Township Board and signed by the applicant. In addition to other information as may be required by the Township Board, the application shall include all of the following:

(i)       Name, address, date of birth and social security number of the applicant and each owner, partner, director, officer and manager of the business entity applying for the license or that will be engaged in the operation or maintenance of the junkyard.

(ii)       Name under which business is to be conducted, and if the business is a partnership, limited liability company or corporation, the state of registration or incorporation.

(iii)       Location of each place of business in the Township.

(iv)       A statement of the previous history, record and associations of the applicant and of each owner, partner, director, officer and manager, which statement shall be sufficient to establish to the satisfaction of the Township Board the business reputation and character of the applicant with respect to the operation and maintenance of junkyards or similar facilities.

(v)       A statement showing whether the applicant or any owner, partner, director, officer or manager has previously applied for a license, the result of the application and whether the license was revoked or suspended.

(vi)       Certification that neither the applicant nor another person named on the application is acting for, in the place of or on behalf of any other person or persons in seeking the license.

(vii)       A site plan of the junkyard at a scale of no less than 1":100' showing the following minimum information:

a.       The location of the proposed or existing junkyard in the relationship to streets, watercourses and land uses within 1/4 mile of the proposed or existing junkyard.

b.       Exterior dimensions of the parcel or tract of land under consideration.

c.       The location of all existing or proposed buildings and structures in relationship to property lines, including those on and within 1/4 mile of the proposed or existing junkyard.

d.       The location of lakes, ponds, watercourses, wooded areas and other natural features within 1/2 mile of the proposed or existing junkyard.

e. The area of the parcel or tract of land to be used or intended to be used for the storage of junk.

f. The location of existing and/or proposed screening materials and landscaped buffers.

g. The location and dimensions of driveways and parking areas.

(b) *Application/License Fee.* Completed applications shall be submitted to the Township Clerk, accompanied by an annual license fee of Twenty-Five Dollars (\$25.00), for consideration by the Township Board.

(c) *Escrow.* In addition to the annual license fee required by subsection (b), an application for a junkyard license shall be accompanied by an escrow, established by resolution of the Township Board from time to time, for the purpose of defraying the Township's costs incurred in reviewing an application for a license under this ordinance. Any unused portion of the escrow shall be refunded to the applicant after Township Board review of the application is complete.

(d) *Application for Renewal of License.* An application for the renewal of an existing license shall be submitted to the Township Clerk no less than 60 days prior to the expiration date of the license. A renewal application shall include the same information as prescribed by this section for an application seeking a new license; shall include the annual license fee of Twenty-Five Dollars (\$25.00); and shall include an escrow payment established pursuant to subsection (c).

**Section 7. *Separate Licenses.*** A person shall make a separate application for a license for each location in the Township where the person has a junkyard or proposes to maintain or operate a junkyard.

**Section 8. *Expiration of Licenses.*** Each license granted hereunder shall expire one (1) year from the date of issuance.

**Section 9. *Approval Standards.*** All proposed and existing junkyards shall be continuously maintained and operated in compliance with the following standards:

(a) *Screening Requirements.* No license shall be issued for any junkyard without appropriate screening. Screening materials and location shall be approved by the Township Board. In approving screening materials, consideration shall be given to existing conditions at the site so an effective and attractive screen installation can be provided for. In approving screening location, consideration shall be given to the following:

(i) A location that effectively screens accumulated junk.

(ii) A location that allows the use of the minimum practical amount of screening both as to length and height of installation.

(iii) A location which does not adversely affect the safe operation of adjoining streets and highways.

(iv) A location that considers the operating needs of the applicant, consistent with screening requirements.

(b) No junkyard shall be operated in a manner which creates or constitutes a nuisance in the neighborhood in which it is located or to the general public by reason of noise, odors, fumes, dust or view.

(c) The storage and/or processing of junk outside the screened area is prohibited.

(d) The burning of junk, whether inside or outside of the screened area, is prohibited.

(e) The dumping and/or long-term storage of waste oil, vehicle lubricants, coolants and fuel is prohibited.

(f) No license shall be approved unless the applicant has at least five acres of land available for operation of the junkyard.

(g) Every person licensed under this ordinance shall cause his or her name to be printed or painted in large legible characters and placed over the door or entrance to the main place of business of the junkyard or in such other place as may be approved by the Township Board.

(h) No junkyard shall be located on the same lot or premises as a dwelling; provided, however, that the Township Board may permit a dwelling to be located on the same lot or premises as a junkyard if the dwelling is under the possession or control of the owner or operator of the junkyard and the Township Board determines that the location of the dwelling on the same lot or premises as the junkyard will not pose a threat to the health, safety and welfare of the occupants of the dwelling. Pursuant to this provision, the Township Board may permit more than one dwelling to be located on the same lot or premises as a junkyard.

(i) No junkyard shall accept or allow the dumping or placement of tires of any kind within the junkyard except for those tires normally on or within a vehicle accepted for storage within the junkyard.

**Section 10. Inspection.**

(a) The Township Supervisor and his or her designee shall be permitted to inspect a premises under consideration for licensing or license renewal for compliance with the provisions of this ordinance. After any such inspection, the Township Supervisor and his or her designee shall prepare a written report describing the extent of compliance or noncompliance of a premises with the provisions of this section. Copies of the report shall be forwarded to the Township Board for consideration. A premises not complying with the provisions of this section

shall not be licensed until such compliance is accomplished to the satisfaction of the Township Board, consistent with the terms of this ordinance.

(b) At all other times, a licensee shall permit the Township Supervisor and/or his or her designee to inspect a licensed premises to determine compliance with the provisions of this ordinance, upon reasonable prior notice.

**Section 11. Township Board Review.**

(a) *Procedure.* Upon receipt of any application for a new junkyard license or an application for the renewal of an existing junkyard license, the Township Board shall review the application at its next regular meeting, or if the application is not received at least 21 days prior to the next regular meeting, then at the Township Board's second regular meeting held thereafter. The Board may, but shall not be required to, hold a public hearing on any such application. If a public hearing is held, the Township's Board shall publish notice of the hearing once in a newspaper of general circulation in the Township, at least seven days prior to the date of the hearing.

(b) *Standards.* In determining whether to grant the application, the Township Board may consider the following general criteria, in addition to the specific criteria set forth in this ordinance:

(i) Whether the location, use and nature of the operation will be in conflict with the prevailing land uses in the area.

(ii) Whether the operation will result in serious adverse effects upon adjacent or nearby property by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, appearance or any other serious adverse effects.

(iii) Whether the operation will discourage or hinder the appropriate development and use of adjacent or nearby properties.

(iv) Whether the operation will create a traffic problem or hazard.

(v) Any other factors relevant to the health, safety and welfare of the Township and adjoining and nearby property owners.

**Section 12. Issuance of License.**

(a) Upon determination of the Township Board to grant a license, and receipt by the Township Treasurer of the necessary license fee, the Township Clerk shall issue a junkyard license to the applicant. All such licenses shall be recorded by the Township Clerk.

(b) When approving a license, the Township Board may impose any such terms and conditions in the license which the Board determines are necessary to assure compliance with a specific or general standard set forth in this ordinance, to assure that the purpose and intent of this ordinance is observed, to otherwise protect the health, safety and welfare of Township residents, or to protect natural resources.

**Section 13. Operational Requirements.**

(a) *Account Books.* Every licensee shall at all times keep a book which shall be legibly written in ink and which shall include all of the following information: the time of purchase or receiving of any goods or articles or other items, and an accurate account or description of the goods, articles or other things purchased or received; the date and time of purchase or receipt; the name and address of the person selling or leaving such items; and a reasonable identification of said person.

(b) *Inspection of Account Book.* The account book required under this ordinance shall at all reasonable times be open to the inspection of the Township Supervisor or designated Township official or any law enforcement officer.

(c) *Receipt of Lost or Stolen Goods.* In the event that any licensee shall learn that any goods, articles, or things purchased or left with said licensee have been lost or stolen, it shall be the duty of said licensee to notify the appropriate law enforcement officers, giving all necessary information or facts connected with their receipt and other pertinent information relative to said goods.

(d) *Receipt of Goods.* No licensee shall purchase or receive by sale, barter or exchange, or otherwise any article from any person between the hours of 9:00 p.m. and 6:00 a.m. nor from any person who is intoxicated or from any person who is under the age of 18 years of age.

(e) *Reporting.* Licensees shall, at least once each month, prepare and mail to the Commissioner of the Department of Public Safety at East Lansing, Michigan, a sworn statement of all purchases made by said licensee.

**Section 14. License Suspension or Revocation.**

(a) *Bases for Suspension or Revocation.* The Township Board may in its discretion, suspend or revoke a license issued under this ordinance, or refuse to issue a license under this ordinance, if the Township Board finds that one or more of the following apply:

(i) The applicant or licensee has made a false statement of a material fact in its license application.

(ii) The applicant or licensee has not complied with this ordinance or any term or condition of a prior or existing license.

(iii) The applicant or licensee has not complied with the Control of Junkyards Adjacent to Highways Act, Public Act 219 of 1966, as amended, MCL 252.201, et seq.

(iv) The applicant or licensee has not complied with Chapter II of the Michigan Vehicle Code, Public Act 300 of 1949, as amended, MCL 257.1, et seq.



(v) The applicant or licensee has not complied with the Regulation of Used Motor Vehicle Parts Dealers Act, Public Act 119 of 1986, as amended, MCL 257.1351, et seq.

(vi) The applicant or licensee has had another license for a junkyard denied, suspended or revoked.

(vii) The applicant or licensee has maintained, operated or used the junkyard in such a manner that noise, vibration, smoke, fumes, odors, fire hazard, litter or debris or other obnoxious effect has damaged, injured or endangered the public health, safety or general welfare of the Township, interfered with or rendered dangerous any street or highway, or otherwise created a public nuisance.

(b) *Notice/Hearing.* Before taking final action to suspend, revoke or limit a license already issued, the Township Board shall provide written notice to the licensee of the proposed suspension, revocation or limitation. The notice shall inform the licensee that the Township Board will conduct a hearing at a specified meeting to consider the suspension, revocation or limitation of the license, and that the licensee will be given a reasonable opportunity to be heard at the hearing. The Township Board's decision to suspend, revoke or limit a license shall be final and subject to right of appeal to the circuit court for the County of Ionia, within the time prescribed by law.

#### **Section 15. Penalties/Enforcement.**

(a) *Municipal Civil Infraction.* A violation of this ordinance or a violation of any license granted hereunder, including any term or condition included therein, is a municipal civil infraction, for which the fine shall be \$500 for the first offense, and not less than \$1,000 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, "subsequent offense" means a violation of this ordinance committed by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) *Injunctive Relief.* In addition, a violation of this ordinance or a violation of any license granted hereunder, including any term or condition included therein, is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

**Section 16. Severability.** In the event that any provision of this ordinance is held to be invalid, such holding shall not affect the validity or enforceability of any of the remaining provisions of this ordinance.

**Section 17. *Repeal.*** All resolutions or ordinances, and parts thereof, which are in conflict, in whole or in part, with any of the provisions of this ordinance are hereby repealed.

TOWNSHIP OF BOSTON

Lori Spoelstra  
Township Clerk

Ordinance No. 02-9, adopted February 13, 2002, and effective March 21, 2002

Ordinance No. 02-12, adopted April 10, 2002, and effective April 20, 2002