

TOWNSHIP OF WELLS
ORDINANCE NO. 2-91

An Ordinance to provide for the regulating and licensing of junkyards within the boundaries of the Township of Wells, Delta County, in accordance with provisions of Act 12 of 1929, as amended, to provide for the registration of persons; the issuance of a license; a permit fee; and penalties for violation.

THE TOWNSHIP OF WELLS ORDAINS:

SECTION I
PURPOSE

It is the intent of the Township of Wells to regulate the business of accumulating, storing, and/or abandonment of junk motor vehicles, purchasing, selling, exchanging, storing or receiving of parts of machinery or motor vehicles, broken and unsuable furniture, stoves, refrigerators or other appliances, metal or any other cast-off material of any kind. It is determined that the unregulated storage or accumulation of junk, junk motor vehicles, and scrap metal tends to result in deteriorated neighborhoods and an increase in criminal activity and, therefore, is contrary to the public peace, health, safety and general welfare of the community.

SECTION II
SHORT TITLE

This Ordinance shall be known and cited as the "Wells Township Junkyard Regulation Ordinance."

SECTION III
DEFINITIONS

- (a) "Gravel road" means a public dedicated right-of-way consisting of a gravel or dirt surface which affords traffic circulation and principal means of access to abutting property.
- (b) "Junk" means without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, metal or any other cast-off material of any kind whether or not they could be put to any reasonable use.
- (c) "Junkyard" means any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials or for abandonment, demolition, dismantling, storage or salvaging of automobiles, junk motor vehicles, or other vehicles not in normal running condition, machinery or parts thereof.

(d) "Junk Motor vehicle" means without limitation any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days; provided that there is excepted from this definition unlicensed, but operative vehicles which are used for snowplowing or farm equipment upon the person's property or kept as the stock in trade of a regularly licensed and established new or used automobile dealer or other motorized vehicle; provided further that the time limit such vehicles may remain upon the premise of a motor vehicle repair garage shall be a period of 120 days, with extension of additional 30-day periods upon presentation to the enforcing officer by written proof of the offending vehicle is involved in insurance claims litigation or a similar matter and addition time is required for settlement before a vehicle can be moved.

(e) "Paved road" means a public dedicated right-of-way consisting of an asphalt, macadam, seal coat, or concrete surface which affords traffic circulation and principal means of access to abutting property.

(f) "Person" means any individual, proprietorship, firm, public or private corporation, partnership, trust, public or private agency or any other entity or other group of such person.

SECTION IV LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of operating a junkyard within the Township of Wells without first obtaining a license as required under this Ordinance.

SECTION V APPLICATION FORM AND LICENSE

Applicants for a license under this Ordinance shall file a written application with the Township Clerk, signed by the applicant showing the following information:

- a) name of applicant
- b) address of the applicant
- c) address of the business location
- d) legal description of the property
- e) map illustrating the property boundaries, all existing buildings and uses of surrounding land
- f) distance the fenced in portion of the junkyard will be located from the centerline of an existing road
- g) description of the types of materials to be stored on the premise and the disposition of such items
- h) distance from any existing residential use

- i) the zoning district in which the operation is or proposed to be located
- j) type of fence or barrier proposed to be erected around the property
- k) acreage of the area

Such application shall be filed with the Township Clerk on forms so designated by that office. The Township Clerk shall review the form for completeness. Upon receipt of a complete application and payment of an annual fee, as established by resolution of the Township of Wells, the Township Board shall review the application at its next regular meeting.

SECTION VI REVIEW OF APPLICATION

The Township Board shall review the application in terms of the following standards to recommend approval or disapproval to the Township of Wells:

1. Will be designed, constructed, operated and maintained to be appropriate with the general vicinity of the area.
2. Will not be hazardous or disturbing to existing neighboring uses.
3. Will be served adequately by essential public facilities and services, such as highways, streets, and drainage structure.
4. The person or persons responsible for the junkyard shall be able to provide adequately for any such service.
5. Will not be detrimental to the economic welfare of the community.
6. Will be consistent with the specific zoning district in which it is located.
7. Will protect the public health safety and general welfare of the community.

The Township of Wells shall review the recommendation at their next regularly scheduled meeting; the Township of Wells shall take action on the issuance of a license.

SECTION VII
SCREENING AND SETBACK REQUIREMENTS

Upon issuance of a license by the Township of Wells, those businesses shall comply with the following requirements:

1. A junkyard with frontage on a paved road must be located a minimum of 100 feet from the centerline of the road. If adequate natural screening is available being at least 12 feet in height, this setback requirement may be reduced to a minimum of 50 feet from the centerline, at the discretion of the Township Board.
2. A junkyard with frontage on a gravel road must be located a minimum of 50 feet from the centerline of the road.
3. The front line of the junkyard shall have a tight board fence of eight feet in height and painted to match the natural surroundings. The fence must be maintained in good repair and painted.
4. All side and rear lines of the junkyard shall either have a chain link fence at least eight feet in height with stripes; or a tight wooden fence at least eight feet in height; or plantings of evergreens at least eight feet in height which hides the operation from the public view.
5. The front setback area may be used for any lawfully permitted land use in accordance with the Delta County Zoning Ordinance.

SECTION VIII
EXISTING BUSINESS

Any business in existence and lawfully operating at the time of the effective date of the Ordinance, which shall come under the provision of the Ordinance shall apply for a license as required under this Ordinance. Existing businesses receiving a license shall have six months from the effective date of the license to comply with the screening requirements. Existing businesses shall not be required to comply with the setback requirements.

SECTION IX
HOURS OF OPERATION

No dismantling or salvaging or crushing operations shall be carried on the property on Sunday or during the hours of 8:00 p.m. to 7:00 a.m., provided this provision shall not be applicable to the sale of parts or merchandise of the business.

SECTION X
TIME PERIOD OF LICENSE ISSUED

All licenses granted under this Ordinance shall be valid until June 30th of the present year with annual renewal. License issued are immediately revocable at such time the business fails to abide by the regulations of the Ordinance.

SECTION XI
RENEWAL OF LICENSE

In granting a renewal of a license the Township of Wells shall determine if the business has operated its business according to the regulations of the Ordinance and with other applicable state and local laws. Such renewal shall be granted upon completion of an application indicting any changes since the application was last filed, payment of the license fee and review by the Wells Township Board. The Township Supervisor shall conduct an annual inspection of each licensed business to determine if they comply with the conditions of the license and to note any exceptions.

SECTION XII
EXHIBITION OF LICENSE

All business licensed under this Ordinance are required to prominetly display their license at the place of business.

SECTION XIII
VIOLATION AND PENALTIES

Upon a violation of any provision of this Ordinance, the Township may seek criminal prosecution and may seek legal and/or equitable relief in a court of competent jurisdiction.

Any person who shall violate a provision of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00, or by imprisonment not exceeding ninety days, or both fine and imprisonment. Each day that a violation occurs or continues shall be deemed a separate offense.

SECTION XIV
SAVINGS CLAUSE

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Township of Wells hereby declares that it would have passed this Ordinance, section subsection, sentence, clause or phrase thereof irrespective of the fact that only one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION XV
REPEALING CLAUSE

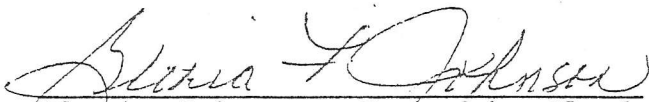
The Junkyard Ordinance (Ordinance Number 2-78), dated August 30, 1978 and an amendment to the Junkyard Ordinance (Ordinance Number 1-82), are hereby repealed. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. This Ordinance shall not be construed as repealing any ordinance now in effect or made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any odrinances as well as any statutes of the State of Michigan.

SECTION XVI
EFFECTIVE DATE

This Ordinance shall become effective 60 days following notice of adoption in a newspaper having general circulation within Delta County.

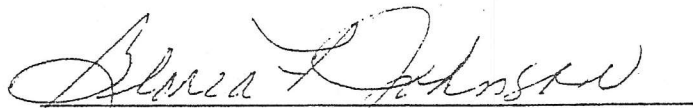
Approved by the Township of Wells, Delta County, Michigan, on the 13th day of February, 1991.

Roll Call Vote: 5 Ayes
0 Nays


Gloria Johnson, Township Clerk
Wells Township

2-13-91
Date

I hereby certify that this is a true copy of the "Township of Wells Junkyard Ordinance" as adopted by the Township of Wells on Feb 13, 1991.


Gloria Johnson, Township Clerk
Wells Township

2/13/91
Date

DATE APPROVED:
DATE PUBLISHED:
DATE EFFECTIVE: