

Ordinance No. 5

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 interest of controlling fire, health hazards, and other conditions; 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 Township board of REPUBLIC ordains:

ARTICLE I DEFINITIONS

1.01 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.

1.02 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.

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

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

1.05 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.

1.06 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.

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

## ARTICLE II LICENSES

2.01 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 Township Board. 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 years (3) preceding such application. ~~All application so received shall be referred to the \_\_\_\_\_ health, fire and police agencies of the \_\_\_\_\_ for investigation and recommendation.~~

2.02 ISSUE ~~After receipt of such agencies' recommendations, the application shall be submitted to the \_\_\_\_\_.~~ The sole power to grant licenses hereunder is vested in said Township Board and licenses so granted shall be issued by the Township Clerk.

2.03 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.

2.04 EXPIRATION All licenses issued hereunder shall expire on the 30th day of September each year.

## 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 twenty-five (25) 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.

## ARTICLE IV GENERAL PROVISIONS

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

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

4.03 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.

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

4.05 SETBACK All Junk Yard buildings, fences and greenstrips abutting a public road or highway shall be set back a minimum of one-hundred (100) feet from the abutting property line or highway right-of-way line, as the case may be.

4.06 BUSINESS HOURS No Junk Yard or Second-Hand Store shall be open to the public for transaction of business on any Sunday or National holiday, nor before 7:00 a.m. or later than 9:00 p.m. on any week-day.

4.07 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.

4.08 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 a 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, sheriff's office or other public official.

4.09 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.

4.10 WEEKLY REPORT TO SHERIFF'S DEPARTMENT Before twelve (12) noon on Monday of each week, every Junk Dealer and Second Hand Dealer shall submit to the Sheriff's office a complete and correct copy, verified by affidavit, of all articles received or exchanged during the previous week and recorded as provided by paragraph 4.08, including a description of the persons from whom received. After twenty-four (24) hours following such submission, the Dealer shall be free to make further disposition of such articles as he wills.

4.11 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 the written consent of his parents.

4.12 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.

4.13 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 deaned and disinfected, or to sell or deliver any second-hand linen until the same has been sanitarilly laundered. These 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 or not exceeding one hundred dollars or by imprisonment in the County Jail, MARQUETTE County not exceeding ninety (90) days or by both such fine and imprisonment at the discretion of the Courth. 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 section or parts.

ARTICLE VII EFFECTIVE DATE

This ordinance, adopted this 27th day of August shall become effective on the 1st day of October, 1964.

Clarence Isaacson, Clerk  
CLARENCE ISAACSON

Daphne Adams Secretary  
DAPHNE ADAMS