

**TOWNSHIP OF LINCOLN**  
**COUNTY OF MIDLAND, STATE OF MICHIGAN**

**ORDINANCE NO. 1**

**JUNK YARD ORDINANCE**

An ordinance to allow the Lincoln Township Board to license and regulate junk yards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles: to prescribe rules, regulations, and conditions for the operation of the same; to provide penalties for the operation of same without a license and for the violation of any rule, regulation or condition.

**THE TOWNSHIP OF LINCOLN, MIDLAND COUNTY, MICHIGAN,  
PURSUANT TO THE AUTHORITY VESTED IN IT BY ACT 12 OF THE  
PUBLIC ACTS OF THE STATE OF MICHIGAN FOR 1929, AS AMENDED,  
ORDAINS:**

**SECTION I. TITLE**

This ordinance shall be known and cited as the “Lincoln Township Junk Yard Ordinance.”

**SECTION II. Definitions**

A “Junk Yard” as used herein is defined to be any establishment or premises used for the purpose of dismantling, wrecking and disposing and/or storage of the junk and for refuse material of automobiles.

Any, premise upon which three (3) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be a “junk yard” within the meaning of this ordinance.

The term “person” when used herein shall mean any one (1) or more natural persons, firms, co-partnerships, corporations and all associations of natural persons incorporated or unincorporated, whether acting by themselves, or by servant, agent or employee. All persons who violate the terms of this ordinance whether as owner, or as agent, servant or employee shall be equally liable as principals.

### **SECTION III. Requirement of License.**

Any, all and every person engaged in the operation of a junk yard or junk yards within the Township of Lincoln, Midland County, Michigan, shall be required to obtain, prior to construction or operation; a license for each and every location of such business within said township and shall be subject to the conditions, terms and operational regulations hereinafter provided. Prior to issuance of license the property and use must be in conformance with the Lincoln Township Zoning Ordinance in effect at time of application.

### **SECTION IV. License Fees**

The license fee shall be in the amount of \$25.00 for each junk yard maintained or operated and license shall extend for a period of one (1) year unless revoked for failure to comply with the terms under which it was granted and the terms of these regulations.

### **SECTION V. Filing for Application or Renewal**

Applications for a junk yard license shall be in writing and directed to the Lincoln Township Clerk. An application form shall be obtainable from the Lincoln Township Clerk to insure the following information is submitted as required for the Lincoln Township Board to make a determination to grant or deny the requested application or renewal:

1. Name of applicant and owner of premises.
2. Legally recorded description of premises.
3. A legible sketch drawn to approximate scale of the total JUNK YARD with respect of location and size of buildings and location of yards.
4. Whether or not this JUNK YARD will require minimum set backs as provided by the Lincoln Township Zoning Ordinance in effect at time of application or whether additional set backs will be required by the intent of this ordinance.
5. Zoning Classification District as per the Lincoln Township Zoning Ordinance in effect at time of application.
6. Whether this is an original application or a request for renewal.
7. Statement of intent that the applicant will abide by the terms and rules of this ordinance and regulations if granted a license.
8. Signature of applicant.

## **SECTION VI. Processing of Application**

Upon receipt of an application, accompanied by the required \$25.00 License Fee for a junk yard license by the Lincoln Township Clerk, such application shall be referred to the Township Supervisor. The Lincoln Township Supervisor shall make his investigation and report his findings to the Lincoln Township Board within fifteen(15) days from the date the Clerk receives the application. The Lincoln Township Board shall act upon the application at their next regular Board meeting.

## **SECTION VII. Regulations for Operation**

The operation of a junk yard shall comply with the following regulations and conditions:

1. No junk yard shall be operated or used in such a manner so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth or loose debris.
2. The junk yard shall not be operated so that the air of any property owner in the vicinity is polluted by the burning of rubber or other substances.
3. All junk yards shall be completely and suitable screened or fenced from view from any residence, public street or highway and no junk shall be placed, so as to openly be visible from any residence, public street or highway.
4. The licensee shall, at least once each month, prepare and mail to the commissioner of the State Police at East Lansing, Michigan, a sworn statement of all purchases made by said licensee.
5. All persons having a license under this ordinance shall comply with all the rules, regulations and laws of the State of Michigan, or other governmental regulations relating to the operation of their business.

## **SECTION V III. Violations**

1. Reporting of violations.
  - a. Any person reporting a violation of this ordinance shall contact the Lincoln Township Supervisor and fill out the first portion of the Lincoln Township Junk Yard Violation Complaint and Investigation Form supplying the following information:
    1. Date of complaint
    2. Complainants name, address and phone number
    3. Nature of complaint

4. Signature of complainant
2. Investigation of Complaint
    - a. Upon receiving the completed portion of the Complaint form, the Lincoln Township Supervisor shall make a complete investigation and notify the Township Board members and they shall act upon the complaint either at their next regular Board meeting or fifteen (15) days after the Supervisor notifies the person in violation, whichever is longer.
    - b. The following information shall be obtained by the Lincoln Township Supervisor while investigating the complaint:
      1. Does this operation require a Junk Yard License?
      2. If yes, is a Junk Yard License issued?
      3. Are the provisions of Section VII of the Lincoln Township Junk Yard Ordinance met?
      4. If a violation, date the Supervisor notified person of violation.

3. Lincoln Township Board Actions Concerning Violation

Upon receiving the violation notice from the Supervisor, and determining there is a violation in effect, the Lincoln Township Board shall do the following:

- a. File for an injunction to cease operations and/or construction which is in violation of this ordinance.
- b. See recovery of filing fees, court costs and attorney fees concurred by processing of this violation.
- c. Request imposition of the fines and penalties provided by this Ordinance by a court of law.

4. Revocation

Upon conviction of violation of this ordinance the existing issued license held by convicted person shall be automatically revoked and such a person shall not be granted a license to maintain and operate a junk yard in Lincoln Township for a period of two (2) years thereafter.

5. Fines and Penalties

Any person, firm, association or corporation that operates a junk yard without a license or violates any of the rules, regulations and conditions herein contained shall be deemed guilty of a misdemeanor, and shall be punished by the imprisonment in the County Jail for up to 90 days and/or by a fine of up to \$100.00 or by both such fine and imprisonment at the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense.

In lieu of or in addition to the foregoing, the Township may seek injunctive or other relief of a civil nature to secure compliance with the within ordinance.

**SECTION IX. Validity**

Should any section, clause or provision of this ordinance be declared by any court to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

**SECTION X. Effective Date**

This ordinance shall take effect 30 days after publication.

**SECTION XI. Adoption**

Adopted by the Township Board, Township of Lincoln, County of Midland, Michigan by a roll call vote of \_\_\_\_ yes and \_\_\_\_ no vote at a meeting of the Lincoln Township Board on the \_\_\_\_\_.

Supervisor \_\_\_\_\_ Clerk \_\_\_\_\_

Treasurer \_\_\_\_\_ Trustee \_\_\_\_\_

Trustee \_\_\_\_\_