ORDINANCE NO. 3

An Ordinance to provide for the regulation and control of the storage, accumulation, and disposition of junk, abandoned vehicles, wrecks, dismantled, unuseable vehicles or rodent attractin matter, and to provide penalties for the violation thereof.

Caldwell Township Ordains:

Section 1. It is hereby determined that the storage or accumulation of junk, junk vehicles, abandoned vehicles or garbage (rodent attracting matter) upon any property in the Township of Caldwell tends to result in blighted and deteriorated neighborhoods, a spread of vermin and disease, the increase in criminal activity and is therefore contrary to the public peace, health, safety and general welfare of the community.

Section 2. No person, corporation, member of members of a partnership or firm shall engage in the business of purchasing, exchanging, selling, dismantling, storing, (or receiving) junk, junk motor vehicles or auto salvage or garbage (rodent attracting matter) as below defined in Caldwell Township without a permit therefor approved by the Caldwell Township Board.

a. Junk - The term junk shall include without limitation, parts of machinery or motor vehicles, broken and unuseable furniture, stoves, refrigerators, or other appliances, metal, or any other cast-off material.

b. Junk Motor Vehicles and Auto Salvage - The term junk motor vehicles and auto salvage shall include any motor vehicle which has not been licensed for use on the highways of Michigan for a period in excess of 60 days, and also shall include any motor vehicles which have been inoperable for any reason for a period in excess of 60 days, PROVIDED that the following are excepted from this definition.

1. No more than 3 unlicensed or inoperable motor vehicles or components thereof on any tax parcel described in the Township Assessor's records, unless stored in an enclosed building.

2. Unlicensed but operable vehicles which are kept as the stock and trade of a licensed and established new or used automobile dealership and vehicles or equipment used as stock and trade of a business which operates seasonally or part-time.

3. Vehicles on the premises of a State licensed automobile repair facility up to 120 days per vehicle with extensions of up to 30 days and renewal thereof upon furnishing the enforcement officer with reasonable proof that the offending vehicle is the subject of litigation and that additional time is required for disposition of settlement before the vehicle can be moved.
4. Inoperable farm machinery kept for replacement parts is excluded from this ordinance, provided it is stored in an orderly fashion and is not an eye-sore or a detriment to adjacent properties.

Section 3. Every person desiring to engage in the business of junk or auto salvage, or garbage collection as herein specified in Caldwell Township and all those now engaged in that business in Caldwell Township shall make application in writing to the Township Supervisor specifying the street, building, and street number or road of the premises on which the person intends to carry on that business. The application shall be reviewed by the Junk Yard Committee consisting of a Township Supervisor, another member of the Township Board, and a citizen at large from Caldwell Township who shall make their findings and recommendations to the Board at the next regularly scheduled meeting or special meeting for that purpose so long as the application is received not later than 10 days prior to the meeting.

Section 4. Those standards which the Junk Yard Committee and Board shall consider in their investigation and recommendations as to whether or not to grant the request shall include but not be limited to the following:

a. The nature of the area in which the proposed junk yard will be placed as to the present and future land use and the effect the junk yard would have on that area.

b. Opinions of adjacent and neighboring land owners.

c. The density of junk yards already existing in the area.

d. The proxminity of the proposed junk yard to residential properties.

e. Any other relevant considerations to include environmental considerations.

Section 5. After the application is received and permit granted, the permit shall expire one year from date of issue. Application for renewal of permit shall be reviewed by the junk yard committee and recommendation for renewal of said permit presented to township board for approval.

Section 6. Whenever the Caldwell Township Board shall have determined to grant a permit to an applicant or applicants, the Supervisor shall issue to that person or persons, without fee, a permit under the seal of the Township in which it shall be stated the same is revocable upon conviction of violation of Section 13 of this Ordinance. Before the Township Supervisor shall issue any permit, he or she shall record the same in a book to be provided for that purpose.

Section 7. No person or persons holding a permit as junk dealers or garbage collectors as designated in this Ordinance shall by virtue of one permit keep more than one shop, store, or place for such business; provided, however, that such person or persons may remove from one place of business to another in the Township by giving a notice in writing to the Township Supervisor specifying the building, number and street or road to which removal is intended to be made, but no removal shall be made until it has been approved by the Caldwell Township Board.
Section 8. Every person or firm holding a permit under this Ordinance shall display their Township permit, as well as their State license, in a conspicuous place.

Section 9. The records of articles purchased and sold shall at all reasonable times be open to the inspection of the police officers of the Township or any member of the Sheriff's force.

Section 10. No person holding a permit as aforesaid shall purchase or receive by sale, barter, or exchange or otherwise any articles mentioned in this Ordinance from any person under the age of eighteen years.

Section 11. No person shall conduct the business of a junk yard or garbage collector unless the same be located in and all the junk stored in a sidebuilding, provided, however, that junk motor vehicles and auto salvage may be stored on an open lot if said lot has a screening fence of appropriate materials not to exceed 10 feet in height approved by the Township Board, which shall enclose the view of said junk motor vehicles or auto salvage from a public road or street or adjacent property owners, free from advertising except as it shall apply to the owner's business, and all junk motor vehicles and auto salvage shall be stored inside of said fence at no greater height than the height of the fence. No materials causing offensive odor or unsanitary conditions shall be stored on any premises where a junk business is carried on.

Section 12. Fencing.

Item 1. Side fencing shall be no less than 10 feet from property line.

Item 2. Junk yard permit will be finalized upon inspection and approval of fencing by junk yard committee.

Item 3. Applicants for a junk yard permit will be allowed 60 days in which to install fencing, or application is voided.

Section 13. Any person or persons who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not to exceed One Hundred ($100.00) Dollars, or by commitment to the County Jail for a period not to exceed 90 days or by both fine and commitment. Each and every day that such violation continues after notification may constitute a separate offense.

Section 14. Should any portion of this Ordinance adopted hereby be declared unconstitutional, illegal or of no force and effect by a Court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

Section 15. This Ordinance shall become effective on the 1st day of September, 1985.
CALDWELL TOWNSHIP
MISSAUKEE COUNTY
APPLICATION FOR JUNK YARD PERMIT

I, ____________________________, hereby make application for a Junk Yard Permit in the Township of Caldwell, Missaukee County, having familiarized myself with Ordinance No. 3, I agree to comply with all rules and regulations therein.

Business Name________________________________________________________

Business Address______________________________________________________

Business Phone________________________________________________________

a. Individual Proprietorship  b. Co-Partnership  c. Corporation
(Note: Appropriate section, A, B, or C. must be completed) See reverse side.

Street address of Junk Yard_____________________________________________

Nearest Crossroads_____________________________________________________

Names and addresses of five citizens of Missaukee County as business and/or character references:

Name________________________ Address______________________________

Name________________________ Address______________________________

Name________________________ Address______________________________

Name________________________ Address______________________________

Name________________________ Address______________________________

Date________________________ Signature of Applicant  Title_________________

The above application was approved disapproved this __________ day of __________, 19____.

Permit No. ______________________

Remarks:

Note: Application is void if approved fencing is not completed within 60 days from above date.

Supervisor, Caldwell Township
A. Data for Individual Proprietor

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B. Data for Co-Partnership
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C. Data for Corporation
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State in which incorporated

Date of incorporation
Issued To ________________________________

By CALDWELL TOWNSHIP BOARD

UNDER ORDINANCE No. 3

Any person, firm, association, or corporation who shall violate any rule, regulation, or condition of this Ordinance, shall upon conviction thereof, forfeit a sum not to exceed one hundred dollars ($100) together with the cost of prosecution or be imprisoned in the County jail for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the Court.

By order of the Township Board of the Township of Caldwell, County of Missaukee, State of Michigan.

Permit Issued _______________ 19 ___

This Permit Expires _______________ 19 ___

This Permit Is Non-transferable

______________________________
Caldwell Township Supervisor
PROOF OF PUBLICATION

I, Mark W. Lagerwey, being duly sworn deposes and says that he is Publisher of the Lake City Waterfront Newspaper, Inc., a newspaper published at Lake City, Michigan, in the County of Missaukee in said State and circulating in said County, and that he is familiar with the facts herein set forth; that the order and petition of which a printed copy is hereto annexed were published in said newspaper once in each week for 2 successive weeks next prior to the time fixed for the hearing thereof, and that the publication of said order and petition was made in said newspaper on the 25th day of May, 1988, on the 1st day of June, 1988, on the on the on the on the

Mark W. Lagerwey

Subscribed and sworn to before me this 1st day of June, 1988

Georheann C. Hooker
Notary Public in and for Missaukee County.
My commission expires March 8, 1992

GEORGEANN C. HOOKER, NOTARY PUBLIC
MISSAUKEE COUNTY, STATE OF MICHIGAN
MY COMMISSION EXPIRES ON 3-08-92
CALDWELL TOWNSHIP

An amendment to the Township of Caldwell Ordinance #3, Junk Yard Ordinance, reads as follows:

Section 3. Every person desiring to engage in the business of junk or auto salvage or garbage collection as herein specified in Caldwell Township and all those now engaged in that business in Caldwell Township shall make application in writing to the Township Supervisor, specifying the street, building, and street number or road of the premises on which the person intends to carry on that business. Application for junk yard permit must be made by the property owner. The application shall be reviewed by the Junk Yard Committee consisting of the township supervisor, another member of the township board and a citizen at large from Caldwell Township who shall make their findings and recommendations to the Board at the next regularly scheduled meeting or special meeting for that purpose so long as application is received not later than 10 days prior to the meeting. Effective June 1, 1988.

Nancy Wilson
Caldwell Township Clerk

ATTENTION HOMEBUYERS:
Are you thinking of buying a new or existing home?
The Michigan State Housing Development Authority (MSHDA) has two programs to help cut the financing costs of homeownership. If you are a modest-income family or single person, call MSHDA at 1-800-327-9158 (Monday-Friday 8 AM - 5 PM) for more information.

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