



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
(269) 427-9029

ORDINANCE 2023-04

JUNKYARD ORDINANCE

An Ordinance adopted by the Village of Breedsville, Van Buren County, Michigan to provide for the licensing of junkyards and places for the dismantling, wrecking, and disposing of junk and/or refuse material of automobiles, located in said Village, to provide for an annual license fee, to provide for suitable rules and regulations for the operation of licensed lots to protect the general health and welfare of the Village of Breedsville, to provide for an effective date of the Ordinance, to provide for reports to the Michigan State Police by the licensee and to all other governmental units required by law, to provide for hearings on the application for a license, to provide for publication and posting of the ordinance and to provide for enforcement and penalties for violation of the Ordinance.

The Village of Breedsville, Van Buren County, Michigan, hereby ordains:

1. That the junkyards and places for the dismantling, wrecking, and disposing of junk and/or refuse material of automobiles in the Village of Breedsville shall be licensed and controlled under the authority of MCLA 67.1, as amended, in the interest of the public health and General welfare of the Village of Breedsville.
2. That hereafter, after the effective date of this Ordinance, it shall be illegal for any person, co-partnership, corporation, or other units, to operate, maintain, or control and/or allow to exist, the dismantling, wrecking, and disposing of junk and/or refuse material of automobiles on any premises within the Village of Breedsville, unless and until the same is licensed hereunder.
3. A license fee paid annually on the 1st day of March shall be paid by each applicant in the. the sum of \$25.00. The said fee shall accompany the application for a license, and in case the application is refused, the Village Council shall direct the Clerk. as a part of the refusal to return the fee to the applicant. In case an application is made during the year, the applicant shall only be required to pay 1/4 of the fee if the application is made in the last quarter preceding the 1st day of December; 1/2 of the fee if made in the second calendar quarter preceding the 1st day of September; and 3/4 of the fee if made in the third calendar quarter preceding the 1st day of June. The said fee shall be payable annually thereafter in the sum set forth above and payment and issuance of the license shall be a condition precedent to the operation of the junkyard and place for the dismantling, wrecking, and disposing of the junk and/or refuse material of automobiles.

4. The form of the application shall be:

STATE OF MICHIGAN

County of Van Buren, Village of Breedsville

Application for license to operate a junkyard, and place for dismantling, wrecking, and disposing of the junk and/or refuse material of automobiles.

- A. Name of applicant.
- B. Co-partnership, individual, or corporation.
- C. Location of proposed lot.
- D. Name of all parties who will have an interest in said lot.
- E. Is the lot fenced.
- F. If a state license is required, has one been applied for.
- G. Number of Secretary of State's licenses held by the applicant.
- H. Has the applicant and party proposing to operate the lot ever been refused a license of this nature elsewhere?
- I. Has the applicant and the party proposing to operate the lot ever been convicted of a felony?
- J. Amount of fee accompanying the application.

The applicant shall deliver the application and fee, (to the Village Clerk) a signed paper from sixty-five (65%) percent of the freeholders residing within a one-half (1/2) mile radius from said proposed lot stating whether they have objections to the issuance of the license. The Village Council shall be the judge of whether the required sixty-five (65%) percent of the freeholders in the area have so indicated their wishes, and shall be the judge of the basis of determining whether said sixty-five (65%) percent requirement has been met. If the said statement does not fulfill this requirement, the Village council shall hold the application in abeyance until the applicant complies therewith.

If the applicant has fulfilled the requirements herein the Village Clerk shall submit the same to the Village Council at its next regular meeting.

5. The Village Council may act upon the license at its next meeting or may adjourn acting thereon for a period not to exceed the next succeeding regular meeting. The Village Council may grant the license if it deems the same to be proper, or the Village Council may order a hearing on the application and after hearing, for just cause, in its discretion, refuse to grant the license provided for herein, in which case, the fee shall be returned to the applicant. The said hearings shall be public hearings, and the Village Council may avail itself of any aid of public officials thereon or may employ investigators who shall report at the public hearing. At said hearing, the Village Council may employ counsel to present the facts and advise it on questions of law, and the applicant may be represented by legal counsel.

6. In the interest Any license so granted shall specify that the sale of used cars is prohibited under the license, and that to sell used cars requires a license issued by the Village of Breedsville for said used car lot, separate and apart from this license. of public health and to protect the general welfare and ta promote the same, to reduce thefts and to avoid making attractive nuisances of said lots, the Village Council hereby adopts the following rules and regulations for its guidance in approving all applications for the operation of-said licensed premises of public health and to protect the general welfare and ta promote the same, to reduce thefts and to avoid making attractive nuisances of said lots, the Village Council hereby adopts the following rules and regulations for its guidance in approving all applications for the operation of said licensed premises.
- A. Each applicant shall have a license issued by the State if one is so required by law, and if one is so required action on this application shall be adjourned until the same is issued by the requisite state authority.
 - B. Each premise to be licensed shall be enclosed by a fence of suitable height to prevent prowlers from gaining access thereto, to keep children from- playing upon the premises, and to provide security for the lot. Each licensee shall keep the fence in good condition and repair at all times and failure to so maintain the fence shall be cause for revocation of the license or refusal to renew same. The fence adjacent to the highway shall be no closer than seventy-five (75) feet from the centerline thereof. A suitable fence must be a tight board fence eight (8) feet in height with the enclosure being properly fenced to hide all junk from adjoining properties.
 - C. Each premise to be licensed shall by its owners be shown to be able to be maintained in such a manner as to preclude undue fire hazards to itself and adjoining lands. All premises shall be kept clean and orderly so that no fire or health menace may arise from their operation. If such health or fire hazard arises, the Village Council may revoke the license or in proper case refuse to renew the same.
 - D. No person or persons shall be allowed to use any used or second-hand car for living quarters, and if any vehicle on a licensed lot is so used it shall be grounds for revocation of the license or refusal to renew same, or refusal to grant same in the first instance. Use of such a lot as a second-hand lot for the sale of autos without a license shall be grounds for revocation of the license also, or grounds for a refusal to renew same.

- E. No persons shall be allowed to live within the confines of said lot, and if the licensee desires to live adjacent to the lot, living quarters shall be separate and apart from the lot.
- F. Each person or applicant shall be of good repute, and if a corporation the majority of holders. of interest, thereof shall be subject to this test. All such persons shall be of such standing in the eyes of the Village Council that the Village council may have the assurance that the lot will be operated in accord with these regulations and proper manner.
- G. Each applicant and licensee shall make the required reports to the Michigan State Police and other governmental agencies as required by law; failure to so report shall be grounds for revocation of the license or refusal to renew same. Any applicant or licensee viola- ting the laws as related to said premises shall automatically have his license revoked on being convicted thereof.
- H. The Village Council reserves the right to revoke any license, for violation of its rules after a hearing given to the licensee, and the licensee shall be notified of said hearing at least ten (10) days prior thereto, and shall receive notice thereof by U.S. mail, and in said notice shall receive specifications of the charges.
- I. The Village council shall call a hearing on any licensee if sixty-five (65%) percent of the freeholders within a one-half (1/2) mile radius of the licensed premises shall file objections in writing with the Village Council against the operation of the licensed premises.
- J. It shall be grounds for revocation of the license if the licensee shall operate a junkyard or yard for dismantling and wrecking of autos in any location other than licensed herein.
- K. The Village Council shall not be required to give notice of the grounds for its refusal to renew the license, but in any case of renewal, shall grant a hearing if the licensee shall demand the same in writing
- 8. In case of revocation of license the licensee shall not be entitled to any return of his fee. The fee has been set to cover the time of the Village Council and the costs of investigations relative to said licensed premises.
- 9. The Village Council shall at all times have the right to cause investigations to be made of the licensed premises to ascertain if the rules and regulations hereunder are being adhered to.

- 10. The majority of the Village Council voting on any application or revocation of the same shall govern and be the action of the Village Council.
- 11. The form of the license shall be:

VILLAGE OF BREEDSVILLE
VAN BUREN COUNTY, MICHIGAN
LICENSE TO OPERATE A JUNK YARD

The Village of Breedsville acting under the authority of MCLA 67.1, as amended, hereby licenses _____ to operate a junkyard and yard for the dismantling, wrecking, and disposing of junk and/or refuse material of automobiles at _____ (said location only in the Village of Breedsville) for the period expiring on the _____ day of _____, 20__

License non-transferable License revocable
License fee
This is not a license for the operation of the used car lot.

Clerk, Village of Breedsville

- 12. This Ordinance was adopted by the Village of Breedsville on the 21st day of January, 2023. It shall be effective thirty (30) days thereafter and publication shall be made thereof in the Van Buren Reminder, a newspaper published and circulating in the said village of Breedsville The said Ordinance shall within five (5) days be posted in three (3) of the most conspicuous places in the Village.
- 13. Any person, firm, or corporation which shall be operating without a license as required herein shall be deemed guilty of a misdemeanor and on conviction thereof shall be subject to a fine of \$100.00, costs of \$100,00, and/or ninety (90) days in jail, or the Village Council may direct that injunctive relief be sought against the violator in the Circuit Court for the County of Van Buren in Chancery. Each day that a violation is allowed to exist shall be considered a separate offense.
- 14. The Village Council may alter or amend this Ordinance and the said amendment shall be effective upon publication and posting in three (3) places in the Village and written notice thereof sent to all holders of licenses effective at that date.
- 15. Should any section, clause or provision of this Ordinance be declared 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.
- 16. All ordinances and resolutions in conflict with any of the provisions of this Ordinance are hereby repealed.

CERTIFICATION

I further certify that Trustee: L. Weniger moved for adoption of said Ordinance No. 2023-04, that Trustee: T. Weniger seconded said motion.

I further certify that the following Trustees: L. Weniger, T. Weniger, P. Cooley President S. Rogusta Voted for the adoption of said Ordinance No. 2023-04, and that the following Trustees No voted against such Ordinance. Absent: Trustee W. Yeager

Ayes: Trustees L. Weniger, T. Weniger, P. Cooley, President S. Rogusta

Nays: None

Absent: Trustee W. Yeager

I further certify that said Ordinance No 2023-04 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President and Village Clerk

I do hereby certify that a synopsis of this Ordinance No. 2023-62, in accordance with statutory requirements, was published on 21 day of January 2023 in the Van Buren Reminder, a copy of which is attached hereto.

Steven Rogusta
President

Linda Norton
Village of Breedsville, Clerk

ATTEST:

Linda Norton
Village of Breedsville, Clerk

