

## Chapter 24

### SECONDHAND GOODS\*

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\*State law references—Licensing of secondhand and junk dealers, MCL 445.401 et seq.; junkyards near highways, MCL 252.201 et seq.; licensing of pawnbrokers, MCL 446.201 et seq.

**ARTICLE I. IN GENERAL**

**Secs. 24-1—24-18. Reserved.**

**ARTICLE II. JUNKYARDS\*****DIVISION 1. GENERALLY****Sec. 24-19. Purpose and contents.**

The fundamental purpose of this article is to best protect the public health, interest, and general welfare of this village insofar as junkyards and places for the dismantling of motor vehicles are concerned. In accordance with this purpose, this article provides for the following:

- (1) The licensing and regulation of junkyards and places for the dismantling of motor vehicles;
- (2) The prescribing of rules, regulations and conditions for the operation of junkyards and places for the dismantling of motor vehicles;
- (3) Enforcement.

**Sec. 24-20. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Junkyard* means any parcel or tract of land where worn, deteriorated, obsolete, discarded, scrapped, junk or waste materials are bought, sold, exchanged, stored, disassembled or handled, including motor vehicles, used building materials, structural steel materials, and appliances.

**Sec. 24-21. Identity of sellers of junk and records of purchases.**

(a) No junkyard operator shall receive, buy, and/or take delivery from any minor of any property, junk, or used motor vehicles without the written consent of one of the parents of such minor or the minor's legal guardian.

(b) No junkyard operator shall purchase any junk and/or used motor vehicles from any person without positively determining the seller's identity.

(c) Every junkyard operator shall make a record of all purchases of junk and/or used motor vehicles, and such record shall be kept in a bound book maintained especially for such purpose. This record shall contain the name of the seller, the seller's address, the means used by the junkyard operator to determine the seller's identity, the description of the property and/or used motor vehicle purchased, the date

\*State law reference—Licensing and regulation of secondhand and junk dealers, MCL 445.401 et seq.

on which the purchase was made, the price paid for the property and/or used motor vehicle, and the license number of any vehicle used by the seller of the junk in delivering the junk to the junkyard. This book shall be open to inspection by village law enforcement officers.

**Sec. 24-22. Cleanup of vacated premises.**

Any person who shall decide to vacate the person's place of business of a junkyard or who shall have the person's junkyard license revoked shall have 30 days to clean up the premises where such business was established. If the person fails to comply with this section, the village council shall cause such premises to be cleaned up and shall collect the cost of such from such person.

**Sec. 24-23. Violation as a municipal civil infraction.**

Any person violating this article shall be responsible for a municipal civil infraction.

**Secs. 24-24—24-49. Reserved.**

DIVISION 2. LICENSE

**Sec. 24-50. Required.**

(a) No person shall operate a junkyard in the village without a junkyard license issued by the village council.

(b) The village council is empowered to issue licenses to persons for the conduct of junkyards within the village, and such licenses shall be for one year unless sooner revoked by the village council.

**Sec. 24-51. Form of application.**

(a) Any person desiring a junkyard license shall submit to the village council an application containing the following information:

- (1) The name of the owner of the proposed junkyard.
- (2) The mailing address of the owner of the proposed junkyard and the mailing address of the proposed junkyard.
- (3) The legal description of the premises proposed to be used as a junkyard, together with full information as to whether the land is owned in fee or is leased, and if it is leased, the name and address of the lessor and the terms of the lease.
- (4) The arrest record of the owner, if the applicant is a sole proprietorship, the arrest record of the members of a firm, if the applicant is a firm, and the arrest record of the officers of an association or corporation, if the applicant is an association or corporation proposing to operate the junkyard.
- (5) Whether any operations are proposed which will be injurious to the public health or result in unpleasant odors or loud noises.

(b) All applications shall contain true statements of fact. If the applicant is a single individual, it shall be signed by the individual; if the applicant is a partnership, it shall be signed by a partner; and if the applicant is an association or corporation, it shall be signed by an officer thereof.

**Sec. 24-52. Fee.**

(a) The fee for a junkyard license shall be as established by resolution of the village council from time to time and shall be transmitted to the village council with the license application of any person desiring a junkyard license.

(b) If the person's application is accepted and a license is issued, the fee shall be deposited in the general fund of the village. If the application for a junkyard license shall be refused, the fee shall be returned to the applicant.

(c) The fee shall be due January 1 of each year, and no half-year license shall be granted until July 1 of each year.

**Sec. 24-53. Denial.**

The village council may, in its discretion, for just cause, refuse to grant the license provided for in this division. The term "just cause," for the purpose of this section, means, but is not limited to, failure to possess suitable premises, failure to have proper fencing upon the premises, and a previous violation of this article by the applicant. However, no application for a license shall be refused until a hearing thereon shall be held by the village council. The applicant shall have ten days' notice of the hearing, and shall be permitted at such hearing to present evidence in his behalf.

**Sec. 24-54. Revocation.**

The license of any junkyard operator may be revoked by the village council upon a showing that any junkyard operator has violated any section of this article. However, no license shall be revoked until a hearing thereon shall be held by the village council. The licensee shall have ten days' notice of the hearing and shall be permitted at such hearing to present evidence in his behalf.