

20.004

**ORDINANCE NO. 1**

**JUNK DEALERS; DISMANTLING  
OF MOTOR VEHICLES  
TOWNSHIP OF SOUTH HAVEN, MICHIGAN  
effective September 28, 1937**

20.000

Be it resolved, by the Township of South Haven, in Van Buren County, Michigan, acting through its Township Board.

20.001

**Sec. 1. LICENSE REQUIRED.**

That no person, firm or corporation shall engage in or carry on the business of second-hand dealer, or junk dealer, or the dismantling of motor vehicles and other machinery, wrecking, reducing and disposing of the junk and refuse material therefrom in the Township of South Haven, or engage in the purchase or sale or exchange of secondhand goods, wares and merchandise, junk or the parts and refuse from dismantled motor vehicles and other machinery, or receive or deliver the same without first obtaining a license therefor from said Township as hereinafter provided.

(ord. no. 1 eff. Sept. 28, 1937)

20.002

**Sec. 2. DEFINITIONS.**

The definition of "secondhand dealer" and "junk dealer" set forth in Sec. 9760 of the Compiled Laws of 1929 is hereby adopted for the purposes of this Resolution. The "dismantling" of Motor Vehicles and other machinery shall consist of wrecking, reducing or breaking, severing certain parts therefrom, and removal thereof, the purchase and sale of such parts, the junk and refuse materials obtained therefrom; but in no case shall the dismantling of a motor vehicle take place until the licensee hereunder has received from the Secretary of State a proper certificate and permit therefor in accord with the statutes of the State of Michigan.

(ord. no. 1 eff. Sept. 28, 1937)

20.003

**Sec. 3. PAWN/LOAN BUSINESSES PROHIBITED.**

No Licensee hereunder shall engage in a pledge, pawn or loan business at said location under this License.

(ord. no. 1 eff. Sept. 28, 1937)

**Sec. 4. SALE AND REMOVAL OF JUNK REGULATED.**

No motor vehicle shall be dismantled to an extent by licensee, his agents or employees until ten days after its acquirement by licensee; no junk shall be removed nor delivered from licensee premises for a period of 96 hours after its acquirement at the premises by licensee.

(ord. no. 1 eff. Sept. 28, 1937)

20.005

**Sec. 5. RESPONSIBILITIES OF LICENSEE.**

The applicant for license hereunder, when granted same shall at all times conduct his business of buying and selling, storing and dismantling on the premises described in application and license, and not elsewhere; that the location or yard for the conduct of said licensed business shall be at least ten (10) rods from the nearest public highway or dwelling house used as a human habitation.

And the premises upon which said business is actually conducted, stock kept and stored, and the dismantling occurs shall be securely fenced on all sides by proper and substantial posts and boards of even height seven feet in height; perpendicularly, and spaced not more than four inches apart, and said fence shall at all times be painted and maintained in good condition; likewise, the premises so enclosed shall be maintained in a clean, sanitary and orderly manner, and in no wise injurious, damaging nor annoying to the traveling public nor the owners and occupants of real estate in that vicinity.

(ord. no. 1 eff. Sept. 28, 1937)

20.006

**Sec. 6. APPLICATION IN WRITING.**

Any person, persons, firm, copartnership or corporation desiring to engage in the business mentioned in paragraph 1 of this resolution, or any part of the same shall first make written application, over his, their, or its signature and oath to the Clerk of said Township, setting forth and including:

- A. **NATURE OF BUSINESS.** The nature of the business, the applicant or applicants wish to engage in.
- B. **STATUS OF APPLICANT.** Whether the applicant or applicants is or are individual, individuals, copartnership or corporation.
- C. **NAME AND STYLE.** The name and style under which the business will be conducted.

**D. INFORMATION NECESSARY ON APPLICATION.** Where an application is by an individual or individuals, the application shall state the name, age and address of each including street or rural route number; the place of residence of each applicant for the past five year period; the business in which each has been engaged for the last five year period; whether any applicant has ever been convicted under any criminal law or ordinance and, if so, the time, place and offense; whether any applicant has ever been refused or had revoked a license for a like business and, if so, give the time, place and reason therefore.

**G. WAIVER FROM FREEHOLDERS.** As a condition to the business, as a part of said application, the applicant or applicants shall obtain from 65% of the freeholders residing in said Township within a one-half mile radius of the place where said business is proposed to be conducted, a written statement or waiver addressed to said Township Board recommending that such license be granted.

**F. CORPORATE INFORMATION REQUIRED.** In the case of an application by a corporation the same shall set forth the name, time and place of incorporation; the names of the President, Secretary, Treasurer and members of the Board of Directors and include the same information concerning each as is required from an individual or individuals under subparagraph D hereof, in addition to other information required on said application under this Ordinance.

**G. WAIVER FROM FREEHOLDERS.** As a condition to the business, as a part of said application, the applicant or applicants shall obtain from 65% of the freeholders residing in said Township within a one-half mile radius of the place where said business is proposed to be conducted, a written statement or waiver addressed to said Township Board recommending that such license be granted.

**H. DESCRIPTION OF REAL ESTATE.** A description of the real estate proposed to be used as a location for such business in the Township and the portion thereof to be devoted to the enclosed yards; the value of the real estate, by whom owned, and whether owned or leased by the applicant and whether the applicant is purchaser by deed or contract and what amounts may be owing thereon if any-thing.

**I. AGREEMENT.** An undertaking, agreement or promise on the part of the applicant or applicants that, if the license is granted:

1. The applicant will faithfully comply with all laws applying to said business whether state or township now in force or hereafter to be promulgated.
2. That upon the sale of the business, or a sale or transfer of the interest of any applicant or partner in the business to any other person, persons or corporation, or upon failure of the licensee to pay any license fee, the Township Board may in its discretion cancel any license issued hereunder and require a new application for license to be filed for the purpose of conducting any such business; such application when complete and executed shall be filed with the Township Clerk together with a license fee which is hereby imposed at \$25.00 per year; and also said applicant shall file with said application a bond in the penal sum of \$200.00 payable to said Township with sufficient surety or sureties to be approved by the Township Board conditioned that during the term of the license the licensee will fully and faithfully comply with all State and Township laws, rules, regulations and ordinances including such as may have been heretofore or may hereafter be put in force and effect.

(ord. no. 1, eff. Sept. 28, 1937, amend. by ord. no. 2 eff. Mar. 20, 1956)

**Sec. 7. PROCEDURE FOR APPROVAL OR DENIAL.**

The Township Board shall pass upon said application and the sufficiency thereof and the bond filed by the applicant 20 days from the date of filing of the same or as soon thereafter as may be reasonably convenient. Said application shall be subject to denial by said Board if it should reasonably appear to the Board that the business to be conducted thereon would not be conducted in conformity with any of the rules, regulations or conditions herein contained in the laws of the State of Michigan, or for any of the statements in the said application are found to be false, or if 65% of the freeholders residing in said Township within a one-half mile radius from the place of said proposed business petition said Township Board therefor. If the Township Board shall find that the application should be granted then the Township Board shall direct the Township Clerk to issue the

proper license to the applicant to engage in the business applied for during a period of one year from the date of issue and such license shall not be assignable but must be renewed each year in the same manner and form as herein provided and upon payment of the fee and the giving of a bond as by this Ordinance required, provided however the Township Board, by a unanimous consent of the members thereof spread upon the records of the Township, renew any such license theretofore granted by the Board where the business is still being continued at the same place and by the same applicant as described and set forth in the original application whereunder the original license was issued.

(ord. no. 1 eff. Sept. 28, 1937, amend. by ord. no. 2 eff. Mar. 20, 1956)

**20.008**

**Sec. 8. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect on and after the 28th day of September, A.D., 1937.