

Chapter 14 BUSINESSES*

***Cross references:** Administration, ch. 2; traffic and vehicles, ch. 54.

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ARTICLE I. IN GENERAL

Secs. 14-1--14-25. Reserved.

ARTICLE II. JUNKYARD*

***Cross references:** Junkyard license and application fees, app. B.

DIVISION 1. GENERALLY

Sec. 14-26. 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 a place which is used for either:

- (1) The storing or parking of any automobile, trailer, truck, motorcycle, all-terrain vehicle, snowmobile, or other motor vehicle which is dismantled or partially dismantled or is unregistered or is an unlicensed motor vehicle without current, up-to-date plates attached to the vehicle, for a period of more than two weeks, unless the vehicle is stored or parked within a wholly enclosed garage, or other wholly enclosed structure, or unless such motor vehicle is regularly used by the owner of the premises in the ordinary course of business or farming on a seasonal or annual basis; or
- (2) The dismantling, wrecking, disposing of junk and/or refuse material from automobiles or other self-propelled motor vehicles.

(Ord. No. 147, art. II(b), 7-11-88)

Cross references: Definitions generally, § 1-2; procedures for handling abandoned automobiles are covered in section 2.5 of the uniform traffic code, § 54-26.

Sec. 14-27. Fencing and advertising.

Each licensee shall enclose his junkyard or place for dismantling, wrecking, and disposing of junk and/or refuse material of automobiles by a fence of not less than seven feet in height. Such fence shall be constructed of permitted materials so as to leave no cracks of greater width than one-half inch and shall be painted and kept in good repair and sightly condition. No advertising shall be affixed to the fence other than advertising the licensee. No junk, dismantled automobiles, or parts of dismantled automobiles shall be displayed or placed outside of the fence.

(Ord. No. 147, art. III, § 5, 7-11-88)

Sec. 14-28. Penalty for violation of chapter.

Any person who violates any provision in this chapter shall be responsible for a municipal civil infraction and shall be punished by a fine as set forth in the Schedule of Civil Fines [Appendix C] plus court costs. Equitable relief may also be awarded as permitted by Michigan law. Each day that a violation continues shall be deemed a separate offense.

(Ord. No. 2000-03, 8-28-2000)

Secs. 14-29--14-40. Reserved.

DIVISION 2. LICENSE

Sec. 14-41. Required.

Any person desiring to conduct and maintain a junkyard or place of dismantling, wrecking, and disposing of junk and/or refuse material of automobiles in the township shall first procure from the township board a license for that purpose.

(Ord. No. 147, art. III, § 1, 7-11-88)

Sec. 14-42. Application.

Application for such license shall be made to the township clerk upon forms to be furnished by the clerk. The clerk shall then submit the application to the township board for its approval or disapproval.

(Ord. No. 147, art. III, § 2, 7-11-88)

Sec. 14-43. Approval or disapproval by the township board.

(a) *Standards for consideration.* On receiving the application for license, the township board may require the clerk, building inspector or township superintendent to make such investigation and report to the board as it deems necessary. After such report is received, the township board shall consider such application in relation to the following standards:

- (1) Any proposed junkyard or place for dismantling, wrecking or disposing of junk and/or refuse material of automobiles shall not be within 100 feet from any school, church or public park.
- (2) Such junkyard would not discourage the use of lands and natural resources in the township in accordance with their character, adaptability, and suitability for any particular purposes. The proposed junkyard shall not be detrimental to the conservation of social and economic stability, property values and the general character and trend of community development.
- (3) Such junkyard shall not be detrimental to the safety, health, morals and general welfare of the people of the township.
- (4) Whether adequate provisions for streets, highways, sewage and drainage, water supply distribution, and other public resources are available.

(b) If the application for such license is not approved, the township board shall notify such applicant in writing within ten days from the date of such meeting. If the application for such license is approved, the applicant shall pay the township clerk a license fee established by the township board and upon payment, the clerk shall issue such license.

(Ord. No. 147, art. III, § 3, 7-11-88; Ord. No. 2009-03, 4-13-09)

Sec. 14-44. Expiration.

Such license shall expire one year after its issuance. Renewals shall be made upon application, approval, and payment of the license fee as provided in section 14-43 for the original license.

(Ord. No. 147, art. III, § 4, 7-11-88)

Secs. 14-45--14-65. Reserved.

ARTICLE III. SALESPEOPLE, SOLICITORS AND TRANSIENT MERCHANTS

Sec. 14-66. Purpose.

The purpose of this article is to promote and safeguard the public health, safety, general welfare and peace of the people of the township and to protect the people of the township from endangerment associated with those who would take the opportunity to canvas streets with intentions to violate laws and ordinances.

(Ord. No. 106, § II, 5-14-62; Ord. No. 2007-02, 4-9-07)

Sec. 14-67. Definitions.

For purposes of this section, the following terms, phrases, words, and their derivations, shall have the meaning given in this section.

Person includes firms, joint ventures, partnerships, corporations, estates, trusts, units of government, clubs and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof.

Solicitor means any person who canvasses for social and political causes or for religious or charitable organizations.

Transient merchant means any person traveling by foot, vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street who sells or offers for sale, or exposes for sale any goods, wares, merchandise or food or who attempts to take orders for the sale of goods, wares, merchandise or foods, or offers and exposes the same for sale, for future delivery, or for services to be furnished or performed in the future.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-68. Permit required; exceptions.

No person eighteen (18) years of age or older shall engage in the business of being a transient merchant or solicitor within the township without first obtaining a permit from the

township clerk or designee. The township clerk shall issue a permit without the payment of any fee. A deposit, as established by the township board, shall be required for each transient merchant or helper.

- (1) The provisions of this article shall not apply to any person organized and operating exclusively for religious purposes and not operated for the pecuniary profit of a person.
- (2) The provisions of this article shall not apply to any solicitation for a charitable purpose by any person solely upon premises owned or occupied by it and solely among its officers, members or employees.
- (3) Charities recognized by the federal and/or state authorities shall be exempt.
- (4) No permit shall be required of any person for any mere delivery in the township of any property purchased or acquired in good faith from such person at his regular place of business where no intent by such person is shown to exist to evade the provisions of this chapter.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-69. Application.

Applications for permits under this article shall be filed with the township clerk upon forms furnished by the township at least seven (7) days prior to the commencement of the proposed business of being a transient merchant or solicitor.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-70. Permit issuance.

The township clerk, or designee, shall issue a permit for a person to engage in the business of being a transient merchant or solicitor when the following are met:

- (1) A signed and completed application has been submitted on forms provided by the township including length of time for the business of being a transient merchant and/or solicitor;
- (2) Personal identification with a picture is provided for each transient merchant, solicitor and helper;
- (3) A deposit in the amount designed by resolution of the township board is supplied to the township for each transient merchant and helper at the time of application. The deposit shall be returned to the transient merchant and/or helper when the timeframe approved for the business of being a transient merchant has expired

and their business of being a transient merchant has ended without violation of any federal, state and local laws or ordinances.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-71. Criteria.

Transient merchants must meet the following criteria when conducting business:

- (1) Hours are restricted to 9:00 a.m. until 8:00 p.m.;
- (2) Abide by all federal, state and local laws and ordinances;
- (3) Must not have been convicted of a felony or have any outstanding warrants;
- (4) Must carry the permit on their person, along with picture identification when conducting business within the township.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-72. Revocation.

The township clerk shall have the authority to suspend or revoke any permit if the transient merchant:

- (1) Violates any federal, state or local laws or ordinances;
- (2) Conducts business between the hours of 8:00 p.m. and 9:00 a.m. within the township;
- (3) Is convicted of a felony;
- (4) Fails to carry picture identification and the permit while conducting business within the township.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-73. Right to appeal.

Any person aggrieved by the action of the township clerk or designee in the denial of an application for a permit as provided in this article, or in the decision with reference to the revocation of a permit as provided in this article, shall have the right of appeal to the township board. Such appeal shall be made by filing with the township board, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The township board shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to such

person's last known address. The decision and order of the township board on such appeal shall be final and conclusive.

(Ord. No. 2007-02, 4-9-07)

Sec. 14-74. Penalty.

Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of this article, shall be responsible for a municipal civil infraction, and shall be punished by a fine as set forth in the Schedule of Civil Fines (Appendix C), and court costs. Equitable relief may also be awarded as permitted by Michigan law. Each act of violation and every day upon which any such violation shall occur shall constitute a new and separate offense.

(Ord. No. 2007-02, 4-9-07)