

ORDINANCE NUMBER 22

JUNK YARDS

An Ordinance to provide for licensing and regulating junk yards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles, pursuant to the authority or Public Act 246 of 1945, as amended, the same being M.S.A. 5.45 (1) ; and Public Act 12 of 1929, as amended, the same being M.S.A. 19.731-19.733 inclusive.

SECTION 1.0 APPLICATION

Any person, firm or corporation desiring to operate, establish or maintain a junk yard or place for dismantling automobiles in the Township of Eureka, shall before undertaking to establish, operate or maintain the same, first procure a license from the Township Board of said Township for that purpose.

SECTION 2.0 ISSUANCE OF LICENSE

The Township Board, after being reasonably certain that the applicant has complied with all regulations and restrictions as hereinafter provided, shall approve said application. Each person, firm or corporation, before carrying on any of the businesses set forth in Section 1 hereof, shall pay the Township Clerk a license fee for a fee as determined by the Township Board annually upon the approval of the application by the Township Board and on January 15 of each year thereafter, subject only to the limitation of Section 3 hereof. The receipt of the Township Clerk for such payments shall be deemed to be the license of such applicant for any calendar year in which such receipt is issued.

SECTION 3.0 REVOCATION AND CANCELLATION OF LICENSE

- A. In the event the Township Board is reasonably certain that any licensee under this Ordinance shall have violated any of the provisions hereof, the Township Board shall cancel and revoke the license of such licensee forthwith. Such licensee may, at any time thereafter, re-apply for a new license under the same conditions and regulations applicable to any other applicant.
- B. Note: All new junk yards after 12/16/07 must meet requirements of 2.0.79 chapter II Special Land Uses section 11.4 I prior to issuance of a license.

SECTION 4.0 LOCATION

No person, firm or corporation licensed under this act, or any other person shall operate, establish or maintain a junk yard or place for dismantling automobiles within one thousand (1,000) feet of a church, school, park, cemetery, or zoned residential district, or within fifty (50) feet of the edge of the right of way of any traveled street or thoroughfare. Any person, firm or corporation operating, establishing or maintaining a junk yard or place for dismantling automobiles shall have available for such purposes at least one acre of land.

SECTION 5.0 FENCE

Any junk yard or place for dismantling automobiles operated, established or maintained within two hundred and fifty (250) feet of the edge of the right of way of any traveled street or thoroughfare shall be enclosed by a fence no less than six (6) feet in height, constructed of a good grade of lumber so as to leave no cracks of a greater width than one-half inch, to be painted and kept painted white and to be kept in good repair and slightly condition. No advertising shall be affixed in any way upon such fence other than the advertising of the person, firm or corporation operating, establishing or maintaining such place of business. No junk, dismantled automobiles or automobiles to be dismantled shall be placed or displayed outside the boundaries of such fence.

SECTION 6.0 ABANDONMENT OF PREMISES

Any licensee under this Ordinance, or any other person, who elects to cease operating, establishing or maintaining a junk yard or place for dismantling automobiles, either temporarily or permanently, shall first remove from his premises all junk, automobiles and parts of automobiles and debris of any kind whatsoever, and shall leave said premises in a clean and orderly condition.

SECTION 7.0 ADOPTION OF STATE LAW

The provisions of Public Act 219 of 1966, as amended, the same being M.S.A 9.391 (11)-(21) inclusive, are hereby adopted by reference and no activities within the township shall be allowed which are more permissive than provided in said act.

SECTION 8.0 PENALTY

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a municipal civil infraction. The amount of fines shall be set annually by the Eureka Charter Township Board, at the discretion of the Court

and in addition to all other costs, damages and expenses provided by law. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses.

SECTION 9.0 UNCONSTITUTIONALITY

Should the provision of any section of this Ordinance be held unconstitutional, or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance which shall stand notwithstanding the invalidity of any other provisions or sections.

SECTION 10.0 POSTING OF ORDINANCE

Within five (5) days after the adoption of this Ordinance and before the same shall take effect, the Township Clerk shall post, or cause to be posted, copies of said Ordinance in three (3) conspicuous places in Eureka Township. An affidavit of said posting shall be filled with the Township Clerk.

Section 11.0 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days from the date of publication in the Greenville Daily News.

Adopted: 11/6/79
Published: 11/14/79
Effective Date: 12/14/79

Amendment Adopted: 2/13/12
Amendment Published: 2/18/12
Amendment Effective Date: 3/19/12

