



Ordinance Number 26

*Irving Township, Barry County, Michigan
Governing JUNK YARDS and The Like*

An ordinance to provide for the location in the Village of Freeport, Michigan, of any business, trade, or employment offensive to the public or dangerous to the public health, safety, and general welfare; to regulate and license such businesses, trades, and employments, and particularly to govern the establishment and maintenance of junk yards.

THE VILLAGE OF FREEPORT ORDAINS:

SECTION 1. That the council of said village shall have and does have the power to prescribe conditions and determine where any and all businesses, trades, and employments offensive to the public or dangerous to the public health, safety, and welfare shall be carried on, and in particular Junk shops, junk places, junk yards, automobile junk yards or other places where old iron, rags, papers, copper, lead, or any other metal or material or thing or substance denominated and commonly known as junk, including scrapped automobiles or automobile parts scrapped machinery or machinery parts, shall be stored, kept, or gathered together for any purpose whatsoever.

SECTION 2. This ordinance shall be construed to pertain to junk yards in particular and to any business, trade, or employment in general the operation of which entails the erection and use of structures, the use, discharge, and accumulation of matter and substance which said structures, matter, and substances are by common knowledge offensive to sight, sound, and smell and which are or may be of an noisome, toxic, infectious or inflammable nature and which are, or may create a hazard to the public health, safety and general welfare but retail stores, restaurants, taverns, recreation facilities, and service stations solely for the retail sale of petroleum products shall be and are specifically excluded from the provisions of this ordinance.

SECTION 3 No such business trade, or employment shall hereafter be carried on within the corporate limits of said village without having first obtained permission in writing from the council of said Village by resolution of said council.

SECTION 4. Each and every person, corporation, co-partnership, or firm so keeping, operating or maintaining or desiring to keep operate or maintain any such business shall file an application in a form to be prescribed by said council, for permission so to do with the village clerk, giving the name of such person, corporation, Co-partnership or firm so engaged in such business the residence or principal place of business of such person corporation, co-partnership, or firm, the place where he or they intend to carryon such business the nature and type of such business together with any other pertinent information the said council may require.

SECTION 5. Upon receipt of such application, the village council shall, within thirty (30) days, consider the same, and by resolution grant or refuse in its reasonable discretion and after a finding of the facts, the permission requested by said application; and such determination by said council shall be final. If such application be granted, a license in a form to be prescribed by said council shall be issued by the clerk of said village, subject to the provisions of this ordinance, authorizing such person, corporation, co-partnership, or firm to carryon such business, PROVIDED HOWEVER it shall be unlawful for the council of said village to grant a license to any person, corporation, co-partnership, or firm doing, or

desiring to do. such business within the corporate limits of said village, where sixty-five (65) per cent or more of the property owners within a radius of (1) one -----

SECTION 6 Said license shall designate the particular place in said village where such person, corporation, Co-partnership, or firm shall carry on said business, and no person, corporation, Co-partnership, or firm receiving said license shall carry on said business in any place other than as designated in said license.

SECTION 7. The provisions of this ordinance shall be enforced by the building inspector of the village who shall report all violations thereof to the council of said village for what action is deemed necessary prevent such violations.

SECTION 8. Any person operating without the said license or 'violating any of the terms and provisions hereof shall upon conviction thereof be liable to a fine not over One Hundred Dollars (\$100.00) or Imprisonment in the County jail for the County of Barry, Michigan, for a period of not exceeding ninety (90) days, or both said fine and Imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance.

SECTION 9. Any justice of the peace of the Village of Freeport Michigan or of the township in which said Village or some part of it is **-iwated**, shall have the authority to hear, try and determine all causes and suits arising under this ordinance and to inflict punishment for Violations thereof as provided herein.

SECTION 10. SEVERANCE CLAUSE. Sections of this ordinance shall be deemed to be severable and should any section or any provisions be declared by any court to be invalid the same shall not affect the validity of the ordinance as a whole or any part thereof.

SECTION 11. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 12. This ordinance shall take effect and be in force on the last day of September. 1956 at 12:01 A.M. o'clock and shall be known as Ordinance No. 26

YEAS: Roush. Walton. Yoder. Preston.

NAYS: None.

ABSENT: Send, Blough.

Adopted by The Council, Village of Freeport, Barry County Michigan, this 27th day of August. 1956

Charles Geiger, President
Norval Thaler, Clerk