

FOREST TWP. USED CAR SALES AND LOTS ORDINANCE

AN ORDINANCE TO LICENSE AND REGULATE USED CAR SALES AND LOTS FOR THE PURPOSE OF SALES; TO PRESCRIBE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; ORDINANCE NO. 2 OF THE TOWNSHIP OF FOREST.

THE TOWNSHIP OF FOREST, MISSAUKEE COUNTY, MICHIGAN ORDAINS:

Section 1. DEFINITIONS

1. "Used car business" means the purchase or sale by any person, firm or corporation of more than five used motor vehicles within a period of one year.
2. "Established used car lot" means land in FOREST Township maintained and/or used for the conduct of a used car business. Any established used car lot must have:
 - A. Permanent structure containing not less than 120 square feet of interior floor space to be used as business or sales office. Any new structure to be built shall conform to the MISSAUKEE COUNTY Building Code. Any existing structure shall substantially conform to standards established in the MISSAUKEE COUNTY Building Code in regard to matters connected with public health, and safety. The County Building Inspector shall cause an inspection be made to determine such compliance.
 - B. Improved grounds complying with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of used motor vehicles:
 1. Parking space for inventory shall be not less than 10 feet by 20 for each motor vehicle.
 2. Improved ground shall contain a sand base of not less than four inches covered by a minimum of two inches of coarse aggregate which conforms to Michigan State Highway Department Standards of Specifications section 702.03, sub-section 6A and 6B.
 3. The finished grade of such improved grounds shall be not less than 12 inches nor more than 36 inches above the grade of the street adjoining said premises.
 4. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress.

Section 2. LICENSE REQUIREMENTS AND PROCEDURE FOR OBTAINING LICENSE

No person, firm, or corporation shall sell, offer for sale or engage in the used car business within the Township of FOREST, MISSAUKEE County, Michigan without a license as herein provided. A separate license shall be required for each established used car lot. The Township Clerk is hereby authorized to issue a license upon submission by the applicant of a written application on forms to be provided by the Township Clerk and upon compliance by the applicant with the following requirements:

- A. Application shall be accompanied by written detailed plans showing the layout of land to be used, the portion thereof to be improved as required herein, method proposed for improvement, drainage, driveways for ingress and egress, and buildings to be built or existing buildings to be used in the operation of the established used car lot.

Township Clerk shall submit all such plans to the Township Board for their approval prior to granting of the license.

- B. Applicant must furnish evidence that he possess a valid Michigan State Used Car Dealer's License.
- C. Payment of an annual license fee in the amount of \$100.00.

All licenses issued under this ordinance shall be for a period of one year expiring on May 1 of each year. The Township Clerk is hereby authorized to issue a renewal license upon expiration of the initial license upon written application on forms to be provided by the Township Clerk accompanied by a renewal license fee in the amount of \$100.00 and a determination by the Township Clerk that the applicant is complying with all of the provisions of this ordinance. No license issued under this ordinance may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the Township Clerk and the payment of a transfer fee in the amount of \$25.00. Provided however, the transferee shall be required to furnish any and all information as may be contained in an initial application for a license. Prior to transferring any license, the Township Clerk shall determine that the established used car lot for which the license has been issued is complying with all of the provisions of this ordinance.

Section 3: REGULATIONS

Each licensee under this ordinance shall comply with the following regulations:

1. Keep his premises in a neat and clean condition. He shall not allow any used motor vehicles which are part of his inventory to encroach upon the streets and sidewalks of the township.
2. Not allow any loud or boisterous noises to emanate from his place of business, either by persons congregating thereon or by the playing of recording instruments, radios and/or television sets or other sound reproducing equipment.
3. Shall at all times keep each motor vehicle used in connection with his said business or maintained as part of the inventory thereof insured with public liability and property damage insurance in an amount not less than \$10,000.00 per person and \$20,000.00 per accident, personal injury or death liability insurance and \$5,000.00 property damage insurance.
4. Shall not engage in the used car business within FOREST Township on Sunday.
5. Shall at least once each month prepare and mail to the Commissioner of the Michigan State Police in East Lansing, Michigan, and the Secretary of State in Lansing, Michigan, a sworn statement of all purchases and sales made by the said licensee during the month immediately preceding the date of the said sworn statement. Also a copy mailed to the Forest Twp. Clerk.

Section 4: REVOCATION

Any license issued under this ordinance shall be automatically revoked upon termination, suspension, revocation, or failure to renew the licensee's Michigan State Used Car Dealer's License or upon proof by competent legal evidence that the licensee made a false statement in any application for license filed upon this ordinance. Any such license may be revoked by the Township Board in their discretion upon proof of conviction of the licensee for a violation of this ordinance.

Section 5: PENALTY

Any person, firm or corporation who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor, punishable by imprisonment in the County Jail for not more than 90 days or by fine of not more than \$ 300 (Dollars), or both such fine and imprisonment, in the discretion of the Court.

Section 6: SEVERABILITY CLAUSE

Should any portion of this ordinance adopted hereby be declared unconstitutional, illegal or of no force and effect by a Court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

Section 7: EFFECTIVE DATE

This ordinance shall take effect 30 days from the date of first publication and posting as required by law.

The foregoing ordinance was duly adopted by the Township Board of the Township of FOREST, MISSAUKEE County, Michigan at its regular meeting held JANUARY 9 th, 1989.

Eugene Pitts
Forest Twp. Clerk