

**BIG RAPIDS CHARTER TOWNSHIP**  
**USED CAR SALES AND LOTS ORDINANCE**  
**ORDINANCE NO. 46**  
**PROPOSED FOR ADOPTION**

An ordinance to license and regulate used car sales and used car lots for the purpose of sales; and to prescribe a penalty for the violation of the provisions of this ordinance, pursuant to the Used Car Lots Act, Public Act 232 of 1937, as amended (MCL 445.501, *et seq.*).

THE CHARTER TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN,  
ORDAINS:

**SECTION 1: DEFINITIONS**

1. "Used car," as used in this ordinance, means any used or second-hand motor vehicle to which a certificate of title and license plates have been issued and which motor vehicle has been registered for use on the highways by a consumer or by a dealer, and any used or second-hand vehicle, defined as any vehicle required to be titled, trailer coaches, and trailers weighing over 2,500 pounds.
2. "Used car dealer" means a person who brokers, deals or engages in the purchase, sale, lease or exchange of five (5) or more used cars within a 12-month period.
3. "Used car business" means the purchase, sale, lease or exchange by any person, firm or corporation of five (5) or more used cars within a 12-month period.
4. "Used car lot" means any place where used cars are displayed and offered for purchase, sale, lease or exchange in the open by a used car dealer or used car business.
5. "Established used car lot" means a used car lot in Big Rapids Charter Township or any land in Big Rapids Charter Township maintained and/or used for the conduct of a used car business.

**SECTION 2: LICENSE REQUIREMENTS AND PROCEDURE FOR OBTAINING  
LICENSE**

No person, firm or corporation shall operate as a used car dealer or engage in a used

car business within the Charter Township of Big Rapids, Mecosta County, Michigan, without a Township Used Car Sales License as herein provided.

A separate Township Used Car Sales License shall be required for each new used car lot.

The Township Clerk is hereby authorized to issue a Township Used Car Sales 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. The 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.

The application shall also be accompanied by evidence that he/she has obtained all applicable zoning, use, or site plan approvals/permits required to be obtained prior to operating a used car lot or business in the proposed location in the Township. The granting of a Township Used Car Sales License is contingent on obtaining all applicable zoning, use, or site plan approvals/permits.

B. Applicant must furnish evidence that he/she possesses a valid State of Michigan Class B Used Vehicle Dealer's License.

C. All Township Used Car Sales Licenses issued under this ordinance shall remain valid unless either the State License is revoked or suspended or the Township determines the lot is no longer in compliance. .

No Township Used Car Sales 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. Prior to transferring any Township Used Car Sales License, the Township shall determine that the established used car lot for which the Township Used Car Sales License is in compliance with all of the provisions of this ordinance.

#### SECTION 4: REGULATIONS

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

1. Keep his/her premises in a neat and clean condition. He/she shall not allow any used motor vehicles that are part of his/her inventory to encroach upon the streets and sidewalks of the Township.

2. Not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios and/or television sets or other sound-reproducing equipment.

**SECTION 5: REVOCATION**

Any Township Used Car Sales License issued under this ordinance shall be automatically revoked upon termination, suspension, revocation or failure to renew the licensee's State of Michigan Class B Used Vehicle Dealer's License or upon proof by competent legal evidence that the licensee made a false statement in any application for Township Used Car Sales License filed upon this ordinance. Any such Township Used Car Sales 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 6: 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 \$500, or both such fine and imprisonment, in the discretion of the court.

**SECTION 7: REPEAL**

Ordinance No. 46 of Big Rapids Charter Township, adopted \_\_\_\_\_ is hereby repealed in its entirety, such repeal to take effect upon the effective day of this ordinance. Provided however, all licenses heretofore issued under said ordinance shall be deemed to be valid until \_\_\_\_\_ at which time they shall automatically expire.

**SECTION 8: EFFECTIVE DATE**

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

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Maxine McClelland, Supervisor

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Sherri Gilbert, Clerk

**PROCEDURAL CHECKLIST**

Date of Introduction or Ordinance: August 10, 2010

Date of Posting Proposed Ordinance:

Date of Adoption:

Members Voting Aye:

Members Voting Nay:

Date of Posting Adopted Ordinance:

STATE OF MICHIGAN )

) SS.

COUNTY OF MECOSTA )

I, the undersigned, being duly elected, qualified and acting Township Clerk of the Charter Township of Big Rapids, County of Mecosta, and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Charter Township of Big Rapids herein above set forth, and that said Ordinance was duly posted on the dates indicated above by the insertion of a true copy thereof on the township's website and clerk's office with a published notice of the postings in the Pioneer, which is a duly qualified newspaper circulating within the Charter Township of Big Rapids.

In Testimony Whereof, I have here unto set my hand this \_\_\_\_ of \_\_\_\_\_ .

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Sherri Gilbert, Big Rapids Charter Township Clerk