



CITY of NOVI CITY COUNCIL

Agenda Item F
July 22, 2019

SUBJECT: Approval of Ordinance No. 19-181.04, an ordinance to amend The City of Novi Code Of Ordinances, at Chapter 27.5, "Registration and Licensing," Article III, "Secondhand Dealers and Junk Dealers," to add automated recycling kiosks to the list of regulated dealers. **SECOND READING**

SUBMITTING DEPARTMENT: City Manager

CITY MANAGER APPROVAL: AA

BACKGROUND INFORMATION: The City Council's Ordinance Review Committee (ORC) has been evaluating, with the assistance of City administration, the City's Code of Ordinances to determine whether there are any outdated or obsolete provisions that can be simply removed from the code. The draft ordinance updates the City Code to include reference to a new type of use that, for purposes of state law, falls under the category of secondhand dealers and junk dealers. A copy of the new state statute relating to automated recycling kiosks—where people recycle things such as phones, is also attached for the City Council's review. The language of the ordinance mirrors the new state law.

The ORC recommended adoption of the attached ordinance at its June 3, 2019, meeting.

RECOMMENDED ACTION: Approval of Ordinance No. 19-181.04, an ordinance to amend The City of Novi Code Of Ordinances, at Chapter 27.5, "Registration and Licensing," Article III, "Secondhand Dealers and Junk Dealers," to add automated recycling kiosks to the list of regulated dealers. **SECOND READING**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. C-_____-2019

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, CHAPTER 27.5, "REGISTRATION AND LICENSING," ARTICLE III, "SECONDHAND DEALERS AND JUNK DEALERS," TO ADD AUTOMATED RECYCLING KIOSKS TO THE LIST OF REGULATED DEALERS.

THE CITY OF NOVI ORDAINS:

Section 1. Chapter 27.5, "Registration and Licensing," Article II, "Secondhand Dealers and Junk Dealers," is hereby amended as follows:

Sec. 27.5-30. Definitions.

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

(a) - (g) Unchanged.

(g) "**Secondhand dealer:**" Any person, corporation, member of a co-partnership, or firm, or limited liability company whose business is that of purchasing, storing, selling, exchanging, and receiving secondhand personal property of any kind, or description, including the operation of automated recycling kiosks, but ~~does not include~~not including a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing or who conducts business through the use of automated recycling kiosks. "Primary business" means more than 90% of revenues derived.

(h) "**Secondhand store:**" Any place at which a second dealer buys, exchanges, collects receives, stores, or sells secondhand property, including through the use of automated recycling kiosks. Excluded from

the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing or who conducts business through the use of automated recycling kiosks. "Primary business" means more than 90% of revenues derived.

Section 2 of Ordinance. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

Section 6 of Ordinance. Adoption.

Effective Date: Publication. The provisions of this ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____th day of _____, 2019.

Robert J. Gatt, Mayor

Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___th day of _____, 2019.

Cortney Hanson, City Clerk

Adopted:
Published:
Effective: