

ODESSA TOWNSHIP ORDINANCE NO. 3

SALVAGE YARD ORDINANCE

An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within the Township of Odessa, Ionia County, Michigan, by regulating the operation of salvage yards and related or similar types of businesses within said Township; to provide rules and regulations to govern the operation of such businesses; and to provide penalties for the violation of such rules and regulations.

THE TOWNSHIP OF ODESSA, IONIA COUNTY, MICHIGAN, ORDAINS:

1.1 Title. This ordinance shall be known and cited as the Odessa Township Salvage Yard Ordinance.

1.2 Purpose. The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents, property owners and people within Odessa Township, Ionia County, Michigan, by regulating the operations of salvage yards and related or similar types of businesses within said Township; to provide rules and regulations to govern the operation of such businesses; and to provide penalties for the violation of such rules and regulations; and to make the same supersede all Ordinances or parts of Ordinances in conflict herewith.

1.3 Definitions.

(a) "Person" is defined as any person, firm, association, co-partnership, corporation or limited liability company.

(b) "Salvage material" is defined as used, secondhand or damaged goods, articles or materials of any kind including but not limited to scrap metal, fixtures, machinery or parts thereof, building materials, motor vehicles, parts of motor vehicles, accessories to motor vehicles, old tools, pipes and other equipment.

(c) "Salvage yard" is defined as a lot, parcel of land, building, structure or part thereof used primarily for the collection, accumulation, purchase, sale, exchange, storage, salvage or receipt of salvage materials as defined herein including the dismantling of automobiles, machinery, fixtures, equipment and other materials. A salvage yard or the operation thereof shall not include the sale of used motor vehicles but may include the dismantling of motor vehicles or the sale of used or secondhand motor vehicle parts or accessories. This definition shall not include automobile service or repair garages, automobile body repair shops, or other repair or service business operations involving goods, machinery or equipment owned by others than the operators of the business.

1.4 Licensure.

(a) License Required. No person shall engage in the business of operating a salvage yard without having obtained a license therefor from the Township.

(b) Application. Any person desiring to engage in the business of operation or maintaining a salvage yard and all those now engaged in said business shall make verified application in writing for said license to the Township Board. Said application shall contain the following:

- (1) The full name, age and residence of all persons with an ownership interest in the business; if a corporation or limited liability company, the name, age and address of its executive officers or managers and the principal stock holders or members;
- (2) A site plan including the legal description of the property upon which the salvage yard will be located, the dimensions thereof, the street address, and a scale drawing or plan showing the locations and sizes of all buildings, fences, and other property improvements and their relationship to property boundaries and to each other.
- (3) The name and address of the title owners of said site;
- (4) Whether any of the persons making application for a license has been previously licensed by the Township of Odessa or any other municipality or other governmental body for such a business;
- (5) Whether any of the persons making application for a license is now, or has ever been, engaged in conducting such business in any other location and, if so, the places, dates of operation, name such business was conducted under, and the reason for moving or terminating that business;
- (6) The trade name under which the business is to be conducted;
- (7) Such other information as may be required by the Township.

(c) Township Board Review. Upon receipt of any application for a junkyard license or request for change of location of an existing salvage yard, the Township Board shall review said application and may, but shall not be required to, hold a public hearing on any such application. In determining whether to grant said application, the Township Board shall consider the following:

- (1) Whether the location, use and nature of the operation will be in conflict with the primary uses of the area;
- (2) Whether the operation will be particularly objectionable to adjacent or nearby properties by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard or any other similar reasons;
- (3) Whether the operation will discourage or hinder the appropriate development and use of adjacent premises;
- (4) Whether the operation will create a traffic problem or hazard;
- (5) Any other factors relevant to the health, safety and welfare of the Township and specifically the adjoining property owners.

(d) Location Restriction. No salvage yard shall be operated, established or maintained within 1,000 feet of any church, school, public building, park, recreation area, cemetery, private residence or residential subdivision existing at the time of the filing of the application for license.

(e) Lot Size Required. No license shall be approved unless the applicant has at least five acres of land available therefor.

(f) Fee. In the event said application is granted and before a license shall be issued thereon, the applicant shall pay to the Township Treasurer the sum then established by resolution or motion of the Township Board as the annual fee for such license. All persons currently engaged in said business for the current year and all future license applications shall pay a pro rata portion of the license fee for the remainder of the year ending on the first Monday of April of the next year. In computing the time for such fractional part of the year for which a license is required, the same shall commence on the first day of the month on which said business shall commence. However, in no event shall any license fee be less than one-quarter of the yearly license fee. All licenses granted under this Chapter shall expire on the first Monday in April of the next year after the same have been granted.

(g) License Revocation. Any license issued under the within Ordinance may be revoked or suspended during the 12-month period of its issuance as a result of any violations of the terms and conditions of said license and the within Ordinance. Misrepresentation of any fact or required information on the application for licensure shall be cause for immediate revocation of license. Such revocation or suspension shall be determined by the Township Board at a regular meeting of said Board preceded by not less than seven days notice of the proposed action and the time, date, and place of the meeting at which the matter will be heard, sent to the licensee by regular mail with postage prepaid at licensee's last known address. The licensee shall have an opportunity to present any evidence or arguments on its own behalf at such time. The extent of the suspension or revocation shall be in the discretion of the Township Board and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The reasons for any suspension or revocation shall be set forth in writing and mailed to the licensee at the last known address of such licensee within eight days after the Township Board decision concerning the same.

1.7 Change of Location. No licensee shall maintain more than one location pursuant to any one license. However, said licensee may remove the location of said business to another if approved by the Township Board upon the submission of an application therefor, in writing, to the Township Clerk, specifying the building, number and street or road to which the removal is to be made. No removal shall be made until said removal is approved by the Township Board [refer to 1.4(c)].

1.8 Name of Licensee. Every person or firm licensed under this Chapter shall cause his or her name or the firm name to be printed or painted in large,

legible characters and placed over the door or entrance to said shop, office or place of business or such other place as may be approved by the Township.

1.9 Account Books. Every licensee shall at all times keep a book in which shall be legibly written in ink at the time of purchase or receiving any goods or articles or other items an accurate account or description of the goods, articles or other things purchased or received, the amount of money paid therefor, the date and time of purchase or receipt, the name and address of the person selling or leaving such items and a reasonable description of said person.

1.10 Inspection of Books. The account book required under this Chapter shall at all reasonable times be open to the inspection of the Township Supervisor or designated Township official or any law enforcement officer.

1.11 Receipt of Lost or Stolen Goods. In the event any licensee shall learn that any goods, articles or things purchased or left with said licensee have been lost or stolen, it shall be the duty of said licensee to notify the appropriate law enforcement officers, giving all necessary information relative to said goods.

1.12 Receipt of Goods. No licensee shall purchase or receive by sale, barter or exchange or otherwise any article from any person between the hours of 10:00 p.m. and 7:00 a.m. nor from any person who is intoxicated or under the influence of any controlled substance or from any person under the age of 18 years.

1.13 Regulations. No salvage yard shall be allowed to be operated or be maintained within Odessa Township unless it complies at all time with the following rules and regulations:

(a) All material located upon the premises shall be stockpiled in a neat and orderly manner or shall be contained within enclosed storage buildings except when being loaded, unloaded, and/or being actively worked upon; all material of a combustible nature shall be stored so as not to create a fire hazard and shall not be permitted to accumulate in excess, but shall be disposed of promptly.

(b) All outdoor storage or processing of materials shall be screened from adjoining property and public highways by a hedge, fence or other natural or artificial barrier. Such screening shall be constructed of natural materials or of standard building materials customarily used for fence construction, fully painted or colored an unobtrusive and subdued color and maintained in an attractive manner, shall be at least eight (8) feet high, and shall be of sufficient density and height to accomplish the substantial screening of the outdoor operations from adjoining properties and public highways.

(c) No burning of debris or surplus material shall be allowed on the premises except upon prior written approval of the Township Fire Chief of the fire district in which the premises are located.

(d) Unsalable or unusable material shall not be deposited upon the premises except where the same is so commingled with salable or usable material that it cannot easily or conveniently be previously separated off the premises.

(e) Off-street parking for customers and employees, sufficient to take care of the greatest number of vehicles which might reasonably be expected to be on the premises at any given time shall be maintained on the premises by the owner or operator.

(f) Such operation shall be equipped with a permanent office building for the transaction of business with customers and suppliers.

(g) No dangerous, unhealthy, or hazardous condition shall be allowed to exist upon the premises.

(h) Any storage buildings or office buildings located upon the premises shall be constructed according to applicable building codes; shall be constructed of standard building materials customarily designed for building construction and shall be fully painted or colored an unobtrusive and subdued color.

(i) All buildings and outdoor storage shall be so located as to minimize any adverse effect of such outdoor storage upon adjoining property owners or occupants and upon the public on adjoining highways without thereby creating undue business hardship.

(j) The salvage yard shall not operate between the hours of 10:00 p.m. and 7:00 a.m. The salvage yard shall have at least one qualified adult person on duty supervising operations on the premises during all hours that the salvage yard is open for business.

(k) None of the operations of the salvage yard, including any storage, dismantling activities or parking of vehicles, shall be conducted in a public right-of-way.

1.14 Exceptions. The Township Board may, for cause shown, grant exceptions to the licensing requirements and regulations herein contained where the spirit, intent and purpose of this ordinance will still be complied with and an unnecessary or unreasonable hardship would otherwise exist by a strict construction and enforcement of such requirements.

1.15 Cessation of Business. Any licensee who shall cease operation, for any reason whatsoever, either temporarily or permanently, shall remove from the premises all junk materials of any kind whatsoever and shall leave said premises in a clean and sanitary condition.

1.16 Tires. No salvage yard shall accept or allow the dumping or placement of tires of any kind within the salvage yard or upon the property of the salvage yard except for those tires normally on or within a vehicle legally accepted for storage within the salvage yard.

1.17 Violation Deemed Nuisance. The operation of any salvage yard in violation of the regulations contained in this Ordinance is hereby determined to be detrimental to the health, safety and general welfare of the inhabitants, property owners and people within Odessa Township, and a public nuisance.

1.18 Penalties.

(a) Any person who violates any of the regulations or provisions contained in this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as principal.

(b) Any violations of the regulations or provisions contained in this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting said violator from continuing said violation, in addition to any other relief or penalty herein set forth or allowed by law.

(c) Any person who shall violate any of the regulations or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00, imprisonment in the County Jail for a period not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the Court. Each day that a violation continues to exist shall constitute a separate offense.

1.19 Severability. Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

1.20 Repeal. All resolutions, ordinances or regulations or parts of resolutions, ordinances and regulations inconsistent or in conflict with this ordinance are repealed on the effective date of this ordinance.

1.21 Effective Date. This Ordinance shall take effect on the 10th day of November, 1994.

CERTIFICATE OF ADOPTION

At a regular meeting of the Board of Trustees of the Township of Odessa, Ionia County, Michigan, held at the Page Building, 839 Fourth Avenue, Lake Odessa, Michigan, in said Township on the 3rd day of October, 1994, at 8:00 p.m. local time,

PRESENT: Goodemoot, Tomandl, Rohrbacher, Buche, & Possehn,

ABSENT: None

The foregoing ordinance was offered by Tomandl and supported by Possehn.

