

LEE TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 2024

SALVAGE YARD ORDINANCE

An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people of the Township of Lee, Allegan 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; to provide sanctions and penalties for the violation of such rules and regulations.

THE TOWNSHIP OF LEE, ALLEGAN COUNTY, MICHIGAN ORDAINS:

Section 1. Title.

This Ordinance shall be known and cited as the Lee Township Salvage Yard Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to protect the health, safety, and general welfare of the residents, property owners and people within Lee Township, Allegan 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; to provide penalties and sanctions for the violation of such rules and regulations.

Section 3. Definition.

The term "salvage yard" shall for purposes of this Ordinance include the yard or base location of any business in which used or damaged materials of any kind, including among others, used automobiles or the parts thereof and used building materials, are acquired for salvage and for dismantling, wrecking, sorting, storing, processing, fabricating, repairing or reforming for purposes of resale, reuse or other similar disposition. The foregoing shall not, however, include automobile service or repair garages, automobile body repair shops, used car businesses, or other repair or service business operations involving goods, machinery or equipment owned by others than the operators of the salvage yard.

Section 4. Permit and permit fee.

- a. No salvage yard business shall be operated within the Township until an annual permit therefor has first been obtained from the Township Board, which permit shall not be issued until evidence has been submitted, disclosing to the satisfaction of the Township Board that the terms and conditions of this Ordinance have been or will be fully satisfied.
- b. An annual permit fee in the amount of \$50.00 or such other amount as may be established from time-to-time by resolution of the Township Board shall accompany all applications for such permit. The permit fee shall be returned to said applicant if the permit is not issued. The permit fee shall be for the purpose of assisting in defraying the cost to the Township of periodic inspections of said business to insure compliance at all times with the provisions of this Ordinance.
- c. Any license issued under this 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 the license and this Ordinance. Such revocation or suspension shall be determined by the Township Board at a regular meeting of said Board preceded by notice to the licensee of the proposed action and the time, date, and place of the meeting at which the matter will be heard. The licensee shall have an opportunity to present any evidence or arguments on behalf of the licensee 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. A licensee shall be entitled to at least seven (7) days prior notice in writing delivered to the place of business of any proposed suspension or revocation, the alleged grounds for, and the time, date and place of the meeting concerning the same. 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 (8) days after the Township Board's decision.

Section 5. Regulations.

No salvage yard shall be allowed to be operated or be maintained within the Township unless it complies at all times 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.

- 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 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.
- d. Unsaleable or unusable material shall not be deposited upon the premises except where the same is so commingled with salable or usable material that it can not 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. Each parking space shall be not less than ten feet by 20 feet in size, exclusive of driveways thereto.
- f. A salvage yard shall have 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 laws, codes and ordinances; shall be constructed of standard building materials customarily designed for building construction and shall be fully painted or colored in unobtrusive and subdued colors.
- i. All buildings and outdoor storage shall be located so 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 or dismantling activities, shall be conducted in a public right-of-way.

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

Section 6. Violation deemed nuisance.

The operation of any salvage yard in violation of this Ordinance or 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 the Township and a public nuisance.

Section 7. Notice of violation.

The owner and/or the operator of any salvage yard which is in violation of this Ordinance shall be notified in writing to correct such violation within 10 days after service of the notice. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where good-faith efforts to correct such violations are in progress. Failure to comply with such notice within the time allowed shall constitute a violation of this ordinance.

Section 8. Sanctions and enforcement.

- a. Any person, firm, association, partnership, corporation or governmental entity 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 sanction herein set forth or allowed by law.
- c. Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined in Michigan law which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$ 75.00	\$500.00
2 nd Offense within 3-year period*	150.00	500.00
3 rd Offense within 3-year period*	325.00	500.00
4 th or More Offense within 3-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lee Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. Each day that a violation exists shall constitute a separate offense.

The building official and any deputy sheriff enforcing Township ordinances pursuant to an interlocal agreement between the Township and the county sheriff are hereby authorized to issue and serve appearance tickets under this ordinance and as provided by MCL 764.9c(2).

Section 9. 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.

Section 10. Effective date.

This ordinance shall take effect thirty (30) days after its publication as required by law.

Moved by member Moore, supported by member Cericola to adopt the foregoing ordinance.

Ayes: Black, Cericola, Lowery, Moore, & Christensen

Nays: None

Absent/Abstentions: None

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Lee Township, Allegan County, Michigan, at a meeting held on May, 13, 2002. I further certify that the Ordinance was published on May, 23, 2002 in the Allegan County News. I further certify that a copy of this Ordinance was filed with the Allegan County Clerk on May, 24, 2002.

Donna L. Christensen
Township Clerk

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