

ORDINANCE NO. 502

This ordinance shall be known as the HOMER TOWNSHIP JUNK/SALVAGE YARD ORDINANCE

Section 1. PURPOSE

The Township of Homer, pursuant to Public Act 359 of 1947 of the State of Michigan, as amended, Act 12 of 1929 of the Public Acts of the State of Michigan as amended, Public Act 219 of the State of Michigan as amended, and Michigan Department of State regulations for salvage dealers ordains: An ordinance to provide for the location and regulation of junk/salvage yards in Homer Township; to protect the health, welfare and safety of the residents and property owners of the township; to provide locations for dismantling, wrecking and/or storing inoperable vehicles, appliances and machinery and/or the parts thereof as well as other discarded materials; to prescribe rules, regulations, and conditions for the operation of these sites; and to provide penalties for the operation of these sites for not complying with any regulation. This ordinance repeals all ordinances or parts of ordinances or resolutions in conflict therewith.

Section 2. DEFINITIONS

2.1 JUNK/SALVAGE YARD- a designated location in the township that engages in the business of purchasing, selling, exchanging, storing, receiving or salvaging articles of any kind including but not limited to cast iron, copper, brass, tin, or any metal, vehicles/vehicle parts, appliances/machinery, lighting/plumbing fixtures, rags, paper or any other items that may not be able to be used as originally intended.

2.2 PERSON- One or more people, firms, partnerships, corporations, or associations of people, incorporated or unincorporated, acting by themselves, or as an agent or employee. All persons who violate the terms of this ordinance whether as owner, agent or employee shall be equally liable as principals.

2.3 APPLIANCE-An instrument or device designed for a particular household use including, but not limited to, such items as stoves, refrigerators, freezers, washing machines, dryers, dish washers, fans, air conditioners, generators, or furnaces.

2.4 VEHICLE-a means of conveyance or means of carrying or transporting something.

2.5 MACHINERY-a mechanical device or mechanized piece of equipment.

Section 3. PERMITS/FEES

3.1 Items required to be submitted to the Planning Commission for each junk/salvage yard site being requested for review: a separate special use permit and associated fee, a separate site plan and associated fee, and a signed agreement that upon approval by the Township Board a bond in an amount determined by the Board will be secured for each site. A copy of all state licenses/approvals that are required for the business being requested must also be submitted with the required paperwork at the time the initial review is being requested from the township. The required township forms may be obtained from the township clerk or building inspector or secured on-line at the township website. Completed materials and fees should be returned to the township clerk who will forward them to the planning commission.

3.2 Following receipt of the required paperwork the Planning Commission members (individually) may visit the proposed site prior to reviewing the materials with the applicant. Following a meeting with the applicant, a public hearing will be scheduled after which the planning commission will make a recommendation to the township board. If the special use permit and site plan are approved by the Board the special use permit is valid only for the site requested and requires an annual review for compliance with all permit requirements. If the applicant moves the approved site or wishes to open a new site a new special use permit, site plan, and all associated fees must be initiated.

Section 4. BOND

A bond must be secured by the applicant upon approval by the Board but prior to any work being done at the approved site. The monetary amount is determined by the Board depending on the type of materials the junk/salvage yard will process/store. The amount of the fee takes into consideration the potential for soil/water contamination as well as any associated monitoring and/or site restoration that may be required. If such monitoring and/or restoration is required and the associated costs exceed the amount in the bond, the applicant will be financially responsible for the total costs. The initial bond may be transferred if the original site is moved, but a new bond will be required for each new/added site.

Section 5. CONDITIONS OF OPERATION

5.1 No junk/salvage yard shall be established within 1000 feet of the nearest right-of-way of any interstate, primary or secondary highway unless located in an approved area and screened or not visible from the public highway.

- 5.2 No junk/salvage yard shall be operated or used in such a manner so as to create a nuisance by reason of persistent noise, odors, fumes, filth, loose debris, insects, or rodents.
- 5.3 No junk/salvage yard shall be operated or used in such a manner so as to pollute the air, ground water, or waterways through such actions as burning or allowing volatile or liquid substances to escape into the environment.
- 5.4 No junk/salvage yard shall be operated so that contents that are openly stored can be readily seen from any public place, road, or right of way. All places within the junk/salvage yard where junk is openly stored shall be completely screened by totally opaque fencing compatible with the area. No stored junk shall be visible above the fencing and the fencing may not exceed 12 feet in height.
- 5.5 Only signage that identifies the business or signage allowed in the zoning ordinance where the business is located is allowed.
- 5.6 A record of all materials received/purchased by the junk/salvage yard must be kept and be available for review by applicable enforcement &/or regulatory bodies. These records must be specific as to the materials received, from whom and when received.
- 5.7 The junk/salvage yard shall only operate between the hours of 7am and 9pm
- 5.8. All persons operating under the site shall comply with all rules, regulations, and laws of the State of Michigan, and with all other governmental regulations including EPA, Public Health codes, and fire codes.

Section 6. ABANDONMENT/CLOSURE

In the event the junk/salvage yard ceases operation for more than 60 days for any reason the property is to be cleared of all contents, fencing, etc. and returned to a condition consistent with the surrounding parcels. An environmental assessment may be required by the township to determine the nature of any remaining residue. This assessment is the financial responsibility of the applicant. If the assessment &/or cleanup are not done voluntarily by the applicant within 120 days of the last day of the operation of the junk/salvage yard, the township will have the property assessed for residue (if indicated), cleared and restored. If these costs exceed the amount of the bond, the applicant will be billed for the remaining amount.

Section 7. SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional, unlawful or unenforceable by valid judgment or decree of any court or competent jurisdiction, such ruling shall not affect the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance

Section 8. ENFORCEMENT & PENALTIES

8.1 This ordinance shall be enforced by the Zoning Administrator/Designee, law enforcement personnel, or state/federal enforcement personnel.

8.2 Any person or other entity who violated any provision of this ordinance, including the property owner and person or entity in possession or control, is responsible for a municipal civil infraction as defined by Michigan laws and subject to a civil fine set by the court which shall be in addition to all other costs, attorney fees damages, expenses and other remedies as provided by law. In addition to pursuing a municipal civil infraction the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this ordinance. Each day that a violation shall continue is to constitute a separate offense. All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

11/8/11