

**ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN
SALVAGE YARD ORDINANCE
ORDINANCE NO. 210**

At a meeting of the Township Board of Odessa Township, Ionia County, Michigan, held on October 5, 2020 at 7:00 p.m., Township Board Member Bulling moved to adopt the following Ordinance, which motion was supported by Township Board Member Goodemoot:

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 activities of Salvage Yards as authorized under the laws of the State of Michigan.

ODESSA TOWNSHIP, IONIA COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE. This ordinance shall be known and cited as the Odessa Township Salvage Yard Ordinance.

SECTION 2: DEFINITIONS. The following terms shall have the meanings assigned below:

- A. "Person" means any person, firm, association, partnership, corporation, limited liability company, or other entity and includes all agents, employees, and contractors of an entity or person.
- B. "Salvage Material" is any used, secondhand, unwanted, unused, scrap, or damaged goods, materials, or items and parts thereof of any kind. Examples of Salvage Materials include, but are not limited to: (1) scrap metal; (2) motor vehicles of any kind and their parts; (3) machinery of any kind and their parts; (4) appliances; (5) pipes; (6) wire and cables; (7) construction materials; (8) tools; (9) plastics and rubber; (10) batteries; (11) rubbish and waste materials; and (12) electronics.
- C. "Salvage Yard" means a lot, parcel of land, building, structure, establishment, place of business, or part thereof used in whole or in part to collect, accumulate, purchase, sell, exchange, recycle, store, salvage, fabricate, convert, or receive Salvage Materials as defined herein. This definition does not include establishments primarily used for repair or sales of automobiles or other machinery that may incidentally conduct activities consistent with a Salvage Yard.

SECTION 3: LICENSE REQUIRED.

- A. No person may operate or maintain a Salvage Yard in the Township without obtaining a license from the Township. All persons must apply and obtain a separate license for each Salvage Yard they operate in the Township and may not use one license for more than one operation.

B. Salvage Yard License Application: To obtain a license to operate or maintain a Salvage Yard, a person must submit a Salvage Yard License Application to the Township Clerk containing the information below.

1. The trade name of the Salvage Yard.
2. The names and contact information (including addresses) of all persons with an ownership interest in the Salvage Yard. This includes all persons who have an ownership interest in an entity that will operate the Salvage Yard as well as all persons who own the land on which the Salvage Yard will be located.
3. A Salvage Yard Plan which includes: (1) the legal description of the property comprising the Salvage Yard; (2) a scale drawing showing the locations and sizes of all buildings, fences, driveways, parking lots, and property improvements, as well as the locations of property boundaries and of adjacent roadways; and (3) a narrative or other document(s) showing how the Salvage Yard will meet all of the required performance standards in this Ordinance.
4. Information that shows whether any person applying for the Salvage Yard license has ever been licensed by a municipality for a similar operation and whether any similar operation has ever violated local, state, or federal laws and regulations and an explanation regarding the basis of such violations. A person applying for the Salvage Yard license must also indicate whether they have ever had a license for a similar operation revoked (in any jurisdiction) and the basis of the revocation.
5. A written narrative summarizing the operations of the Salvage Yard, which must include the type of equipment and machinery used and hours of operation.
6. A description showing how an applicant will screen the Salvage Yard from adjoining properties to mitigate imposing nuisances on nearby properties.
7. License fee and escrow deposit.
8. Any requested waivers under this Ordinance.
9. A signed certification by all persons applying for such a license that such information included in the application is accurate and complete.
10. Any other reasonably requested information by the Township Board deemed necessary to assist its decision whether to grant the Salvage Yard license, which may include, but is not limited to, information related to the Salvage Yard's impacts on the environment, neighboring properties, and the health, safety, and welfare of Odessa Township residents and visitors.

C. Existing Salvage Yard Waiver: If the Salvage Yard existed in the Township prior to the enactment of this Ordinance and the Salvage Yard cannot meet a requirement imposed by this

Ordinance due to a practical difficulty, an applicant may request a waiver from a requirement of this Ordinance. A practical difficulty means circumstances related to the existing operations or layout of the Salvage Yard that make strict compliance with this Ordinance impossible or would otherwise impose an unreasonable burden on an applicant. To request a waiver, a person must submit as part of an initial Salvage Yard License application: (1) evidence that the Salvage Yard existed prior to the enactment of this Ordinance; (2) a statement of the requirement(s) that an applicant is seeking a waiver from; (3) information explaining why the listed Ordinance requirements impose a practical difficulty on the Salvage Yard; and (4) if the requirement is waived, any actions the applicant plans to take to meet the goals of a waived requirement. The Township Board may approve or deny waiver requests on a case-by-case basis by evaluating the existence of the practical difficulty and an applicant's alternative plans to meet the goals of a waived condition. A waiver granted under this section may contain conditions to meet the goals of this Ordinance and will remain effective if the Salvage Yard's license does not lapse. The Township Board must provide an applicant with a written explanation if it denies a waiver request.

- D. License Fee: Completed Salvage Yard applications shall be submitted to the Township Clerk accompanied by an annual license fee of twenty-five (\$25) dollars.
- E. Escrow Deposit: In addition to the required license fee, all applications for a Salvage Yard license and to renew a license must include an escrow deposit to defray the anticipated costs incurred by the Township to review an application including potential legal, planning, engineering, and other consultant costs. The Township Board may not consider an application for a Salvage Yard license before receiving a required escrow deposit. The Township Board shall determine the amount of the required escrow deposit by resolution and may update the amount required for an escrow deposit from time-to-time to more accurately reflect the Township's costs related to reviewing a Salvage Yard license application. If the Township does not use any portion of an escrow deposit to review a Salvage Yard license application, the Township must return any unused portion to an applicant/person who submitted a deposit or apply the remainder to any fees owed to the Township within 30 days of license decision. If the Township exhausts an escrow deposit to review an application, an applicant must replenish the escrow deposit upon a request from the Township Treasurer for the Township to continue to review an application.
- F. License Term: All licenses granted under this Ordinance are valid for 12 months. A person must renew a license or obtain a new license upon expiration of a prior license.
- G. Salvage Yard Renewal License Application: After obtaining an initial Salvage Yard license, a person may submit a Salvage Yard Renewal License Application in lieu of a full Salvage Yard License Application only if the person submits a Salvage Yard Renewal License Application containing the information required below sixty (60) days before the expiration of a previously-issued Salvage Yard License:
 - 1. The trade name of the Salvage Yard.

2. The names and contact information (including addresses) of all persons with an ownership interest in the Salvage Yard. This includes all persons who have an ownership interest in an entity that will operate the Salvage Yard as well as all persons who own the land on which the Salvage Yard is located.
 3. Information that shows whether any person renewing the Salvage Yard license has ever been licensed by a municipality for a similar operation and whether any similar operation has ever violated local, state, or federal laws and regulations and an explanation showing such violations. A person renewing a Salvage Yard license must also indicate whether they have ever had a license for a similar operation revoked (in any jurisdiction) and the basis of the revocation.
 4. A person must include a new Salvage Yard Plan (as required in a Salvage Yard License Application above) if they change any improvements from what is depicted and summarized on a previously submitted Salvage Yard Plan.
 5. A summary of all complaints received in the past 12 months related to the Salvage Yard's "Complaint Resolution Plan" and all actions taken to resolve such complaints.
 6. A written narrative summarizing the operations of the Salvage Yard, which must include the type of equipment and machinery used and hours of operation.
 7. License fee and escrow deposit.
 8. A description showing how an applicant will screen the Salvage Yard from adjoining properties to mitigate imposing nuisances on nearby properties.
 9. If applicable, a list of any waivers granted by the Township Board for the Salvage Yard and a narrative explaining how the applicant is using alternative means to accomplish the goals of the waived Ordinance conditions.
 10. A certification by all persons applying for such a license that such information included in the application is accurate and complete.
 11. Any other reasonably requested information by the Township Board deemed necessary to assist its decision whether to renew the Salvage Yard license, which may include, but is not limited to, information related to the Salvage Yard's impacts on the environment, neighboring properties, and the health, safety, and welfare of Odessa Township residents and visitors.
- H. Township Board Review: The Township Board shall review all applications and renewal applications for Salvage Yard licenses under this Ordinance. After the submission of a complete application, the Township Board will review the content of an application and either grant, grant with conditions, or deny a request for the Salvage Yard license or a renewal of the Salvage Yard license by resolution at a public meeting. The Township Board may require changes to be made to an application to conform to the requirements of this

Ordinance and may impose reasonable conditions upon the construction or operations of the Salvage Yard before issuing a license to protect the health, safety, and welfare of Township residents and visitors. If the Township Board denies a license or renewal application, the Township Board must provide the applicant a written explanation of the denial.

- I. Application Forms: To assist the Township Board with reviewing applications for required licenses under this Ordinance, the Township may create application forms to facilitate the organization of required application information. The Township Board must approve the format of all application forms by a majority vote. All persons applying for or renewing licenses this Ordinance must utilize any established application forms before the Township Board will review any licensure applications.

SECTION 4: PERFORMANCE STANDARDS.

- A. Mandatory Standards: All Salvage Yards within the Township must meet the following performance standards. Failure to meet any of the listed performance standards is a violation of this Ordinance.
- B. Setbacks: All operations of a Salvage Yard, including, but not limited to: (1) the locations of all buildings and structures excluding fences, driveways, and landscaping materials used as screening; (2) the storage, exchange, and processing of Salvage Materials; and (3) the operation of any equipment used to support the Salvage Yard, must be set back at least 100 feet from any property line and/or roadway.
- C. Noise: A Salvage Yard may not cause or create any unreasonable noise that would offend a neighboring or nearby property owner of normal sensitivities or disrupt the reasonable conduct of basic human activities. Violations of the Township's Noise Ordinance (Ordinance 24), as amended, shall be deemed a violation of this performance standard. To mitigate noise, the Salvage Yard shall conduct all operations that generate elevated noise levels such as crushing, recycling, or processing Salvage Materials or operating machinery in an enclosed building or in an area enclosed by a minimum eight-foot tall, solid material, privacy fence (a solid material fence that contains no gaps).
- D. Odor: A Salvage Yard may not cause or create any unreasonable odor that would offend a neighboring or nearby property owner of normal sensitivities or disrupt the reasonable conduct of basic human activities.
- E. Screening/Landscaping: All Salvage Yards shall screen portions of a property that are used to store, process, recycle, or otherwise use Salvage Materials, by: (1) enclosing the activities within a building with four walls and a roof; (2) enclosing the activities within a minimum eight-foot tall privacy fence (a solid material fence that contains no gaps); or (3) enclose the activities with an eight-foot tall fence made of any material and plantings of at least four-foot tall coniferous trees around the interior of the fence in manner deemed by the Township Board to sufficiently screen the Salvage Yard from neighboring properties (not applicable to Salvage Yards within 100 feet of a residence). Any Salvage Yard that is within 100 feet of a residence

must be screened by an eight-foot tall privacy fence (solid material with no gaps) and may not be screened by any other fence type. Fences part of a Salvage Yard may not be electrified and may not contain barbed or razor wire and their height must be measured from the working grade of the Salvage Yard. Salvage Materials stored in an area enclosed by a fence may not exceed the height of the fence unless the Salvage Yard contains coniferous trees on the interior of the fence in a way deemed by the Township Board to reasonably screen the Salvage Yard from neighboring properties.

- F. Minimum Lot Size: A Salvage Yard must be located on a minimum five (5) acre parcel.
- G. Location Restrictions: A Salvage Yard shall not be located within 1,000 feet of any church, school, public building, cemetery, private residence, or residential subdivision that exists at the time of filing an initial Salvage Yard application license. Salvage Yards may be within 1,000 feet of such uses if the licensed Salvage Yard existed before the development of the uses listed above.
- H. Complaint Resolution Plan: Salvage Yards must provide and post on an area accessible to the public a sign that notes a telephone number and e-mail address to send any complaints related to the Salvage Yard. Licensees under this Ordinance must keep a log of all complaints received over the last 18 months from the complaint sign posted on the premises (subject to inspection by the Township) and detail: (1) the date of all complaints received and a description of each complaint; (2) any action taken to resolve each complaint; and (3) any action taken to prevent future similar complaints.
- I. Hours of Operation: A Salvage Yard shall not operate or receive the delivery of materials between the hours of 8:00PM and 7:00AM each day, excluding any operations that entirely take place within an enclosed building with four walls, a roof, and all doors and windows closed, and will not generate noise outside of the building.
- J. Prohibition on Open Burning: A Salvage Yard may not burn Salvage Materials or other materials outside or in any other manner that violates local, state, or federal laws, rules, or regulations.
- K. Compliance with Applicable Laws: All persons who operate a Salvage Yard within the Township shall comply with all applicable local, state, and federal laws, rules, and regulations and must report any violations or license revocations related to the operation of a licensed Salvage Yard in the Township or a similar operation outside of the Township to the Township Board within 30 days of the violation and/or license revocation.

SECTION 5: ENFORCEMENT AND PENALTIES.

- A. Compliance Inspections: The Township Supervisor or their designee may inspect a Salvage Yard for compliance with this Ordinance during normal hours of operations if the Township gives the Salvage Yard 48 hours' notice of such an inspection.

- B. Stop Work: Upon evidence that a person licensed to operate a Salvage Yard is violating this Ordinance or a condition of their license, the Township Supervisor or their designee may issue a written Stop Work Order prohibiting the Salvage Yard from conducting any operations other than those to remedy an Ordinance or condition violation. The Township must issue Stop Work Orders by posting a written Stop Work Order on the premises of the Salvage Yard and by mailing (first-class) or personally serving the Stop Work Order to the Salvage Yard. Stop Work Orders must describe the alleged violations in writing and are valid until a licensed Salvage Yard produces evidence acceptable to the Township Supervisor or their designee that shows the Salvage Yard has remedied the alleged ordinance or license violations.
- C. License Revocation: The Township Board may begin the process to revoke, suspend, or impose additional conditions on a Salvage Yard license if a person licensed to operate a Salvage Yard in the Township: (1) violated a provision of this Ordinance or a condition of a Salvage Yard license; (2) provided false information on a Township Salvage Yard license or renewal application; or (3) had a similar license revoked or suspended in a different jurisdiction. Before revoking, suspending, or imposing additional conditions on a Salvage Yard license, the Township must either personally deliver or mail by first-class mail a Notice of License Revocation to a Salvage Yard that describes in writing the alleged conduct that caused the notice and that sets a date and place for hearing before the Township Board no earlier than seven (7) days from the date of the Notice of License Revocation where the Township Board will consider whether to revoke, suspend, or impose additional conditions on a licensed Salvage Yard. At such hearing, all person(s) who have an ownership interest in the Salvage Yard will be allowed to present evidence and testimony related to the allegations in the Notice of License Revocation subject to reasonable rules imposed by the Township Board. The Township Board may also consider all other evidence and testimony of interested persons related to the alleged violations. At the conclusion of the hearing, the Township Board shall have five (5) business days to submit a written decision to the persons with an ownership interest in the Salvage Yard that either revokes, suspends, or imposes additional conditions on the Salvage Yard license and includes the reasons for such a decision. The written decision shall be final and is subject to appeal in a court of competent jurisdiction within Ionia County, Michigan.
- D. Penalties: Any person that violates any provision of this Ordinance or fails to comply with a duly authorized Stop Work Order issued pursuant to this Ordinance, shall be deemed responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. Any individual authorized by the Township Board or by Ordinance may issue a municipal civil infraction or otherwise enforce this Ordinance or impose any of the penalties prescribed in this section. The Township may also enforce this Ordinance by any other remedies available under Michigan law including, but not limited to, injunctive relief and misdemeanor prosecution. Each day that a violation continues shall constitute a separate offense and the Township may use the penalties authorized above in combination with a Stop Work Order or actions to revoke a license as authorized in this Ordinance.

SECTION 6: ABANDONMENT. Any Salvage Yard that allows a license required under this Ordinance to expire for a period exceeding 30 days without reapplying for a subsequent license or renewal license is deemed abandoned. Abandoned Salvage Yards may not seek Existing Salvage Yard Waivers and must submit a full Salvage Yard Application and obtain a new Salvage Yard license before operating within the Township.

SECTION 7: SEVERABILITY. The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION 8: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed including the entirety of Odessa Township Ordinance No. 3, Salvage Yard Ordinance, as amended by Odessa Township Ordinance No. 14.

SECTION 9: EFFECTIVE DATE. This Ordinance shall take effect 30 days after notice of its adoption is published in a local newspaper.


ROLL CALL VOTE:

YEAS: Bulling, Williams, Rohrbacher & Goodemoot

NAYS: none

ABSENT/ABSTAIN: Doone

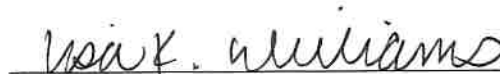
ORDINANCE DECLARED ADOPTED


David Bulling, Odessa Township Supervisor

CERTIFICATION

I, Lisa Williams, Clerk of Odessa Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 26, adopted by the Odessa Township Board on October 5, 2020. A Notice of Adoption was duly published in the Lakewood News newspaper, a newspaper that circulates within Odessa Township, on October 10, 2020. Within one (1) week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the Township Board voting, and how each member voted. I filed an attested copy of the Ordinance with the Ionia County Clerk on October 12, 2020.

Attested:


Lisa Williams, Odessa Township Clerk

**ODESSA TOWNSHIP
IONIA COUNTY, MICHIGAN
ODESSA TOWNSHIP SALVAGE YARD ORDINANCE
ORDINANCE NO. 26**

NOTICE OF ADOPTION

Please take notice that on October 5, 2020, the Township Board of Odessa Township adopted Ordinance No. 26, the Odessa Township Salvage Yard Ordinance, which regulates the activities of Salvage Yards and requires Salvage Yards in the Township to obtain a license as authorized under the laws of the State of Michigan to protect the health, safety, and general welfare of the residents, property owners, and people within Odessa Township and repeals and replaces the Township's former Salvage Yard Ordinance (No. 3) as amended by Ordinance No. 14. Copies of the Ordinance may be obtained from Lisa Williams, Odessa Township Clerk, at 3862 Laurel Drive, Lake Odessa, Michigan 48849 (please call 616-374-4237 due to COVID-19 closures).

The Ordinance has the following sections and catch lines: Section 1: Title; Section 2: Definitions; Section 3: License Required; Section 4: Performance Standards; Section 5: Enforcement and Penalties; Section 6: Abandonment; Section 7: Severability; Section 8: Repeal; and Section 9: Effective Date, which is 30 days after this publication.

Published by Order of the Township Board
Odessa Township, Ionia County, Michigan

Lisa Williams, Township Clerk
(616) 374-4237

Publication Date: October 10, 2020