

BUSINESS AND SPECIAL EVENTS

CHAPTER 45 JUNK YARD LICENSING

Section 45.1 Title. This Ordinance shall be known and may be cited as the Courtland Township Junkyard and Salvage Yard Licensing Ordinance.

Section 45.2 Intent and Purpose. The intent and purpose of this ordinance is to:

- A. Promote and protect the health, safety and general welfare of the residents and property owners in the Township.
- B. Provide for the annual licensing of junkyards and salvage yards and related or similar types of businesses within the Township.
- C. Require minimum standards applicable to the maintenance, operation and appearance of junkyards and salvage yards or similar types of business for the purpose of protecting property values.
- D. Provide for the protection of necessary and irreplaceable natural resources.

Section 45.3 Scope. The approvals required by this ordinance shall be obtained prior to the construction, installation or operation of any junkyard, salvage yard or similar type business as defined in this ordinance. The approvals required by this ordinance shall apply to existing junkyards, salvage yards and similar types of businesses. Existing junkyards, salvage yards and similar types of businesses shall be required to comply with the provisions contained herein within 180 days of the effective date of this ordinance.

Section 45.4 Exceptions. The approvals required by this ordinance shall not apply to facilities established by a state or county governmental agency or by non-profit institutional, public service or philanthropic organizations for the express purpose of serving as a collection point for the recycling of household glass, paper, metal, leaves, grass clippings or other similar recyclable household materials.

Section 45.5 Administrative Liability. No officer, agent, employee or member of the Township Board, Planning Commission or Zoning Board of Appeals shall render him or herself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence arising out of the discharge of his or her duties and responsibilities pursuant to this ordinance.

Section 45.6 Severability. This ordinance, and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are severable. If any part, sections, subsection, paragraph, sentence, phrase or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected by such judgment.

Section 45.7 Repeal. This Ordinance shall constitute a new Junkyard and Salvage Yard Licensing Ordinance for Courtland Township, Kent County, Michigan. This ordinance shall

supersede and replace the previous Junkyard Licensing Ordinance. All other ordinances or parts of ordinances in conflict with the provisions contained herein are repealed.

Section 45.8 Effective Date. This ordinance was adopted by the Township Board on December 5, 1990, and shall take effect on January 14, 1991.

Section 45.9 Definitions. The following definitions shall apply to the administration, interpretation and enforcement of this ordinance:

- A. **Junkyard, Salvage Yard and similar types of businesses (hereinafter referred to as “Yard”)** means a premises or place of business used or occupied wholly or in part for any or all of the following activities:
 - 1. Acquisition, storage, processing, dismantling, recycling, resale, wrecking, sorting, repairing, processing or fabricating of rubbish or discarded or damaged machinery of any kind for the purpose of resale, recycling or disposal.
 - 2. Storage and dismantling of wrecked or inoperable vehicles for the purpose of reselling, recycling or disposal of vehicle parts.
 - 3. Storage and dismantling of wrecked or inoperable motor vehicles as a principal use or accessory business use.
- B. **License** means a junkyard or salvage yard license as provided for in this ordinance.
- C. **Person** means any person, corporation, co-partnership, firm, either incorporated or unincorporated.
- D. **Vehicle** means any automobile, motorcycle, off-road or recreational vehicle, snowmobile, truck, truck tractor or semi-trailer as the terms are defined and known by definition and common usage.
- E. **Wrecked or inoperable vehicle** means any or all of the following:
 - 1. Any vehicle by reason of damage resulting from a vehicle accident, dismantling or disrepair, or other cause that is incapable of being propelled under its own power.
 - 2. Any vehicle that is unsafe for operation in the manner for which it was designed, manufactured or modified by reason of damage resulting from a vehicle accident, dismantling, disrepair or other cause.
 - 3. Any vehicle that is incapable of being operated in the manner for which it was designed, manufactured or modified by reason of inability to comply with any code or statute established by the state of Michigan governing the operation of such vehicle.

- F. **Discarded or damaged machinery** means any item or piece of machinery or equipment which by reason of dismantling, disrepair or other cause which is incapable of functioning or being operated in the manner for which it was designed, manufactured or modified.
- G. **Rubbish** means combustible or noncombustible solid waste, including paper, cardboard, cloth, metal containers, plastic, yard clippings, wood, glass, bedding, crockery, demolished or scrap building materials or litter of any kind.
- H. **Vehicle parts** means any component part of a vehicle as defined in this ordinance, including tires and wheels.
- I. **Board** means the Courtland Township Board of Trustees.
- J. **Clerk** means the Courtland Township Clerk.
- K. **Commission** means the Courtland Township Planning Commission.
- L. **Zoning Administrator** means the Courtland Township Zoning Administrator as defined in the Courtland Township Zoning Ordinance.

Section 45.10 License Required. From and after the effective date of this ordinance it shall be unlawful for any person to own, maintain or operate a Yard without first obtaining a license as required by this ordinance. Existing junkyards, salvage yards and similar types of businesses shall comply with the provisions of this ordinance within 180 days of the effective date of this ordinance. Licenses shall be renewed annually.

Section 45.11 Compliance with Zoning Ordinance. The approvals required by this ordinance shall not abrogate or annul Courtland Township Zoning Ordinance provisions applicable to the approval or conduct of permitted or nonconforming uses as defined and regulated therein defined in this ordinance, including tires and wheels.

Section 45.12 Licensing Procedure.

- A. A licensing application and application fee shall be submitted to the Clerk no less than 30 days prior to the renewal date. The Clerk shall forward the application to the Zoning Administrator who shall review the application for compliance with this section.
- B. Applications that do not comply with the provision of this section shall be considered incomplete and shall not be accepted. An application shall consist of the following:
 - 1. A completed application form.
 - 2. A \$25.00 application fee payable to Courtland Township.
 - 3. A site drawing at a scale of no less than 1":100' showing the following:

- a. A small scale location map showing the location of the proposed or existing yard in relationship to streets, watercourses and land uses within 1/4 mile of the proposed or existing yard. Indicate zoning districts and uses of lands.
 - b. Exterior dimensions of the parcel or tract of land under consideration.
 - c. The location of all existing or proposed buildings and structures in relationship to property lines.
 - d. The location of lakes, ponds, watercourses, wooded areas and other natural features.
 - e. The area of the parcel or tract of land to be used or intended to be used for the storage of inoperable vehicles, discarded or damaged machinery or rubbish.
 - f. The location of existing and proposed screening materials and landscaped buffers.
 - g. The location and dimensions of driveways and parking areas.
- C. The Zoning Administration shall forward completed applications to the Commission no less than 5 days prior to a regular Commission meeting.
- D. The Commission shall review the application and submit a written statement to the Board recommending that a license be issued or that the application be denied. The Board shall review the Commission's recommendation at its next regular meeting and either approve or deny the license application. Applications complying with the approval standards contained in ordinance Section 45.12 shall be approved and a license issued.

Section 45.13 Approval Standards. All proposed and existing Yards shall be continuously maintained and operated in compliance with the following standards:

- A. No yard shall be operated in a manner which creates or constitutes a nuisance in the neighborhood in which it is located or to the general public by reason of noise, odors, fumes, dust.
- B. All outdoor storage and processing of inoperable vehicles, vehicle parts, damaged or dismantled machinery and rubbish shall be completely enclosed and surrounded by a tight board or steel frame fence or wall having a height of eight (8) feet. Such fence or wall shall be equipped with gates that shall be secured and locked at all times other than normal business hours. Such fence or wall shall be maintained in good repair and in a neat and attractive manner. Inoperable vehicles, vehicle parts, damaged or dismantled machinery and rubbish shall not be stacked or stored to a height greater than that of the fence.

- C. Outdoor storage and processing of inoperable vehicles, vehicle parts, damaged or dismantled machinery and rubbish outside of the fenced area is prohibited.
- D. Burning of inoperable vehicles, vehicle parts, damaged or dismantled machinery and rubbish outside of the fenced area is prohibited.
- E. The dumping and long-term storage of waste oil, vehicle lubricants, coolants and fuel is prohibited.
- F. The Township supervisor and his or her designee shall be permitted to inspect a premises under consideration for licensing or license renewal for compliance with the provisions of this section. The Township Supervisor and his or her designee shall prepare a written report detailing compliance or noncompliance of a premises with the provisions of this section. Copies of the report shall be forwarded to the Commission and Board for consideration with the licensing application. A premises not complying with the provisions of this section shall not be licensed until such compliance is accomplished to the satisfaction of the Commission and Board.
- G. Licensees shall permit the Township Supervisor and his or her designee to inspect a licensed premises-for compliance with the provisions of this section as follows:
 - 1. 180 days following annual license renewal date;
 - 2. 30 days prior to filing a license application.

Section 45.14 Revocation. The Board may revoke a license at any time if a licensed premises does not, as determined by the Board, comply with the provisions of this ordinance. Notice of revocation of a license shall be sent by regular mail or hand delivered to the license holder. A revocation notice shall contain the reasons for revocation and the conditions under which such license can be considered for renewal.

Section 45.15 Fees. The Board shall establish by resolution a junkyard and salvage yard license application fee. The license application fee shall be paid when an application is filed with the Clerk.