

**HARTFORD TOWNSHIP
VAN BUREN COUNTY, MICHIGAN**

ORDINANCE NO. 46

ADOPTED: April 11, 2019

EFFECTIVE: May 18, 2019

An Ordinance to protect the health, safety, and general welfare of the residents, property owners, and people within the Township of Hartford, Van Buren 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 penalties for the violation of such rules and regulations; and to repeal Resolution 1 pertaining to salvage and junk yards.

**THE TOWNSHIP OF HARTFORD
VAN BUREN COUNTY, MICHIGAN**

ORDAINS:

SECTION 1
TITLE

This Ordinance shall be known as the Hartford 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 Hartford Township, Van Buren 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 for the violation of such rules and regulations; and to make the same supersede all ordinances or parts of ordinances in conflict herewith.

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, as herein defined, shall be operated within Hartford 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 complied with and the proposed business site is properly zoned for such use.
- B) An annual permit fee of \$ 25.00 shall accompany all applications for a salvage yard permit, payable to the Township of Hartford, which shall entitle the applicant to operate such a business as defined in the Township Salvage Yard Ordinance for a period of twelve months, January 1 through December 31 of that year or until the end of the Township's general licensing period for business licenses whichever shall first occur. The fee shall be returned to the applicant if the permit is not issued.

SECTION 5
REGULATIONS

No salvage yard shall be allowed to be operated or be maintained within Hartford Township unless it complies at all times with the following rules and regulations:

- A) 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. Fencing in place prior to the adoption of this ordinance shall be grandfathered in.
- B) 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.
- C) 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.
- D) Such operation shall be equipped with a permanent office building for the transaction of business with customers and suppliers.
- E) Any new storage buildings or office buildings located upon the premises shall be constructed according to the Building Code of Hartford Township.

- F) 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
VIOLATIONS 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 Hartford Township, and a public nuisance.

SECTION 7
SANCTIONS

- A. 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. 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 this 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 days prior notice in writing delivered to the place of business of any proposed suspension or revocation, the alleged grounds therefor, 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 days after the Township Board decision concerning the same.
- B. 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.
- C. 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.
- D. Any person, licensee or entity that fails to register for a license under this ordinance or who violates the terms or conditions of this ordinance or the license granted thereto shall be deemed to be in violation of this Ordinance. Violation of this ordinance

constitutes a municipal civil infraction as defined by Michigan statute and shall be punished by a civil fine on accordance with the following fine schedule:

First offense within three-year period	\$150.00
Second offense within three-year period	\$225.00
Third offense within three-year period	\$325.00
Fourth and subsequent offense within three-year period	\$500.00

Additionally, the violator shall pay costs which may include all expenses direct and indirect which the Township of Hartford has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 be ordered.

In addition to the above, the Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to enforce this ordinance.

The Township Board, whenever a violation of this Ordinance, of other laws or regulations of the State or Township pertinent to this business occurs, may hold a hearing to consider the permanent or temporary revocation of the license granted hereunder.

SECTION 8
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION 9
REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed. Resolution 1 of Hartford Township pertaining to salvage and junk yards is hereby repealed.

SECTION 10
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication of a summary hereof, after adoption by the Township Board.

Julie Sweet, Clerk
Township of Hartford

Certification

I hereby certify that the foregoing is a true and complete copy of ORDINANCE 46 HARTFORD TOWNSHIP SALVAGE YARD ORDINANCE adopted by the Hartford Township Board at a meeting held on the 11th day of April, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meeting Act, Act No. 167 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: April 12, 2019

Julie L. Sweet, Township Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the Herald Palladium, St Joseph, Michigan, on the 18th day of April, 2019.

Julie L. Sweet, Township Clerk