

Crystal Lake Township  
of  
BENZIE COUNTY, MICHIGAN  
STATE OF MICHIGAN

**ORDINANCE NO. 2014-03-11**

Originally adopted: 10-03-2006 and originally effective 11-06-2006;  
Amended and Readopted 03-11-2014 and effective 04-11-2014.

CRYSTAL LAKE TOWNSHIP JUNK ORDINANCE

AN ORDINANCE TO REGULATE AND CONTROL THE STORAGE AND DISPOSAL OF JUNK WITHIN THE TOWNSHIP; TO REGULATE THE OPERATION OF JUNKYARDS; TO PROVIDE FOR THE ENFORCEMENT HEREOF AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH.

THE TOWNSHIP OF CRYSTAL LAKE ORDAINS:

**SECTION 1: TITLE, PURPOSE AND LEGAL BASIS**

Section 1.01 This ordinance shall be known and may be cited as the “Crystal Lake Township Junk Storage Ordinance” and shall be known in the short form as the “Junk Ordinance.”

Section 1.02 The purpose of this Ordinance is to regulate and control the storage of Junk, including junk vehicles and automobiles within the unincorporated areas of Crystal Lake Township, in order to promote the public health, welfare and safety; to protect land values; provide safety for residents and transients; and the area from dangerous junk; to protect the ground water; to reduce the incidents of blight and vermin; to protect aesthetics in the Township and to regulate matters of legitimate Township concern.

This Ordinance is specifically designed to:

- A. Define certain terms used herein,
- B. Regulate the volume and conditions under which a person may store junk on one’s own land.
- C. Regulate and coordinate with the County Zoning Ordinance the use and operation of junkyards in the Township.

- D. Provide for enforcement and for a system of due process for removal of junk from one's land, and
- E. Provide other miscellaneous provisions necessary for regulation of the Township's affairs.

Section 1.03 This ordinance is enacted pursuant to Section 1 of 1945 PA 246, being MCL 41.181 et. seq. as amended.

## **SECTION II: DEFINITIONS**

Section 2.01 The following terms shall have the meanings herein assigned, unless the context clearly requires otherwise.

**ENCLOSED STRUCTURE** means a building with four walls and a ceiling which can enclose Junk Vehicles and Junk Automobiles so they are not visible from a road or from an adjacent parcel.

**FARM** means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**JUNK** means:

- A. Old scrap ferrous or nonferrous material, trash, rubber, worn tires, cloth, paper, refuse litter, unused furniture, and plastic materials;
- B. Materials from demolition, waste building materials;
- C. Any junked, abandoned, scrap, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, vehicles, farm equipment, boats, trailers, mobile homes, appliances and all other machines;
- D. But Junk shall not include:
  - 1) Automobiles and other items being held for a customer while stored on the premises of a duly licensed automobile repair or other repair facility, located in a zoning district that permits such a commercial repair facility, for such times as parts are being sought for repair of the automobile(s) or other item(s);
  - 2) Items that are classic or antique, kept and collected for the antique or collectable value; and
  - 3) Items and junk kept at a licensed Type I, II, or III landfill for purposes of disposal of solid waste, incineration, recycling and resource recovery.

JUNK AUTOMOBILE means any motor vehicle required to be licensed under the laws of the State of Michigan which is not licensed for a period in excess of sixty (60) days, except stock-in-trade if a duly licensed new or used automobile dealer, or whether licensed or not, is inoperative for a period in excess of sixty (60) days, and is visible from roads or adjacent land parcels and which because of damage or deterioration is, or threatened to become, a potential harm to the public health, welfare or safety by reason of the threat or presence of vermin or wild animals, including feral animals, leakage of fluids or gases, attractiveness to children or other similar causes, or which is missing a major component part. This shall not apply to vehicles licensed for a period of six (6) months which are stored.

MAJOR COMPONENT PART means:

- A. The engine
- B. The transmission
- C. The right or left front fender
- D. The hood
- E. A door allowing ingress or egress from the vehicle's passenger compartments
- F. The front or rear bumper
- G. The right or left rear quarter panel
- H. The deck lid, tailgate or hatchback
- I. The truck floor pan
- J. The cargo box of a pickup
- K. The frame or, if the vehicle has a unitized body, the supporting structure(s) which serve as the frame
- L. The cab of a truck
- M. The body of a passenger vehicle
- N. The window glass
- O. The wheels

JUNK YARD means a business enterprise, or a part of a business enterprise, engaged wholly or in part in the purchasing, handling, storage, resale, recycling, conversation or recovery of junk, whether a part of a licensed landfill operation or not; but shall not include any part of a landfill as defined in the Solid Waste Management Act. Junkyard shall specifically include any business or operation required to have a Class C License (used vehicle parts dealer) under MCL 257.248, MSA 9.1948, as amended.

TOWNSHIP means Crystal Lake Township.

PARCEL means any tract or contiguous tracts of land under the same ownership, whether one or more platted lots or parts of lots, as identified by a single property.

PERSON means any natural person, firm, partnership, corporation, limited liability company or other association, whether incorporated or not, or persons, and shall include all agents, servants and employees of such entity.

ROAD means a public or private road, highway, street, or right-of-way which affords the means of ingress or egress to abutting property and the means of travel past a parcel.

SOLID WASTE MANAGEMENT ACT means the Michigan Solid Waste Management Act, originally enacted as 1978 PA 641 and now Part 115 of the Natural Resources and Environmental Protection Act, MCL 324.11501, et seq. as amended.

### **SECTION III: UNLAWFUL ACTS**

Section 3.01 It shall be unlawful for any person to store or accumulate junk on any land other than that occupied by a licensed, permitted junkyard.

Section 3.02 Farms; Section 3.01 of this ordinance shall not apply to farms, provided the storage of junk on a farm meets the following standards:

- A. The junk is not visible from a road or from adjacent parcels, or so that the junk is inside an enclosed building.
- B. The junk from the operation of the farm is being kept on the premises for possible future use of the farm.
- C. The depositing of the junk is not a violation of the Solid Waste Management Act and is not a violation of any state or local law; and
- D. It is not a nuisance.

### **SECTION IV: JUNK YARDS**

Section 4.01 It shall be unlawful for any junkyard to accept business or to do business unless it is:

- A. Permitted under the Township Zoning Ordinance in effect for the area by the land use permit, special use permit, or certified as a non-conforming use;
- B. Meets all of the following conditions:
  - 1. Has a Michigan Sales License;
  - 2. If applicable to the junkyard in question, has records of sales and other transactions which are required by 1917 PA 350, the Second Hand Junk Dealers Act, being MCL 445.401 et seq. as amended;

3. If applicable to the junkyard in question, has a valid Class C (used vehicle parts dealer) license issued by the Michigan Department of State, under MCL 257.248, as amended.

C. Is constructed, designed and operated according to all the following standards:

1. It is screened from view of all roads and from all adjacent parcels by means of an opaque fence or earth beam no less than eight (8) feet in height, or another form of screening, or a combination of the above.
2. It is set back from parcel boundaries at least 100 feet, and is set back 100 feet from all road rights-of-way or 133 feet from the center line of any road, whichever is greater; or more than 1,000 feet from a school, campground or park.
3. It is designed and operated so that noise, under normal operational circumstances, does not exceed sixty (60) decibels at the boundary of the parcel and at the nearest road.
4. It is operated so that burning or incineration of junk or any other material does not result in smoke flowing, moving or passing to neighboring properties.
5. It is designed and operated to meet or exceed all applicable state and federal air pollution, surface and ground water quality standards, and is otherwise in compliance with all other state and federal laws intended for the protection of the environment's, or the protection of the public's, health, safety, welfare and morals.
6. It complies with 1966 PA 219, the Control of Junkyards Adjacent to Highways Act, being MCL 252.201 et seq. as amended; 1917 PA 350, the Second Hand Junk Dealers Acts, being MCL 445.401 et seq. as amended; the Solid Waste Management Act; and, if applicable, 1949 PA 300, licensing of dealers in vehicles, etc. being MCL 267.248, as amended.
7. No part of it is a landfill, as defined in the Solid Waste Management Act, even as an accessory function or use of the junkyard.
8. It is more than 1,000 feet from a school, campground, or park.
9. It is not otherwise adverse to the public health, safety, morals and welfare of the Township.

D. Upon the enactment of this Ordinance, the Township Board shall cause to be made an inventory of all junkyards presently in business in the unincorporated portions of the Township. Such inventory shall include a site plan for each junkyard, a general inventory of the nature and extent of the junk, and such other information as the Township Board deems relevant.

## **SECTION V: VIOLATIONS; CIVIL INFRACTIONS**

Section 5.01 This Ordinance is enforceable by all law enforcement agencies and officers authorized to act within the Township and by the Township Ordinance

Enforcement officer, all of whom are hereby designated as authorized local officials to issue civil municipal infraction citations.

Anyone, including the Ordinance Enforcement Officer, may file a complaint concerning an alleged violation of this Ordinance.

Section 5.02 Any person who violates this Ordinance shall be responsible for a municipal civil infraction and subject to penalties as follows:

- A. A person found responsible for a first offense of this Ordinance shall be fined not less than \$100.00, nor more than \$500.00, plus costs.
- B. A person who violates this Ordinance when having been previously found responsible or admitted responsibility for a violation of this Ordinance in a prior municipal civil infraction proceeding shall be fined not less than \$250.00 nor more than \$500.00, plus costs.
- C. A person who violates this Ordinance when having been found responsible or admitted responsibility on at least two prior occasions for violation of this Ordinance in a municipal civil infraction proceeding, shall be fined \$500.00, plus costs.

Section 5.03 In addition to the civil fines imposed pursuant to the section above for violation of the provisions of this Ordinance, a person who is found to be “responsible” for a municipal civil infraction shall be responsible for the payment of costs. “Costs” as used in these sections are not limited to the costs taxable in ordinary civil actions and may include all expense, direct and indirect, to which the Township has been put in connection with the municipal infraction, up to the entry of judgment, which expenses may include reimbursement for attorney fees incurred and/or other costs, damages, and expense. The Township may also file a lien against the land, building, or structure for unpaid fines and costs as provided by law.

## **SECTION VI: VIOLATIONS, CIVIL ACTION**

Section 6.01 In addition to all other remedies available under the law, the Township, or any other person adversely affected by a violation of the Ordinance, may commence an action the circuit court for Benzie County for an injunction, or other appropriate remedy, to prevent, enjoin, abate or otherwise prohibit the continuation of such violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**SECTION VII: SEVERABILITY**

Section 7.01 This Ordinance and the various parts, sections, sub-sections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section, sub-section, phrase or clause is adjudged unconstitutional or invalid, it shall not be affected thereby. The Township board hereby declares that it would have passed this Ordinance and each section, sub-section, phrase, sentence and clause therefore irrespective of the fact that any one or more sections, sub-section, phrase, sentence or clause be declared invalid.

**SECTION VIII: REPEAL**

All Ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but only to the extent of such conflict or inconsistency.

**SECTION IX: EFFECTIVE DATE**

This Ordinance shall take effect on the 30<sup>th</sup> day following its publication as required law.

Adoption of the foregoing ordinance was moved by Amy Ferris and supported by Richard Nielsen.

Voting for: Amy Ferris, Richard Nielsen, Tammy May, Sue Sullivan, Brooke Trentham.

Voting against: None

The ordinance was declared adopted by \_\_\_\_\_  
Amy Ferris, CLT Township Supervisor

And duly recorded by \_\_\_\_\_  
Sue Sullivan, CLT Township Clerk

**CERTIFICATION**

The above is a true copy of ordinance No. 2014-03-11 which was duly adopted by the Crystal Lake Township Board of Trustees at a regularly scheduled meeting held on March 11, 2014.