

Revised

**SUPERIOR TOWNSHIP
CHIPPEWA COUNTY, MICHIGAN**

ORDINANCE NO. 2

**SUPERIOR TOWNSHIP
OUTDOOR STORAGE AND RECYCLING ORDINANCE**

Adopted: June 16, 2010

Effective: July 22, 2010

An Ordinance to protect the health, safety and general welfare of the residents, property owners and people within the Township of Superior, Chippewa County, Michigan by regulating the operation of outdoor storage and recycling and similar types of businesses within Superior Township; to promote the harmonious development of the Township; to secure health and safety and freedom from pollution and contamination of air, sight, groundwater and hearing conditions; to conserve, enhance and preserve the value of lands and premises throughout the Township and to minimize conflicts and incompatibilities between uses of lands and developments; to establish rules and regulations governing the foregoing operations; to provide sanctions for the violation of the provisions of the within ordinance in the form of civil infractions; to provide for an effective date of said ordinance and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE TOWNSHIP OF SUPERIOR
CHIPPEWA COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents, property owners and people within Superior Township by regulating the operations, location and exterior appearance and neighborhood effect of such businesses; to secure the more orderly, compatibility and acceptability of such businesses for the benefit of the citizens, property owners and residents of the Township and the economic, social and orderly development of the Township.

SECTION II

TITLE

This Ordinance shall hereafter be known and cited as Superior Township Outdoor Storage and Recycling Ordinance.

SECTION III

DEFINITIONS

For purposes of this Ordinance, the terms set forth below shall have the following meanings:

A. **Storage**. Storage shall include the outdoor accumulation of used material which is fully or partially salvageable and maintained for the purpose of selling, exchanging, temporary storing, dismantling, reforming or reassembling as a continuing commercial enterprise. It does not include incidental, occasional, infrequent storage by a resident of a minimal number of household items or equipment at the resident's home site or of a farmer for a period not to exceed twelve months, or for such longer period as may be approved by the Superior Township Board to avoid unique circumstances or explained hardship.

B. **Salvageable Material**. Salvageable material does not include material that is disposable in a municipal landfill or is environmentally hazardous or injurious to health. It further does not include material that is explosive or subject to ignition and conflagration.

SECTION IV

REGULATIONS

No outdoor storage and recycling businesses shall be allowed to exist and operate within Superior Township unless such business complies at all times with the following rules and regulations and has obtained an annual license for such business from the Superior Township Board and any county or state agency requiring such license for such operations:

A. All stored material located upon the premises shall be stockpiled in an orderly and neat appearing manner or shall be contained within an enclosed storage building.

B. All outdoor storage of material hereunder and any processing thereof, shall be fully screened from adjoining property and public highways by a solid fence not less than 10 feet in height constructed and maintained in an attractive manner of uniform design and shall not be permitted to deteriorate, rust or remain in any damaged condition for a period longer than 30 days. Entrance and exit gates shall be of similar solid material and of equal height to the fence. Such gates shall remain closed except for the time necessary for entrance or exit.

C. No burning of debris or surplus material shall be allowed on the premises except upon the prior approval of the fire chief of the district in which the premises is located and under such chief's supervision and control. Such prior approval shall only be in written form from the fire chief.

D. No stockpiling of material on the premises shall exceed the height of the perimeter fence.

E. Where the material located upon the premises for subsequent sale, dismantling, reforming or reassembling for sale or exchange consists of: machinery, automobiles, trailers, mobile homes or items of a similar nature or parts thereof, all fluids therein contained shall be drained from the item to be stored into imperious containers prior to being located upon the premises to avoid any contamination of the soil or ground waters. Such fluids shall be deposited in authorized hazardous waste sites off the premises. Written records of such disposition shall be maintained by the owner or operator and available upon request from the Township for verification of the proper disposition of such fluids. In addition, owner or operator shall maintain automobile and other vehicles title records as well as bills of sale of all other machinery, equipment and metals acquired for storage, salvage or recycling and produce the same to the Township upon request of the Township to assist the Township in verifying compliance with the ordinance.

F. The storage site shall be equipped with a permanent office building for the transaction of business with suppliers and customers of the business and shall be readily available for such purposes through appropriate communication for such transactions. The building shall be constructed of standard construction materials and in a manner conforming with the State Construction Code.

G. Any processing, crushing, dismantling or repair operations shall only be conducted between the hours of 8 a.m. and 5 p.m., Monday through Friday, exclusive of any such days which consists of a recognized holiday.

H. No such operations shall be permitted on areas which are not properly zoned by the Township for such purposes.

I. No salvable, recyclable, repairable material or parts thereof shall be located outside the required fenced area which outside area shall be maintained in a neat and attractive manner.

J. None of the foregoing storage operations shall be located 1,000 feet from any existing residence, school, park, playground or recreation area nor less than 500 feet from any abutting public or private road or watercourse and must abut a state highway or county primary all-weather road.

SECTION V

LICENSING

A. Annual License. No storage and recycling operation shall be commenced or continued until it has received an annual license for such operation from the Township Board of Superior Township. Such licenses shall be for a 12-month period subject to annual renewal by the Township Board upon a showing of compliance with all the regulations of the within ordinance during the prior 12- month period. Any issued license shall be subject to revocation by the Township Board for failure to comply with the regulations contained in the within ordinance and failure to correct any noncompliance within 30 days notice from the Township of the lack of such compliance. The licensee shall have the right to object to the notice of non-compliance, in writing filed with the Township clerk within 15 days of the mailing date of such notice. Upon receipt of such notice the clerk shall schedule a hearing on the objections before the Township Board at its next regular meeting held not sooner than 15 days after such receipt. The licensee shall be given mailed notice of such hearing and be permitted to appear and present reasons for his objection. The Board's decision on the objection shall be issued within 30 days of the hearing and shall be final. If the decision is against the licensee, the license shall be revoked or not renewed, the operation shall be discontinued and the premises shall be cleared of all material stored under the previous license.

B. Application for License. Application for a license shall be submitted to the Township Board containing the following information:

1. Application to operate a storage and recycling business. a) Name, age, mailing address b) Legal description of the proposed site of the business and street address if any.
 - c) Description of the proposed business.
 - d) Addresses of the applicant for the past five years.
 - e) Occupations of the applicant for the past five years.
 - f) Size and acreage or dimensions of the site
 - g) Size and description of the office building to be located thereon.
 - h) Description of any existing structures on the site.
 - i) Requested hours of operation and days of the week to be operating. j) Size and number of signs to be erected. k) Location and size of lighting. l) Proposed drainage and utilities to be located on the site. m) Number of employees anticipated. n) Previous experience in the proposed business.

C. Exhibits. The following exhibits and information shall accompany the application:

- 1 Site plan drawn to an approximate scale disclosing: location of proposed storage and processing; location of existing or proposed office building; location, height and material of required fencing; entrances and exits to and from the fenced area; off-street parking areas for employees, suppliers and customers disclosing the number of spaces of 10'x20' each and the parking surface; and location of lighting, its design, direction and intensity.
- 2 Location of advertising or identification signs, the nature of the message thereon, the nature of sign lighting, if any, and the size of the same.
- 3 The setback distances of the storage site from the boundaries of the applicant's ownership.
- 4 Two or more written recommendations from unrelated individuals concerning the ability of the applicant to properly conduct the proposed business in compliance with all applicable laws and ordinances.

D. Township Procedure. The application, required supporting documents and the required fee shall be filed with the Township Clerk who shall review the same for compliance with the within ordinance. If the clerk finds the same to be in substantial compliance, the Clerk shall submit the same to the Township Board for initial consideration at its next regular scheduled Township Board meeting. If the Clerk does not find the same to be in substantial compliance, it shall return the application and supporting documents to the applicant with instructions to supply any and all missing information for subsequent submission to the Township Board as before indicated.

Upon receipt, the Township Board shall, at its following regular Township Board meeting, review the same and determine in its opinion if the application does comply substantially with the ordinance requirements. Upon so finding, it shall schedule a final decision on the application for the next regular Township Board meeting which shall be open for public review and discussion prior to any final decision of the Township Board. If the Township Board does not find the application in substantial compliance with the ordinance requirements, it shall return the same to the applicant for correction and subsequent submission as before indicated.

Any approval by the Township Board shall be conditioned upon completion by the applicant of all required construction and improvements of the site required by the ordinance as interpreted by the Township Board. No license shall be issued until all of such construction and improvements have been fully and accurately completed.

The decision of the Township Board shall be final and binding upon the applicant.

E. Fees. The fees for the Township Board hearing on the license application, operation and investigation of the ability of the applicant to conduct the proposed operation and to comply with the regulations required under the within ordinance shall be \$1,000 which shall be escrowed with the Township treasurer to cover any and all expenses of the Township in processing the application. Any surplus above the actual costs of the Township shall be returned to the applicant following the Board's final decision on the application. If the initial deposit is insufficient to cover the costs incurred by the Township, the applicant will be required to submit the additional sums as billed by the Township before the license is effective. Thereafter, the annual renewal license fee shall be \$25 providing no evidence exists of any failure to comply with the ordinance regulations during the preceding 12-month period. If evidence of violations exist which have not been corrected within the period allotted for such corrections, the license shall be revoked, the business terminated and all material of the business stored on the site removed.

SECTION VI

SANCTIONS FOR ORDINANCE VIOLATIONS

A. Violation. Any person or entity who violates, disobeys, neglects or refuses to comply with any provisions of this ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person or entity responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

Minimum Fine		Maximum Fine
-1 st Offense	\$ 100.00	\$500.00
-2 nd Offense	200.00	500.00
-3 rd Offense	400.00	500.00
-4 th or More Offense	500.00	500.00

Additionally, the violator shall pay costs, which shall include all expenses, direct and indirect, which the Township of Superior has incurred in connection with the municipal civil infraction. In no case, however, shall such costs be less than \$9.00.

C. Remedial Action. Any violation of this Ordinance shall also constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

SECTION VII

SEVERABILITY

Should any part of this ordinance be declared unconstitutional, illegal or of no force or effect by a court of competent jurisdiction, such portion thereof shall be severable and shall not affect the validity of any other part or portion of this ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after the publication of notice of its adoption in full or summary form. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SUPERIOR TOWNSHIP

William Beaune, Clerk 7049 S. M-221
P.O. Box 366 Brimley, MI 49715

(906) 248-5213