

HOUSE BILL No. 5769

March 5, 2002, Introduced by Reps. Hale, Garza and McConico and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 173 SALVAGE YARDS

2 SEC. 17301. AS USED IN THIS PART:

3 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY.

5 (B) "SALVAGE YARD" MEANS A JUNKYARD REGULATED UNDER 1917
6 PA 350, MCL 445.401 TO 445.408, OR 1929 PA 12, MCL 445.451 TO
7 445.453, OR OTHER LOCATION WHERE PRODUCTS OR MATERIALS ARE COL-
8 LECTED FOR RECYCLING OR PROCESSING FOR RESALE.

9 SEC. 17302. THE OWNER OR OPERATOR OF A SALVAGE YARD SHALL
10 COMPLY WITH ALL OF THE FOLLOWING:

(A) AT LEAST 75% OF THE PRODUCTS AND MATERIALS THAT ARE DELIVERED TO THE SALVAGE YARD EACH YEAR SHALL BE RECYCLED OR REMOVED FROM THE SALVAGE YARD DURING THAT YEAR.

(B) THE SALVAGE YARD SHALL BE OPEN TO INSPECTION BY THE DEPARTMENT DURING ALL NORMAL BUSINESS HOURS.

SEC. 17303. THE DEPARTMENT SHALL ESTABLISH A SALVAGE YARD INSPECTION PROGRAM TO ENSURE COMPLIANCE WITH THIS PART AND STATE AND FEDERAL ENVIRONMENTAL LAWS. THE DEPARTMENT SHALL INSPECT EACH SALVAGE YARD IN THE STATE AT LEAST ANNUALLY.

SEC. 17304. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS PART.

SEC. 17305. THIS PART DOES NOT PRECLUDE OR RESTRICT REGULATION OF SALVAGE YARDS BY LOCAL UNITS OF GOVERNMENT AS OTHERWISE PROVIDED BY LAW.

SEC. 17306. (1) A PERSON WHO VIOLATES THIS PART IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), NOT LESS THAN \$500.00 OR MORE THAN \$1,000.00.

(B) FOR A SECOND VIOLATION WITHIN A 5-YEAR TIME PERIOD, NOT LESS THAN \$1,000.00 OR MORE THAN \$2,500.00.

(C) FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN A 5-YEAR TIME PERIOD, NOT LESS THAN \$2,500.00 OR MORE THAN \$5,000.00.

(2) IN ADDITION TO THE REMEDIES PROVIDED IN SUBSECTION (1), THE ATTORNEY GENERAL MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION FOR A TEMPORARY OR A PERMANENT INJUNCTION REQUIRING

- 1 A PERSON WHO HAS VIOLATED THIS PART 3 OR MORE TIMES WITHIN A
- 2 5-YEAR PERIOD TO DESIST FROM OPERATING A SALVAGE YARD.