

Shredder Nuisance Suit Filed by Landowner and Local Charity

Plaintiffs seek to protect a vulnerable adult daycare center from a nearby disruptive shredder.

HOWELL – Matem, LLC (Matem) and Livingston County Catholic Charities (LCCC) today announced they have again filed a lawsuit against the Padnos group of companies in Livingston County Circuit Court asking for injunctive relief to stop the ongoing construction of Padnos' junk metal shredder because it does not comply with City Ordinance requirements.

The plaintiffs contend that the industrial scrap operation will be a particular nuisance to LCCC's nearby vulnerable adult care facility, causing it to lose guests (clients) and force it to depart its longtime building owned by Matem.

LCCC has provided services for vulnerable adults in the Howell community for over 20 years at its location near the corner of Lucy Road and Grand River Avenue. Among other community services, LCCC provides therapeutic and social activities to adults with dementia and other serious medical conditions, with some care services provided in a fenced yard.

The plaintiffs have repeatedly cited well-known and documented nuisances caused by industrial shredders for their neighbors, such as fires, explosions, continual loud noise, dust, odors, vibrations and other environmental hazards.

Court Previously Indicated the Shredder Does Not Meeting Zoning Standards, Left Door Open for Another Nuisance Suit.

In a 2021 lawsuit, also in Livingston County Circuit Court, the plaintiffs showed that the shredder site plan agreed to by the City of Howell and Padnos did not meet the public safety standards contained in Howell's Zoning Ordinance.

In that suit, the plaintiffs showed that much of the metal shredding processing equipment would not be enclosed, as required by the Zoning Ordinance, because it will be open at the top, with no roof to protect LCCC's vulnerable adult clients from the dangers of shredder-caused nuisances, including fire, explosions, noise, dust and other environmental hazards.

The court agreed in its' April 5, 2022 ruling that the Padnos shredder plan did not appear to meet city zoning standards. While the court dismissed that suit at the time because construction had not yet begun, it essentially said that the plaintiffs could re-file the suit once construction began.

A simple viewing of the Padnos property on Lucy Road shows that construction

of the shredder facility is well under way.

From Judge Geddis' April 5, 2022, order:

- “While the City could have granted a variance to Padnos, it chose not to do so. Instead, the parties entered into a settlement, which requires Padnos to comply with the Ordinance. The problem here is that the plans submitted by Padnos do not appear to do so.”
- “The Zoning Ordinance calls for a structure to be fully enclosed. Here, the Site Plan and attached drawings show only a partial enclosure that does not contain all of the shredding equipment.”
- “Moreover, the proposed enclosure does not qualify as a building as while it has walls, it does not have a roof.”
- “It strains logic to contend that wire mesh on top of an enclosure meets the requirement of "fully enclosed", and agreeing otherwise does not make it so.”
- “...this Court dismisses Plaintiffs' Complaint without prejudice so as to allow Plaintiffs to return to this Court should Padnos commence construction on the project, or operate the facility, in a manner that is not in compliance with the applicable Zoning Ordinance.”

The plaintiffs' new complaint, filed on July 21, 2022, asks the court to issue a preliminary injunction that enjoins Padnos from continuing to build its automobile and scrap metal shredding operation in violation of the Zoning Ordinance and a permanent injunction requiring the entire automobile and metal shredding operation be installed in a fully enclosed building with a roof in accordance with the Zoning Ordinance of the City.

“We are grateful for our landlord Matem’s leadership in this pursuit, as we care deeply about the vulnerable adult population that we serve and the many other programs we provide to the community at this site,” said Mark Robinson, Executive Director of Livingston County Catholic Charities.

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