

CHAPTER 113: JUNKYARDS

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§ 113.01 ADOPTION OF JUNKYARD ORDINANCE.

Upon the recommendation and review of the Planning Board, the Town of Enfield Board of Commissioners has been presented with a junkyard ordinance to regulate the location and operation of junkyards in the town; and the Board has reviewed the proposed junkyard ordinance at its regularly scheduled public meeting. It is resolved that the Board of Commissioners adopts and enacts the junkyard ordinance attached to this resolution.

(Res. passed 4-11-2005)

§ 113.02 PURPOSES.

The purposes of this chapter are to:

(A) Protect the citizens and residents of the zoning jurisdiction of the town from possible injury at junkyards;

(B) Preserve the dignity and aesthetic quality of the environment in the zoning jurisdiction of the town;

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(C) Preserve the physical integrity of land in close proximity to residential areas;

(D) Protect the economic interests of the citizens and residents of the zoning jurisdiction of the town; and

(E) Achieve responsible economic growth in areas of the zoning jurisdiction of the town.
(Ord. passed 4-11-2005)

§ 113.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLIANCES. Stoves, ovens, dishwashers, dryers, refrigerators, microwaves or other similar devices used for household purposes.

AUTO REPAIR SHOP OR GARAGE. An establishment which is maintained and operated for the primary purpose of making mechanical or body repairs to motor vehicles and which receives 50% or more of its gross income from charges made for repairs.

FENCE. A continuous barrier extending from the surface of the ground to a uniform height of not less than six feet from the ground at any given point and constructed of wood, steel or other metal or any substance of a similar nature and strength, with perforations or openings no larger than six square inches.

GATE. A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

HAZARDOUS MATERIAL:

(1) Solid or hazardous waste, as defined in the Federal Resource Conservation and Recovery Act of 1980;

(2) Hazardous substances, as defined in the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;

(3) Gasoline, or any other petroleum product or by-product;

(4) Toxic substances, as defined in the Federal Toxic Substances Control Act of 1976; or

(5) Insecticides, fungicides or rodenticides, as defined in the Federal Insecticide, Fungicide and Rodenticide Act of 1975.

JUNK. Old or scrapped copper, brass and other metals; junked motor vehicles; boats, manufactured homes or trailers, appliances, rubber, wood and related items that are in a deteriorated condition whose current value is substantially below the fair market value for similar items in their ordinary condition; and parts of junk.

JUNK DEALER. A person within the town engaged in buying, selling or storing junk.

JUNKED MOTOR VEHICLE. A motor vehicle as defined in § 92.01.

JUNKYARD. Any place of storage or deposit, whether or not in connection with another business, of at least 25 junked motor vehicles and other junk.

SERVICE STATION. Any establishment which is maintained and operated for the primary purpose of making retail sales of fuels, lubricants, air, water and other items for the operation and routine maintenance of motor vehicles or for making mechanical repairs, servicing or washing of motor vehicles and which receives more than 50% of its gross income from the retail sale of like items or from the making of mechanical repairs, servicing or washing of motor vehicles.

VEGETATION. Evergreen trees and plants with a minimum height of three feet when planted, and which will reach a height of at least eight feet within three years of planting and 12 feet at maturity, and which provide thick cover and concealment.

(Ord. passed 4-11-2005)

Statutory reference:

Junkyard Control Act, see G.S. §§ 136-141 et seq.

§ 113.04 JUNKYARDS PROHIBITED.

No person may operate or maintain a junkyard within the zoning jurisdiction of the town except as provided in this chapter. A person who owns or operates a junkyard on or before the adoption of this chapter may continue to operate and maintain the junkyard after the adoption of this chapter so long as: the pre-existing junkyard complies with the provisions of this chapter; and written notice is received by the Town Administrator within 30 days of the effective date of this chapter stating that the person intends to operate or maintain a junkyard pursuant to this chapter. This chapter shall not apply to legitimate service stations, auto repair shops or garages located within the appropriate commercial or industrial zoning districts.

(Ord. passed 4-11-2005)

§ 113.05 FENCING AND VEGETATION.

(A) Each junkyard shall be completely enclosed by a fence.

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(B) All junk stored in a junkyard shall be concealed entirely from public view by either a fence or, if the fence does not prevent public view, by planting vegetation that screens the junkyard entirely from public view from ground level.

(1) Vegetation that conceals the junkyard shall be planted on the exterior of the fence and as close as practical to the fence. Vegetation shall be of a type that will reach at least eight feet within three years of planting. Vegetation shall also be planted at intervals evenly spaced so that a continuous, unbroken hedgerow will exist to a height of at least 12 feet along the fence surrounding the junkyard when the vegetation reaches maturity. The height of any plants used must be at least three feet at the time of planting.

(2) Each owner or operator of a junkyard shall utilize good nursery techniques with respect to vegetation, including but not limited to proper pruning, fertilization and mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage.

(3) Dead or diseased vegetation shall be replaced at the next appropriate planting time. The fence and vegetation shall be maintained in good condition.

(C) The fence shall have at least one gate for the purpose of ingress and egress, which shall be locked during non-business hours.

(Ord. passed 4-11-2005)

§ 113.06 REGISTER OF DEALERS' PURCHASES AND SALES.

Every junk dealer shall keep a register of the name, address and driver's license number of each person from whom junk is purchased or received and to whom junk is sold. The register shall be open at all times during business hours for public examination and inspection.

(Ord. passed 4-11-2005)

Statutory references:

Similar provisions, see G.S. § 66-10

§ 113.07 APPROVAL OF TOWN BOARD FOR ESTABLISHMENT OR ENLARGEMENT OF JUNKYARD.

It shall be unlawful for any person to establish any junkyard or to enlarge any existing junkyard in the town without first obtaining from the Board of Commissioners, by at least a 2/3 vote of that body, a special permit. The Board of Commissioners may consider any relevant factor in deciding whether to issue the special permit, including but not limited to, the purposes of this chapter.

(Ord. passed 4-11-2005) Penalty, see § 113.99

§ 113.08 REMOVAL OF HAZARDOUS MATERIALS; OTHER CONDITIONS.

(A) All hazardous materials shall be lawfully removed from all junk stored in any junkyard. Except for junked motor vehicles, all doors and other entrances to appliances and other junk located in a junkyard shall be removed to allow ingress and egress, and to prevent entrapment.

(B) No junkyard shall be located within 50 feet of any drainage ditch, stream, creek or other channel of moving water.

(Ord. passed 4-11-2005)

§ 113.09 STACKING OF JUNKED MOTOR VEHICLES AND OTHER JUNK.

Junked motor vehicles shall be stacked no higher than three vehicles, but in no event shall any junk be stacked higher than the fence required under this chapter.

(Ord. passed 4-11-2005)

§ 113.10 ENFORCEMENT.

(A) The Town Administrator shall administer and enforce this chapter.

(B) Violation of this chapter shall be punished as provided in divisions (1) through (3) below.

(1) *Notice of violation.* The Town Administrator shall issue a notice of violation for any violation of this chapter. A copy of the notice of violation shall be delivered to the person or entity violating this chapter by hand delivery or by certified mail. If notice cannot be effectuated by hand delivery or certified mail, notice shall be served by posting a copy of the notice of violation on the property where the violation is occurring, with a copy of the notice of violation sent by regular mail to the person or entity to whom the notice of violation applies.

(2) *Time to remedy violation.* The person or entity violating this chapter shall have 15 days to remedy all violations set forth in the notice of violation. The 15-day period shall commence upon the earlier of the posting of the notice of violation on the property or the delivery of a copy of the notice of violation.

(3) *Extension of time for compliance.* The Town Administrator may grant a single 30-day extension of time within which the person or entity violating this chapter must comply with the notice of violation. The single extension of time may be issued based upon a written request for extension of time which sets forth valid reasons for not complying with the original 15-day period. All other extensions of time may be granted only by the Board of Commissioners.

(Ord. passed 4-11-2005)

Statutory reference:

Similar provisions, see G.S. § 160A-175

§ 113.11 APPLICATION OF CHAPTER TO OTHER LAWS.

An owner or operator of a junkyard shall comply with all federal, state and local regulations and laws. To the extent there is a conflict between this chapter and any other applicable federal, state or local law or regulation, the federal, state or local law or regulation shall apply.
(Ord. passed 4-11-2005)

§ 113.99 PENALTY.

Any person or entity violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$50 or by imprisonment not to exceed 30 days. Each day a violation continues shall be a separate offense. In addition to or in lieu of the other remedies set forth in this section, the Town Administrator may request the Town Attorney to seek appropriate relief in a court of general jurisdiction.
(Ord. passed 4-11-2005)