

## **CHAPTER 111: JUNK YARD CONTROL**

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## **§ 111.01 INTENT.**

The purpose and objectives for which this chapter is adopted and enacted are as follows:

- (A) To promote the public health, safety and general welfare;
- (B) To preserve the natural scenic beauty of areas in the vicinity of the state maintained public roads;  
and
- (C) To protect the public from health nuisances and safety hazards by controlling vectors, concentrations or volatile or poisonous materials, and sources of danger to children.

(Ord. passed 3-9-1992)

## **§ 111.02 TITLE.**

These regulations shall be known and may be cited as the Junk Yard Control Chapter of Chatham County, North Carolina and/or the Chatham County Junk Yard Chapter.

(Ord. passed 3-9-1992)

## **§ 111.03 GEOGRAPHIC COVERAGE.**

These regulations shall be in effect in all unincorporated portions of the county which are not under the jurisdiction of any municipal zoning ordinance. Any incorporated municipality may adopt this chapter by reference and make the same applicable to all areas within its respective zoning jurisdiction.

(Ord. passed 3-9-1992)

## **§ 111.04 DEFINITIONS.**

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

***AUTOMOBILE GRAVEYARD.*** Any tract of land, establishment or place of business and which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts for profit and shall include any tract of land, establishment or place of business upon which more than six motor vehicles which cannot be operated under their own power, and not being restored to operable condition, and which are kept or stored for profit for a period of 90 days or more.

***ENFORCEMENT OFFICER.*** The County Manager or his or her designee.

***ESTABLISHMENT.*** Any place, land, building or structure on which or in which there is operated or maintained a business or going concern.

***FARM.*** Singularly or jointly owned land parcel or contiguous parcels on which agricultural operations

are conducted as the primary use. Agricultural operations include, but are not limited to, cultivation or crops, the husbandry of livestock and forestry.

**GARAGE.** Any establishment or place of business which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles, and which may store as many as six motor vehicles that are not capable of being driven under their own power and are not being restored to operable condition, regardless of the length of time that individual motor vehicles are stored or kept at the property. If the **GARAGE** is listed as a business in the Tax Assessor's Office by January 31 of each year and consists of two acres, six additional motor vehicles as described herein may be allowed.

**HEALTH OR SAFETY NUISANCE.** A motor vehicle, used machinery, or other used materials may be declared a health nuisance or safety hazard when it is found to be:

- (1) A breeding ground or harbor for mosquitoes or other insects, snakes, rats or other pests;
- (2) A point of collection for pools or ponds of water;
- (3) An unsafe concentration of gasoline, oil or other flammable or explosive materials;
- (4) So located that there is a danger of the vehicle falling or turning over without assistance;
- (5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside; the overturning of heavy items; or
- (6) An unsafe concentration of car radiators, batteries or other materials that pose either a hazard of immediate or long-term environmental degradation.

**JUNK.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, refrigerators, stoves, household appliances, salvaged building materials, salvaged machinery parts, dismantled or wrecked automobiles, or parts thereof, iron and steel and other scrap ferrous or non-ferrous material.

**JUNK YARD.** Any establishment, place of business or place which is maintained, operated or used for storing, keeping, buying or selling junk, or for maintenance or operation of an automobile graveyard. An establishment or place of business which stores or keeps, for a period of 90 days or more, materials within the meaning of "junk" as defined in this section which had been derived or created as a result of industrial or commercial activity shall be deemed to be a junk yard within the meaning of this chapter. A **JUNK YARD** shall be presumed to have been created when an area of 600 square feet or more of "junk materials" are kept or stored at any given place whether for profit or not. Materials enclosed in closed buildings, solid waste containers or rolling stock (i.e., rail cars, trailer or other containerized body not intended or designed to be self propelled) are excluded.

**JUNK YARD CONTROL ACT.** G.S. §§ 136-141 through 155 (Article 12) which delegate to the State Department of Transportation the responsibility to regulate "junk yards" and "automobile graveyards" located on interstate and federal-aid primary system highways.

**JUNKED MOTOR VEHICLE.** A vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100.

**MOTOR VEHICLE.** Any vehicle or machine designed or intended to travel over land by self-propulsion.

**NEW JUNK YARD.** Junk yards established after the effective date of this chapter or existing junk yards which do not register within the specified time limit in order to meet the designation of pre-existing.

**OPAQUE.** A substance that cannot be seen through when viewed perpendicularly at the same elevation.

**ORDINANCE ADMINISTRATOR.** The County Manager or his or her designee.

**PRE-EXISTING JUNK YARD.** Junk yards in existence at the time of effective date of this chapter which register within the specified time.

**PUBLIC ROAD.** Any road or highway which is now or hereafter designated and maintained by the State Department of Transportation as part of the state highway system.

**RECYCLING CENTER.** A temporary or permanent site at which glass, aluminum cans, paper, plastic, clothes or similar materials commonly collected for recycling are collected and moved off site or kept on site in buildings, storage bins, solid waste containers, truck trailers and other rolling stock.

**RESIDENCE.** A house, an apartment, a group of homes or a single room occupied or intended for occupancy as separate living quarters for one or more humans.

**SCHOOL.** Any public or private institution for the teaching of children under 18 years of age which is recognized and approved by the State Board of Education or other appropriate licensing boards.

**SERVICE STATION.** Any establishment which is maintained and operated for the purpose of making retail sales of fuels, lubricants, air, water and other items for the operation and routine maintenance of motor vehicles, and/or for making mechanical repairs, servicing and/or washing of motor vehicles and which is used to store not more than six motor vehicles that are not capable of being driven under their own power and are not being restored to operable conditions regardless of the length of time that individual motor vehicles are stored, or kept at the property. If the **SERVICE STATION** is listed as a business in the Tax Assessor's Office by January 31 of each year and consists of two acres, six additional motor vehicles as described herein may be allowed.

**VEGETATION.** All season or evergreen **VEGETATION** shall mean evergreen trees with leaves or foliage at all seasons of the year and shall include, but not be limited to, white pine, southern pine, hemlock and spruce trees.

**UNZONED AREA.** An area where there is no zoning in effect.

**VECTORS.** An organism that carries disease-causing micro-organisms from one host to another (e.g., rats, mosquitoes and the like).

**VISIBLE.** Capable of being seen without visual aid by a person of normal visual acuity.

(Ord. passed 3-9-1992; Ord. passed 3-8-1993)

## **§ 111.05 EXEMPTIONS OF CHAPTER.**

The following uses and activities are exempted:

- (A) Bona fide service stations or garages as defined by this chapter are exempted;
- (B) All bona fide farms and farm related uses;
- (C) Recycling centers using enclosed structures or solid waste containers, bins, truck trailers and rolling stock to store materials and equipment; and
- (D) Salvage material or junk cars in enclosed buildings.

(Ord. passed 3-9-1992; Ord. passed 3-8-1993)

#### **§ 111.06 PROCEDURES; REGISTRATION AND PERMITTING.**

(A) *Registration time period.*

(1) All owners, operators or maintainers of automobile graveyards or other junk yards existing at the effective date of this chapter shall register same with the county within a period of 30 days from the effective date of this chapter.

(2) All existing automobile graveyards or junk yards that have not been registered within 30 days shall be in violation of the registration provisions of this chapter.

(3) Unless the junk yards can be documented to the satisfaction of the Ordinance Administrator as existing prior to the effective date of this chapter, they shall be considered new junk yards.

(4) If so documented, the junk yards may be considered existing junk yards, be required to register and required to comply to a revised compliance schedule listed in division (G) below.

(B) *Registration application.*

(1) Registration shall be accomplished by completing a registration application and paying a fee as established by the Board of County Commissioners. The Ordinance Administrator shall provide the necessary forms for the registration application.

(2) The registration application shall include, but not be limited to, the following information: land owner's and junk yard operator's name, address and phone numbers for business and home; state and/or local business registration number or licenses; the location of the property by township, state road number and property identification number; the total acreage of the property and approximate acreage involved in the junk yard operation. One copy of the completed signed registration application shall be submitted to the Ordinance Administrator.

(C) *Time period for permit of registered junk yards.* All existing junk yards at the effective date of this chapter, registered in accordance with division (B) above, shall be granted a period of 90 days from the effective date of registration to receive a permit. Thereafter, same shall be in violation of the permitting provisions of this chapter.

(D) *Permit required for junk yards.* No person, firm or business entity shall establish, operate or maintain a junk yard without obtaining a permit except existing junk yards specified in division (C) above. Any expansion of a junk yard, whether pre-existing or newly permitted, shall require a permit. The permit shall only be issued upon the persons, firm or business entity seeking the permit submitting a statement that

the existing or proposed junk yard does not violate any of the provisions of this chapter. The permit shall be valid unless revoked for nonconformance with this chapter.

(E) *Permit application.*

(1) Application for the permit shall be made to the Administrator of the chapter, on forms as the Administrator of the chapter shall prescribe along with a non-refundable permit fee as established by the Board of County Commissioners.

(2) The permit application shall include, but not be limited to, the information required for the registration application and a junk yard plan.

(3) The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 500 feet of junk yard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junk yard, gross acreage, preparer of plans name(s) and address(es) and phone numbers.

(4) Plans shall be at a scale no larger than one inch equals 400 feet. Three copies shall be submitted.

(5) Any expansion of a junk yard, whether pre-existing or newly permitted, shall require a permit. Procedures and standards for an expansion permit shall be those required for a new establishment.

(F) *Permitting procedure.* The completed permit application and junk yard plan shall be submitted to the Ordinance Administrator. The Administrator shall have the authority to either approve or deny the permit. A denied permit may be resubmitted within 14 days from the date of denial without incurring an additional permit fee.

(G) *Permitting compliance.*

(1) Existing junk yards shall conform to the approved permit and standards of this chapter in accordance with the graduated compliance schedule listed as follows, the times listed are from the date of plan approval:

- (a) Meet § 111.07(B)(6) within one month;
- (b) Meet § 111.07(B)(7) within two months;
- (c) Meet § 111.07(B)(5) within three months;
- (d) Meet § 111.07(B)(8) within 36 months;
- (e) Meet § 111.07(B)(9) within 36 months; and
- (f) Meet § 111.07(B)(4) within 36 months.

(2) Junk yards discovered after the registration time period of division (A) above, but documented to the satisfaction of the Ordinance Administrator as being in existence prior to this chapter, shall conform to applicable portions of this chapter. The time period of compliance shall run from the date of discovery. Divisions (G)(1)(a) through (c) above shall have the time period listed but divisions (G)(1)(d), (e) and (f) shall have a time period of 12 months.

(3) New junk yards shall conform to the approved permit and standards of this chapter prior to the establishment of the use as a junk yard on the property. Failure to meet the requirements of the approved

permit and standards of this chapter shall be a violation of the compliance provisions of this chapter.

(Ord. passed 3-9-1992; Ord. passed 3-8-1993) Penalty, see § 111.99

### **§ 111.07 GENERAL STANDARDS.**

Junk yards in existence on the effective date of this chapter shall conform to the requirements of this chapter as applicable.

(A) *Pre-existing junk yards.* Pre-existing junk yards shall meet the requirements specified in divisions (B)(4) through (10) below.

(B) *New junk yards.* The following criteria shall be applicable to new junk yards. All junk yards which are established from and after the effective date of this chapter, shall meet the following standards:

(1) Not be located closer than 500 feet to a pre-existing church, school, day care center, nursing home, skilled health care facility, hospital, public buildings, public recreation facilities or residence (excluding residence of the owner or his or her agent);

(2) Be situated on a parcel of at least four acres excluding rights-of-way that is undivided by public road right-of-way or public dedication;

(3) The driveway or entrance roadway may not be located closer than 30 feet from any side property line;

(4) Have a minimum setback to any required fence and/or vegetative screening from the front, side and rear property lines excluding road right-of-way of at least one foot, and at least 20 feet from the main traveled portion of a public state maintained street or highway; unless greater screening is provided by the fence or vegetation being closer to the travel way and the Department of Transportation allows or recommends the location of the screening;

(5) All buildings, (excluding existing buildings and equipment and operations therein) equipment, operation, (except roads) and junk shall not be situated within 50 feet of an intermittent or continuously flowing stream as designated on the most recent United States Geological Survey maps. Same shall not be closer than 100 feet to the bank of a river or an intermittent or continuously flowing stream that is located within one-half mile of a river;

(6) All buildings, (except existing building and equipment and operations therein) equipment, operations (except roads) and junk shall not be situated within ten feet of the front property lines excluding road rights-of-way and at least 30 feet from the main traveled portion of the public state maintained road or highway;

(7) All buildings, (except existing building and equipment and operations therein) equipment, operations (except roads) and junk shall not be situated within ten feet of the front, side and rear property lines;

(8) Fence a minimum of four feet in height by either a woven or welded wire (14-gauge minimum) fence or chain link fence if within 500 feet of an occupied structure (excluding a residence occupied by the junk yard owner and/or operator). The fence shall be situated between the junk yard and the occupied structure. The fence shall extend a minimum of 500 feet along the boundary of the junk yard. The distance

from the occupied structure to the farthest point of the fence shall not be less than 500 feet unless the junk yard is completely enclosed by the fencing. When fencing is required there shall be screening according to division (B)(9) below. Screening is not required when natural vegetation is a depth of 150 feet and a minimum of six feet in height between the junk yard and the occupied structure. Fencing requirements shall not apply if a residence or occupied structure is constructed on land purchased after the junk yard is registered or permitted, if not otherwise applicable;

(9) (a) Property that is visible from the public state maintained road shall provide an opaque fence along the road side of the property or install vegetation that provides a continuous all season opaque screen at least six feet in height within four years of planting or setting the vegetation. Vegetation not less than two feet in height at the time of planting shall be planted. Screening is not required when natural vegetation is a depth of 150 feet and a minimum of six feet in height between the junk yard and the occupied structure. Additional screening may not be required along the road when natural vegetation exists that provides an all season opaque screening. If natural vegetation is reduced below the depth or effectiveness specified the property shall be required to be screened according to this chapter. This does not exempt the property from being fenced as specified in division (B)(8) above. Screening requirements shall not apply if the residence or occupied structure is constructed on land purchased after the junk yard is registered permitted, if not otherwise applicable.

(b) Where due to distance, topography or other site considerations the Enforcement Officer determines from field investigation that the height screening required would not screen the junk yard, the screening may not be required along the applicable property lines.

(c) Vegetation that serves as screening shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow (without gaps or open spaces) will exist to a height of at least six feet along the length of the fence surrounding the junk yard or automobile graveyard, the vegetation shall be maintained as a continuous, unbroken hedgerow for the period the property is used as a junk yard.

(d) Each owner, operator or maintainer of a junk yard shall utilize good husbandry techniques, such as pruning, mulching and proper fertilization, so that the vegetation will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

(10) All junk and/or inoperable motor vehicles shall be kept within the confines of the fence and vegetative screening at all times unless in motion by transport to or from the site; and

(11) On-site traffic areas shall be provided and arranged in a manner to provide adequate areas to prevent backward movement onto the state maintained road.

(Ord. passed 3-9-1992; Ord. passed 3-8-1993) Penalty, see § 111.99

## **§ 111.08 MAINTENANCE.**

(A) All junk yards shall be maintained to protect the public from health nuisances and safety hazards.

(B) The County Health Department may inspect each junk yard to determine that no vectors are present. Should vectors be identified, the owner/operator/maintainer shall submit satisfactory evidence to the Health Department and Planning Department that vectors have been eliminated.

(C) Failure to comply with this section may result in revocation of permit as well as other penalties and remedies for violation as provided for in § 111.09 below.

(Ord. passed 3-9-1992) Penalty, see § 111.99

### **§ 111.09 ENFORCEMENT PROVISIONS.**

(A) The County Manager or his or her designee shall enforce this chapter. He or she may call upon other agencies as necessary to assist in enforcement of this chapter.

(B) In addition, whenever the County Manager or his or her designee receives a complaint alleging a violation of this chapter, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been or will be taken.

(C) The owner, tenant or occupant of any building or land or any part thereof and agent or other person who participate in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(D) The following procedure shall apply upon discovery of a violation.

(1) If the Administrator finds that any provisions of this chapter is being violated, he or she shall send a written notice to the person responsible for the violation, indicating the nature of the violation, ordering the action necessary to correct it, and advising the violator of the number of days or months within which the violation shall be corrected. If applicable, the violator shall be informed of his or her right to appeal to the Board of Adjustment.

(2) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this section.

(Ord. passed 3-9-1992)

### **§ 111.10 RELIEF; VARIANCE; DECISION.**

(A) *Relief.* Unless otherwise listed, appeals from the specific provisions of this chapter and appeals from any ruling of the Ordinance Administrator shall be submitted to the County Board of Adjustment within ten days of receipt of adverse action or ruling.

(B) *Variance.*

(1) The Board of Adjustment may authorize upon appeal in specific cases the variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty or extreme hardship, and so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done, the variance may be granted in the individual case of extreme hardship upon a finding by the Board of Adjustment that the following conditions exist:

(a) There are extraordinary and exceptional conditions pertaining to the particular place or property in question because of its size, shape or topography that are not applicable to other automobile

graveyards and junk yards governed by this chapter;

(b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other operators of other automobile graveyards and junk yards governed by this chapter;

(c) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other operators of automobile graveyards or junk yards governed by this chapter;

(d) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;

(e) The special circumstances are not the result of the action of the applicant; and/or

(f) The variance requested is the minimum variance that will make possible the legal use of the land in question.

(2) In granting a variance the Board of Adjustment shall make findings that the requirements of this section have been met. The Board of Adjustment shall make a finding, and written notice of the decision shall be prepared and furnished to the applicant. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(C) *Decision.*

(1) Decision of the Board of Adjustment may be appealed. The petition for the writ of certiorari must be filed with the County Clerk of Superior Court within 30 days after the later of the following occurrences:

(a) A written copy of the Board of Adjustment's decision has been filed in the Office of the County Planning Department; and

(b) A written copy of the Board of Adjustment's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for the copy at the hearing of the case.

(2) A copy of the petition writ of certiorari shall be served upon the county through the Office of the County Manager.

(Ord. passed 3-9-1992)

**§ 111.99 PENALTY.**

Penalties and remedies for violations shall be as follows.

(A) Any violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor, punishable by a fine or imprisonment, not to exceed 30 days, as provided in G.S. § 14-4.

(B) Any violation of the provisions of this chapter or a failure to comply with any of its requirements

shall subject the offender to a civil penalty of \$50 per day for the first violation. If the same violation occurs on the same property within six years after the initial violation is remedied, a civil penalty in the amount of \$100 per day shall automatically apply. If the same violation occurs on the same property within six years after the second occurrence of the violation is remedied, a civil penalty in the amount of \$200 per day shall automatically apply. If the same violation occurs on the same property within six years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of \$500 per day shall automatically apply. For the purposes of assessing civil penalties each day the violation continues shall be considered a separate and distinct offense. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt.

(C) This chapter may also be enforced by any appropriate equitable action. The remedy may include court order of abatement as part of a judgment in the cause. The abatement order may include removal of junk from illegal junk yards and other actions required to make the property comply with the provisions of this chapter at the owner's expense.

(D) Each day that any violation continues after final notification by the Administrator that the violation exists may be considered a separate offense for purposes of the penalties and remedies specified in this section.

(E) Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter. In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in G.S. § 153A-123, including, but not limited to, all appropriate equitable remedies provided in G.S. § 153A-123(d) and particularly the remedy of injunction and order of abatement as allowed in G.S. § 153A-123(e).

(F) Any building permit(s) associated with the property that has the junk yard permit may be revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed by the County Board of Commissioners. Before the permit(s) may be revoked, the permit recipient shall be given ten days' written notice of intent to revoke any relevant permit. The notice shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations before the County Manager. If any relevant permit is revoked, the Ordinance Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

(Ord. passed 3-9-1992; Ord. passed 3-8-1993; Ord. passed 3-19-2007)