

# **ORDINANCE REGULATING AUTOMOBILE GRAVEYARDS AND JUNKYARDS IN PERSON COUNTY**

## **SECTION ONE. TITLE**

This ordinance may be known and may be cited as "Ordinance Regulating Automobile Graveyards and Junkyards in Person County."

## **SECTION TWO. PURPOSE AND OBJECTIVES**

The purposes and objectives for which this ordinance is passed are as follows:

- A. To protect the citizens and residents of Person County from possible injury at automobile graveyards and junkyards.
- B. To preserve the dignity and aesthetic quality of the environment in Person County.
- C. To preserve the physical integrity of land in close proximity to residential areas.
- D. To protect the economic interests of the citizens and residents of Person County.
- E. To achieve responsible economic growth in areas of Person County that is compatible with growth and development in nearby areas.

## **SECTION THREE. DEFINITIONS**

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not directory.

**Automobile Graveyard:** The term and definition of "automobile graveyards" shall apply to commercial establishment only. Any commercial establishment tract of land which is maintained, used, or operated for storing, salvaging, keeping, buying and selling two or more wrecked, scrapped, ruined, dismantled or inoperable motor vehicles and which are not being restored to operation, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. The phrase "automobile graveyard" as used herein shall be interpreted to include all service stations and repair shops which have on their premises four or more wrecked scrapped, ruined, dismantled or inoperable motor vehicles which are not being restored to operation.

**Chronic Offender:** A person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

**Establishment:** Any commercial operation.

**Housing Unit:** A house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters.

**Junk:** The term “junk” shall mean scrap metal, rope, rags, batteries, paper, trash, rubber, debris, tires, waste, or junked, dismantled or wrecked motor vehicles or parts.

**Junkyard, Commercial:** Any establishment or place of business which is maintained, operated, or used for storing, salvaging, keeping, buying or selling junk or for maintenance or operation of an automobile graveyard, but shall not include garbage dumps or county-operated sanitary landfills.

**Junk Yard, Residential:** A residential parcel of land in which 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.

**Public Road:** Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, and any road which is a neighborhood public road as defined in North Carolina General Statute Section 136-67.

**Repair Shop:** An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles and which receives fifty percent or more of its gross income from charges made for such repairs.

**School:** Any public or private institution for teaching which is recognized and approved by the State of North Carolina.

**Service Station:** An 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 and/or for making mechanical repairs, servicing and/or washing of motor vehicles, and which receives more than fifty percent of its gross income from the retail sale of this aforesaid items and/or from the making of mechanical repairs, servicing and/or washing of motor vehicles.

**Solid Fence:** A continuous, opaque, unperforated barrier extending from the surface of the grounds to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

**Vegetation:** Evergreen trees, including, but not limited to, white pine and/or hemlock, evergreen shrubs or plants with a minimum height of six (6) inches when planted, which reach a height of at least six (6) feet of maturity.

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

**Wire Fence:** A continuous, translucent, perforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of wire, steel or nylon mesh, or any substance of a similar nature and strength, but which perforations or openings are no larger than sixteen (16) square inches.

#### **SECTION FOUR. PROHIBITIONS**

All junkyards or automobile graveyards except as hereinafter provided shall be unlawful after the effective date of this Ordinance for any person, firm or corporation, or other legal entity to operate or maintain in any unincorporated area of Person County a junkyard or automobile graveyard without first obtaining a license to operate same and without maintaining screening from view as hereafter described.

#### **SECTION FIVE. SCREENING**

All junkyards or automobile graveyards operated and/or maintained in Person County shall be fenced at all points where said fencing shall be necessary to screen the view of the junkyard or automobile graveyard from public roads and public uses (schools, playgrounds, recreational properties, etc.) on adjacent properties, and where such screening is not already substantially provided by natural vegetation, or other natural barriers. The fence shall be wire fence used in conjunction with vegetation or a solid fence. If a wire fence with vegetation is used, the plants shall be planted on at least one side of the wire fence and as close as practical to said fence. Vegetation shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow will exist to a height of at least six (6) feet along the links of the wire fence surrounding the junkyard or automobile graveyard when the vegetation reaches maturity. Each owner, operator or maintainer of a junkyard or automobile graveyard to which this Ordinance applies and who chooses to use vegetation with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time, and the fence, or wire fence and vegetation, shall be maintained in good condition. All wrecked, scrapped, ruined, dismantled or inoperable motor vehicles and junk shall be stored behind the required screening.

#### **SECTION SIX. APPLICABILITY**

This Ordinance applies to all residential zoned properties and uses and applies to junk as defined in this Ordinance from an adjacent property containing a public use, and/or road. This Ordinance also applies to all commercial and industrial uses and to junk and abandoned vehicles as defined in this Ordinance that are visible from a public road or public use (school, playground, recreational properties, etc.).

#### **SECTION SEVEN. EXCEPTIONS**

- A. Ordinance shall not apply to residential properties that are not visible from public uses (schools, playgrounds, recreational uses, etc.) on adjacent properties or from public roads.
- B. Ordinance shall not apply to service stations or repair shops unless said service station or repair shop has inoperable motor vehicles which are not being restored to operation.
- C. This ordinance shall not apply to bona fide farm properties as defined by NCGS §153A-340.
- D. Automobile graveyards or junkyards existing at the effective date of this Ordinance which would be in violation of this Ordinance shall be granted a grace period of four (4) months to conform to

the provisions of this Ordinance, thereafter same shall be subject to the provisions of this Ordinance.

- E. The provisions of this section shall not apply to material which is being used in connection with a construction activity taking place on the premises provided the construction activity associated with an active permit is being diligently pursued, and complies with applicable ordinances and codes.

#### **SECTION EIGHT. LICENSING**

Any person, firm, corporation, or other organization desiring to operate, or continue to operate a junkyard or automobile graveyard after the adoption of this Ordinance shall be required to obtain a license to operate same from the Person County Planning Director. The application for license shall be in writing and contain such information that, in the discretion of the Director, is needed to guarantee that the operation is, or shall be, in compliance with the provisions of this Ordinance.

The County Director shall issue a license to operate to each applicant, upon payment of a license fee of \$50.00, unless it appears that said operation is or shall be in violation of this Ordinance.

The County Director shall have the authority to revoke the license or any person, firm, corporation, or other organization who fails to comply with the provisions of this Ordinance.

#### **SECTION NINE. SIGNAGE**

All commercial junkyards and automobile graveyards operated and maintained in Person County shall be identified at the entrance to said facility by a sign not less than fifteen (15) square feet in area.

#### **SECTION TEN. ENFORCEMENT PROVISIONS**

Complaints shall be submitted by residents and investigated by the Planning Department; upon determining that a violation of this ordinance exists, the Planning Department shall issue written notice to the registered owner, lessee, or person(s) entitled to the land. The notice shall be provided by registered or certified mail. The notice shall:

1. Identify the property and describe the violation located thereon to be removed, abated, or remedied;
2. State that the costs incurred by the county for chronic offenders to remove, abate, or remedy the violation, if not paid by the violator(s), shall be subject to NCGS §153A-140.2 for chronic offenses.
3. If the violation is not removed, abated or remedied within thirty (30) days of the initial notice, and an appeal has not been filed, a second notice shall be issued. The notice shall:
4. Direct that the violation be removed, abated or remedied;
5. Advise that the property must comply by a specific date thirty (30) days from the certified mailing date of the second notice;

6. Advise that civil penalties, are being assessed daily as of the date of the second notice; and,
7. Advise that in addition to any and remedies above, the Person County Board of Commissioners may request criminal penalties (for commercial properties) in accordance with this Ordinance.
8. Chronic Violators. Pursuant to NCGS §153A-140.2, the county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Penalties and remedies for violations shall be as follows:

- A. Criminal Penalty (shall only apply to parcels used for commercial purposes). Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a junkyard or automobile graveyard in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$50 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said automobile graveyard or junkyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.
- B. Civil Penalties. In addition to the criminal sanctions as herein set out, as provided by North Carolina General Statute 153A-123 (d), and (e), this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction or by injunction and order of abatement.
- C. The Person County Planning Director shall be responsible for enforcing the provisions of this Ordinance and may take informal measures to procure compliance from any person deemed by the Director or his/her representative to be in violation. If such informal measures fail to cause compliance, the Director shall be responsible for obtaining warrants or instigating civil remedies for violations of this Ordinance.
- D. This Ordinance may be enforced by an appropriate equitable remedy, including temporary restraining order, preliminary injunction and permanent injunction was issued by a court of competent jurisdiction.
- E. Pursuant to NCGS §153A-140.2, the County Planning Director may issue annual notice to chronic violators. The County may notify a chronic violator of the County's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

F. Appeals

- 1.) Unless the owner is a chronic violator, an owner who has received a violation notice under this section may appeal from the order to the Board of Commissioners by giving written notice of appeal to the Planning Department and to the clerk within 10 days following the day the order is issued. In the absence of an appeal, the order of the Planning Director is final.
- 2.) Without exception, the County may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail.

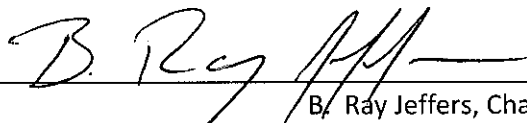
**SECTION ELEVEN. EFFECTIVE DATE**

This ordinance shall become effective the 9th day of March 2020 and supersedes any previous versions of the ordinance.

Adopted, this, the 6<sup>th</sup> day of April 2015.

Revised, this, the 9<sup>th</sup> day of March 2020.



  
B. Ray Jeffers, Chairman  
Person County Board of Commissioners

Attested by:

  
Brenda B. Reaves, Clerk to the Person County Board of Commissioners