

**BOSQUE COUNTY COMMISSIONERS COURT
ORDINANCE# 6**

An ordinance relating to the licensing regulation and control and screening of junkyard, automobile graveyards, salvage yards, recycling business and storage yards; providing for the imposition of civil penalties and the prosecution and punishment of certain related offenses.

BE IT ENACTED BY THE BOSQUE COUNTY COMMISSIONERS COURT, STATE OF TEXAS

Section 1 - Definitions:

- 1.) "Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more wrecked vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.
- 2.) "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.
- 3.) "Junkyard" means a place where a business that owns junk and is operated to store, buy or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.
- 4.) "Recycling business" means a business primarily engaged in the in business of:
 - a. Converting metal or other material into raw material products that have:
 - 1.) Prepared grades; and
 - 2.) An existing or potential economic value
 - b. Using raw material products described by paragraph (A) in the production of new products; or
 - c. Obtaining or storing metal or other material for a purpose described by paragraph (A) or (B).
- 5.) "Wrecked Vehicle," means a discarded, junked, damaged, or worn-out automotive vehicle that is not in a condition to be lawfully operated on a public road.

- 6.) "Automotive Storage Yard" means an outdoor place where a wrecked vehicle, junked vehicle or a vehicle is being stored for economic gain.

Section 2 - License

- 1) To protect the public health, safety, or welfare, all junkyards, automobile wrecking, salvage yards and automobile storage yards in the unincorporated areas of Bosque County must be licensed by the County.
- 2) A fee of \$100 is required for the issuance or renewal of a license. (renewal yearly)
- 3) The License to operate the junkyard automotive wrecking, salvage yard and automotive storage yard is valid only at a location approved by the Commissioners Court.
- 4) The applicant will run an ad in the local and county newspaper, that an application has been filed with the Bosque County Commissioners Court for a license to operate a junkyard, automobile graveyard, savage yard, recycling business and or a storage yard. The public notice will run for two consecutive weeks with a date from the County Judge of a public hearing with the Commissioners Court.
- 5) The applicant must contact all property owners with property that borders or would be affected by the issuance of a license.

Section 3 - Applicant:

A.) an applicant for license must file an application with the County Clerk on a form provided by the County Commissioners.

B.) The application must include:

- 1.) The name, address, date of birth, telephone number and driver's license number of the applicant.
- 2.) The exact location of the proposed junkyard, automotive wrecking, salvage yard and storage yard.
- 3.) A sworn statement that:
 - a.) all information in the application is complete and accurate;
and

b.) the applicant has read this ordinance and that the junkyard, automotive wrecking, salvage yard and storage yard comply with the requirements of this ordinance.

4.) Any other information the County Judge may require to identify the property and the participants.

C.) Applicant shall include with each application:

1.) The nonrefundable fee of \$100.

2.) Proof, in a form acceptable by the County Judge, that the applicant has liability insurance.

3.) A diagram of the junkyard, automotive wrecking, salvage yard, and storage yard oriented to the north showing the dimensions of the junkyard, automotive wrecking, salvage yard and storage yard, the location of any perimeter fencing, any residence on the premises and the nearest public road or residence not on the premises.

4.) Photographs of the screening required under this ordinance.

5.) A copy of the assumed name affidavit under which the junkyard, automotive wrecking, salvage yard and storage yard will be conducting business.

6.) Proof that the public notice was ran in the newspaper.

7.) Proof that all property owners have been contacted.

8.) Proof of all permits on licensing has been received from the Texas Commission on Environmental Quality, and has complied with the requirements of the clean air act, and Storm Water Act.

D.) The County shall deposit each license fee received to the credit of the county general fund.

E.) The County Clerk is requested to maintain in his/her office, a file showing the applicants name, address, date of application and date of termination (renewal).

Section 4 - Screening

1.) A person who operates a junkyard, automotive wrecking, salvage yard and storage yard in Bosque County shall screen the junkyard, automotive wrecking, salvage yard and storage yard to at least six feet in height along the portion of the junkyard, automotive wrecking, salvage yard and storage yard that faces a public road or residence. The person may screen the yard by any appropriate means, including:

- a.) A fence
- b.) Natural objects
- c.) Plants

2.) Junkyard, automotive graveyards, salvage yard and storage yard which are required to be screened by the owner under the provisions of the Highway Beautification Act and this property shall be screened as here in after provided.

a.) Before any screening is commenced, the plans and specifications therefore shall first be submitted by the owner of the junkyard, automotive graveyard, salvage yard and storage yard to, and approved by, the Bosque County Judge.

b.) such screening shall be located outside the highway right of way in such manner as not to interfere in any way with traffic along any highway or roadway.

c.) Such screening may be accomplished by means of earthen beams, plantings, fences, walls, or other durable materials provided they are effective in blocking the view of such junkyard, automotive graveyard, salvage yard and storage yard from the motoring public traveling in a standard size automobile along the main traveled way of the controlled highway. The height and density of such screening shall be such as to effectively block such view at all times.

d.) Such screening shall be so designed and landscaped as to cause the junkyard, automotive graveyard, salvage yard and storage yard area to be inconspicuous and pleasing to the motoring public in accordance with the purpose of the Highway Beautification Act.

e.) A person may not accumulate or stack materials associated with a junkyard, automotive graveyard, salvage yard and storage yard higher than eight feet above ground level.

Section 5 - Location:

- 1.) A junkyard, automotive wrecking, salvage yard, and storage yard may not be located within 50 feet of the right of way of a public street or state highway.
- 3.) A junkyard, automotive wrecking, salvage yard and storage yard may not be located within 1000 feet of a residence.

Section 6 - Penalties:

- 1.) A person commits an offense if the person violates this ordinance by:
Operating a junkyard, automotive wrecking yard, salvage yard or a storage yard without a license.
 - a.) Operating a junkyard, automotive wrecking yard, salvage yard or a storage yard, which is not screened as prescribed herein.
 - b.) Operating a junkyard, automotive wrecking yard, salvage yard or a storage yard after the license for the location has been revoked or expired.
 - c.) Operating a junkyard, automotive wrecking yard, salvage yard or a storage yard within 50 feet of the right of way of a public street or state highway or within 1000 feet of a residence.
 - d.) Operating a junkyard, automotive wrecking yard, salvage yard or a storage yard in a location other than the location for which a license has been issued.
- 2.) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 and not more than \$500.
- 3.) Each day a violation continues is a separate offense.

Section 7 - License Suspension:

- 1.) A license may be suspended for 60 days if the junkyard, automotive wrecking yard, salvage yard or storage yard is not screened as required herein. If the junkyard, automotive wrecking yard, salvage yard or a storage yard is not screened at the conclusion of the 60-day suspension, the license for the owner and location may be permanently revoked.
- 2.) To allow location to become a nuisance and screening not being maintained.

- 3.) Location not being kept cleaned, mowed or maintained.
- 4.) Refused to let county or state official inspect at a reasonable time.
- 5.) Let any license or permit expire for more than 30 days.
- 6.) More than three violations of the Health and Safety Code in one year.

Section 8 - Inapplicability:

- 1) This ordinance does not apply to:
 - a.) a recycling business
 - b.) a junkyard, automotive wrecking yard, salvage yard or a storage yard located entirely in a municipality and subject to regulation by the municipality; or
 - c.) a junkyard, automotive wrecking yard, salvage yard or a storage yard used only for farm equipment.

AMENDMENT NO. 1

Be it further stated and understood that existing junk yards, automobile graveyards, salvage yards, recycling business and storage yards, shall have a period of six (6) months, from the date of adoption of this ordinance, to come into compliance with the regulations contained within this ordinance.