

**AN ORDINANCE REGULATING THE OPERATING OR
MAINTENANCE OF AUTOMOBILE GRAVEYARDS
AND JUNKYARDS IN SCOTLAND COUNTY, N.C.**

WHEREAS, North Carolina General Statute Section 153A-121(a) provides that "a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances;" and

WHEREAS, this Board declares that automobile graveyards and junkyards in close proximity to public roads and residential areas are patently offensive to the dignity and aesthetic quality of the environment in Scotland County unless at least partially obstructed from view by appropriate fencing or combination of fencing and vegetation; and

WHEREAS, this Board declares that automobile graveyards and junkyards in close proximity to public roads, rural volunteer fire departments, churches, residential areas, and schools may pose a threat to the health, safety, and welfare of the citizens, residents and school children in close proximity thereto unless sufficiently enclosed and surrounded by a substantial fence or wall, due to the hazard of fire, the possible entrapment of children and others in areas of confinement such as vehicle trunks and compartments and the possibility of injury to persons coming into contact with metal, glass, or other rigid materials; and

WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of automobile junkyards and graveyards in the unincorporated areas of Scotland County.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County of Scotland, as follows:

SECTION ONE. TITLE

This ordinance may be known and may be cited as "Ordinance Regulating the Operation or Maintenance of Automobile Graveyards and Junkyards in Scotland County."

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 of a type that will reach a minimum height of six (6) feet at maturity, and 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. The height of any plants used must be at least twelve (12) inches at the time of planting. Each owner, operator or maintainer of a junkyard or automobile graveyard to which this ordinance applies, and who chooses to use vegetation with the wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to proper pruning, proper fertilization, 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 removed at the next appropriate planting time, and the fence, or wire fence and vegetation, shall be maintained in good condition.

The fence, or wire fence, shall have at least one (1) gate for the purpose of ingress and egress.

SECTION SIX. NONCONFORMING AUTOMOBILE GRAVEYARDS AND JUNKYARDS EXISTING AT EFFECTIVE DATE OF ORDINANCE:

Automobile graveyards or junkyards existing at the effective date of this ordinance shall conform to the provisions of this ordinance within thirty-six (36) months after the date of its adoption or the same shall be in violation of this ordinance.

SECTION SEVEN. VIOLATION SHALL BE A MISDEMEANDOR:

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 \$50.00 or by imprisonment not to exceed thirty 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.

The Scotland County Department of Inspections and Zoning shall be responsible for enforcing the provisions of this Ordinance and may take informal measures to procure compliance from any person deemed by the Department or its representatives to be in violation. If such informal

Fence: A continuous, opaque, unperforated 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 dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Garage: 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.

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.

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

Junk: Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous materials.

Junkyard: An establishment which is maintained, operated, or used for storing, keeping, buying or selling junk regardless of the length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard, but shall not include waste disposal/recycling areas and county operated sanitary landfills.

Motor Vehicle: All machines designated or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Public Roads: 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, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined in North Carolina General Statute Section 136-67, which definition is incorporated into this Ordinance by reference.

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.

Residential Area: For the purposes of this ordinance, a junkyard or automobile graveyard shall be within a residential area if there are twenty-five (25) or more housing units within a geographical area comprised of a one-fourth (1/4) mile wide strip contiguous and parallel to the external boundary lines of the tract or real property on which said automobile graveyard or junkyard is located.

School: Any public or private institution for the teaching of children and/or adults, which is recognized and approved by the North Carolina Board of Education.

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

Substantial: Ample to satisfy the purpose for which an object is intended.

Vegetation: Evergreen trees, including, but not limited to, white pine, evergreen shrubs or plants, including but not limited to red tipped photina, wax myrtle, with a minimum height of twelve (12) inches when planted, which reach a height of at least six (6) feet at 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 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. "Hog wire" fencing and or poultry net fencing or that fencing of a similar type shall not be included within this definition.

SECTION FOUR. PROHIBITIONS

Except as hereinafter provided, it 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 Scotland County a junkyard or automobile graveyard within one hundred yards of the center line of any "public road", within one quarter mile of the nearest property line of any "school", rural volunteer fire department or church, or within any residential area.

Automobile graveyards or junkyards shall comply with the North Carolina State Building Code, Volume V, Fire Prevention.

SECTION FIVE. EXCEPTIONS:

A. This Ordinance shall not apply to service stations, repair shops or garages.

B. Junkyards or automobile graveyards may be operated and/or maintained without restrictions if, and providing that, said junkyard or automobile graveyard shall be fenced at all points where said fencing shall be necessary to screen the view of the yard by persons standing within the right of way of public roads, or on school, rural volunteer fire-departments or church property or within any residential area, and where such screening is not already substantially provided by natural vegetation, or other natural barriers; provided however, that nothing contained herein shall require fencing, as defined herein, which would not be substantially effective to create a barrier to the view of the public to said junkyard or automobile graveyard. The fence shall be a fence or wire fence, as described under "DEFINITIONS" and, if a wire fence, shall be used in conjunction with vegetation as defined above.

SECTION TWO. PURPOSES AND OBJECTIVES

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

A. To protect the citizens and residents of Scotland County from possible injury at automobile graveyards and junkyards.

B. To preserve the dignity and aesthetic quality of the environment in Scotland County.

C. To preserve the physical integrity of land in close proximity to residential areas.

D. To protect and enhance the economic viability and interests of the citizens and residents of Scotland County whom have made substantial financial investments in homes, businesses, and industry in Scotland County.

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: Any premise which is maintained, used, or operated solely or in part for storing, keeping, buying, and selling two or more wrecked, scrapped, ruined, dismantled or inoperable motor vehicles which are not being restored to operation, regardless of the length of time which individual motor vehicles are stored, or kept at said establishment.

Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animal or chattels.

Establishment: Any place, land, building or structure on which or in which there is operated or maintained a business or going concern for profit.

measures fail to obtain compliance, the Department, through its representative, shall be responsible for obtaining warrants for violation of this Ordinance.

SECTION 8. SEVERABILITY OF THIS ORDINANCE

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance held invalid and the invalidity of any section, sentence, clauses or parts of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this ordinance in any other instance.

SECTION NINE. EFFECTIVE DATE:

This Ordinance shall become effective upon its adoption.

Adopted this the 5th day of August, 1996.

ATTEST: Annie J. Kohner
Clerk, Board of Commissioners

SCOTLAND COUNTY BOARD OF COMMISSIONERS

BY: J. J. Withers
Chairman