

PULASKI COUNTY, GEORGIA

**AN ORDINANCE RELATING TO JUNKYARDS, JUNKED MOTOR
VEHICLES AND THE STORAGE THEREOF.**

PURPOSE AND EXEMPTIONS.

- (a) The Pulaski County Commissioner desires to set out fair and comprehensive rules and regulations governing the creation, maintenance, and screening of junkyards in Pulaski County in order to protect the health, safety and welfare of the citizens of Pulaski County, and specifically to protect property values, prevent ground contamination, keep the county attractive and promote prosperity, economic well-being and the general welfare of the county, and to protect the public from health or safety nuisances.
- (b) Junkyards in existence prior to December 20, 2010, shall be considered "grandfathered" as nonconforming and shall be allowed to continue "as is" without expansion unless they are found to constitute a health or safety nuisance, in which case owners or operators shall have six months to cure the nuisance.
- (c) Bona fide service stations or garages are exempted from this article, except that those with recently added unlicensed vehicles (brought on site after December 20, 2010) which remain on site in excess of 12 months, shall be required to adhere to the provisions of this article.

DEFINITIONS.

The following words, terms, or phrases when used in this article, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

Automobile graveyard or salvage yard means any establishment or place of business which is maintained, used or operated for storing, buying, keeping or selling wrecks, scrap, ruined or dismantled motor vehicles or motor vehicle parts.

Garage means 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 seven 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 such property.

Governing authority means the Pulaski County Commissioner.

Health or safety nuisance in this article means a motor vehicle; used machinery or other used material is 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) A point of 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;

(5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials; or

(6) A point of concentration of car radiators, batteries or other materials that pose either immediate or long term environmental degradation.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, appliances; waste or junk; dismantled or wrecked automobiles or parts thereof; iron, steel or metal material of any type.

Junkyard means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard or salvage yard, and the term shall include garbage dump and sanitary fields. The term "junkyard" shall include, any salvage yard, scrap yard, or related use, including any use involving the storage or disassembly of wrecked or non functioning automobiles, trucks, or other vehicles; storage, baling or otherwise dealing in scrap metal, bones, animal hides, commercial/residential appliances, used paper, used cloth, used plumbing fixtures and used brick, wood, or other building materials. Any person or entity that maintains, keeps, stores, or owns five or more junked motor vehicles or when 600 square feet or more of junk materials are kept or stored at any given place or on any property. Such uses shall be considered junkyards whether or not all or part of such operations are conducted in conjunction with, addition to, or accessory to,

other uses of the premises. Materials enclosed in closed buildings, solid waste containers or rolling stock are excluded.

Junked motor vehicle means a vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked; and/or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.

Residence means 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.

Scenic view means an open, unobstructed or long-distance view abounding in natural beauty, including, but not limited to views of mountains, lakes, rivers, forests, historic areas.

Service station means 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 seven 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 such property.

Vegetation means all-seasonal or evergreen vegetation and 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.

Visible means capable of being seen without visual aid by a person of normal acuity.

GENERAL REGULATIONS.

(a) All junkyards which are established, modified, or expanded from and after the effective date of the ordinance from which this article derives, and that have been issued a current valid permit to establish, operate or maintain a junkyard, as provided in this article, shall meet the following standards:

(1) Be situated on one contiguous parcel that is undivided by any public road right-of-way.

(2) Have a minimum setback to the fence from front property lines, excluding a road right-of-way of at least 20 feet, and from the side and rear property lines, excluding a road right-of-way, of at least 10 feet.

(3) Not be located closer than 500 feet to either a preexisting residence, church, school, day care center, nursing home, skilled health care facility, hospital, public buildings, or public recreation facilities.

(4) Be screened as provided herein, so as to not be visible from any residence (except a residence used in conjunction with the junkyard) or from the main-traveled way of any public road, at any season of the year, and

(5) At a minimum, the junkyard shall be entirely surrounded by an opaque fence (including gates) at least eight feet in height, or by either a woven or welded wire (14 gauge minimum) or chain link

fence a minimum of six feet in height (installed with opaque screening material) and with vegetation that provides a continuous all-seasons opaque screen at least eight feet in height within five years of planting or setting such vegetation. The fence shall remain in good repair. The fence and vegetation shall surround the minimum area necessary for the junkyard to not be visible. Vegetation not less than four feet in height at the time of planting shall be planted on the outbound side of the fence, contiguous to, and not more than 12 feet from the fence. 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 eight feet along the length of the fence surrounding the junkyard or automobile graveyard. The vegetation shall be maintained as a continuous, unbroken hedgerow for so long as the property is used as a junkyard. Existing vegetation may be approved if it adequately meets the purposes of this article.

(6) All operations, equipment, junk and/or inoperable motor vehicles shall be kept within the confines of the fence at all times unless in motion by transport to or from the site.

(7) All junkyards shall be maintained to protect the public from health nuisances and safety hazards

(8) All junkyards in existence as of December 6, 2010, which wish to expand, change, or modify in any way, either as to number of cars, appliances, amount of junk materials, or area used as a junkyard, shall be subject to all fencing and screening requirements

of this chapter. There will be an exception to fencing and screening requirements for grandfathered junkyards if the existing screening is adequate.

PERMIT AND REGISTRATION REQUIRED.

(a) It shall be unlawful for any person, company, entity, group or organization to establish, build, create, maintain, or substantially expand or modify any junkyard in the county without having first obtained a permit, except those that were properly grandfathered as nonconforming in accordance with the provisions of this chapter.

(b) Upon proper application and compliance with all requirements, a junkyard permit or a permit for modification to an existing junkyard, may be issued by the building permit department.

(c) Annual registration is required for all new junkyards. A registration form, to be provided by the county, must be completed for each junkyard, and together with a \$50.00 fee per junkyard, shall be submitted annually on or before January 1st of each year for the year beginning each January 1st. Payment shall be made to the county.

(d) Every junkyard shall be subject to inspection by building inspectors or by the health department to determine continuing compliance with this chapter and other applicable state and local laws.

APPLICATIONS FOR PERMITS.

(a) Each application for a junkyard permit for a new or expanded

junkyard shall be accompanied by plans, site plans, a survey, a screening plan, and any other information which the building permit department may require.

(b) Each application shall be accompanied by proof of a \$100,000.00 liability insurance certificate issued by a state-licensed insurer.

(c) Each junkyard permit application shall incur an application fee as established by the building permit department.

(d) All junkyard owners must provide the building permit department with the name of an owner and/or a contact person, address and telephone number, and the name address and phone number of any contractor. Changes in ownership and address must be reported within 30 days of the change to the building permit department. Owners must provide proof of written consent from the landowner if the junkyard is to be maintained on land not owned by the junkyard owner

EXISTING JUNKYARDS.

(a) Junkyards which on the effective date of the ordinance from which this article derives, were legally operated and maintained under all applicable state, federal and local laws and ordinances, may continue in existence, unchanged in character and size.

(b) An existing junkyard shall not be expanded, modified or relocated except in accordance with the provisions of this article. The substitution or interchange of junked vehicles and other junk shall be allowed however, so long as the substitution does not

result in additional junked motor vehicles or other junk, other expansion or substantial modification.

(c) In the case of any pre-existing junkyard which in its present location blocks or spoils any scenic view in the county, if the owner agrees at any time to re-locate the existing junkyard to a different location or to provide effective screening as described in this chapter as approved by the building permit department; then the governing authority may grant a waiver from all county permit fees, so long as all applicable state, federal and local laws are otherwise complied with.

(d) In the case of any pre-existing junkyard which has been grandfathered as nonconforming but is found to be a health or safety nuisance, the county reserves the right to enforce all health, safety, and environmental laws, and to require screening as provided in this article within six months of the effective date of this article or from the time the health, safety hazard, or public nuisance is determined.

VIOLATIONS, PENALTIES

(a) The governing authority, the building permit department or other designated agent, and the sheriff shall be authorized to enforce this article.

(b) Upon information made known to those authorized to enforce this article that a violation has occurred, a citation and summons may be issued to the alleged violator requiring the alleged violator to appear before the magistrate's court of the county to answer the

charges contained therein.

(c) Any owner, operator, agent, person, firm, corporation, association or partnership violating any provision of this chapter as it exists or may be amended, shall be guilty of a misdemeanor, amenable to the process of the magistrate court of the county, and upon conviction shall be punished as provided below for each violation, in the discretion of the court, to a maximum of \$1,000.00 fine or 30 days in jail, or both. Each day a violation is committed or permitted to continue shall constitute and shall be punishable as a separate offense.

(d) Any junkyard owner found in violation of this chapter may, in addition to any fine or jail sentence imposed, be required to forthwith bring it into compliance with all provisions of this article.

(e) Upon conviction of a third offence under this chapter, a junkyard owner shall be ordered to close and dismantle the junkyard and remove all junk and debris from the premises. In the event removal of the junkyard is ordered, and the junkyard is not removed within 60 days, the county is authorized to remove the junkyard. The owner shall then be liable for repayment to the county for the complete cost of removal and restoration of site. To secure payment, the county may place a lien on the property for the cost of removal.

ABANDONED OR UNREGISTERED JUNKYARDS.

(a) Any new junkyard which fails to comply with registration requirements or fails to be registered on or before January 1 of any

year shall be found in violation of this chapter. A citation shall be issued, subjecting the owner to the penalties provided in this chapter.

(b) A junkyard which has remained unregistered for a period of more than one year shall be deemed to be an abandoned junkyard.

(c) Pulaski County is authorized to remove any abandoned junkyard. If an owner and an owner's address can be determined, advance notice by certified mail shall be given to the owner, providing the owner with 15 days notice to bring the junkyard into compliance with this chapter, in addition to any other penalties imposed by this chapter. If no owner and address can be determined, then prominently affixing a notice at the property wherein the junkyard is located for 30 days shall be sufficient. Any notice shall inform the owner that failure to properly register the junkyard or to bring the junkyard fully into compliance with this article shall subject the junkyard to removal by the county and that the owner shall be liable for repayment to the county for the complete cost of removal and restoration of the site. To secure payment, the county may place a lien on the property for the cost of restoration.

VARIANCES.

The mere existence of a nonconforming junkyard shall not constitute a valid reason to grant a variance for the additional establishment, re-building, expansion, or modification, of a junkyard. Upon written request, a variance from some or all of the

requirements of this chapter may be granted at the discretion of the Zoning Board, if the board finds all of the following conditions exist:

(1) There are extraordinary and exceptional conditions pertaining to the property in question resulting from the location, size, shape, or topography which are not applicable to other lands in the area.

(2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other similar junkyard owners.

(3) Granting the variance will not confer upon the property or the applicant any significant privileges which are denied to other properties or junkyard owners.

(4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the community or to the public health or general welfare.

(5) The special circumstances are not the result of or aggravated by actions, failures, or omissions of the applicant, or such circumstances do not arise when there are pre-existing violations of any codes or laws by the applicant.

(6) The variance would be a minimum variance which will make possible the logical use of the land.

(7) If the requested variance is granted, the junkyard will in all other aspects be in full compliance with this article.

Conflicts

Nothing in this article shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any

federal or state law.

Adopted this 20 day of December, 2010.

(contact Commissioner's Office for signed copy)

C. BROOKS BAILEY
Sole Commissioner,
Pulaski County, Georgia