

ORDINANCE NO. 6810

FILED FOR RECORD
COUNTY CLERK LINDA BROOKS
HUNT CO., TX
98 MAR 16 AM 9:46
BY: DEPUTY J. DAVIS

AN ORDINANCE ADOPTING VERNON'S ANN. CIV. ST. ARTICLE 2372dd-1; PROVIDING FOR SCREENING OF COVERED BUSINESS; PROVIDING FOR LICENSING; PROVIDING FOR REQUIREMENT FOR LICENSING; PROVIDING FOR NOTICES AND HEARINGS; PROVIDING FOR REVOCATION AND RENEWAL OF LICENSING; PROVIDING A SAVINGS CLAUSE:

BE IT ORDAINED BY THE COUNTY OF HUNT, TEXAS

SECTION 1. ADOPTED:

There is hereby-adopted Vernon's Ann. Civ. St. Art. 2372dd-1; (Automotive Wrecking and Salvage Yards and Counties of less than 2,000,000).

SECTION 2. DEFINITIONS:

- (1) "Automotive wrecking and salvage yard" means any person or business that stores three or more wrecked vehicles outdoors for the purpose of dismantling or otherwise 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 (other than a wrecked vehicle) that has been discarded or sold at a nominal price by a previous owner of the material.
- (3) "Junkyard" means a business enterprise that owns and is operated to store, buy, or sell junk, all or part of which is kept outdoors until disposed of.
- (4) "Recycling business" means a business enterprise that is primarily engaged in the business of:
 - (A) converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
 - (B) using raw material products of that kind in the production of new products; or
 - (C) obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by Paragraph (A) or (B) of this subdivision.
- (5) "Wrecked vehicle" means a discarded, abandoned, junked, wrecked, or worn-out automotive vehicle, including an automobile, truck, tractor-trailer, or bus, that is not a condition to be lawfully operated on a public road.
- (6) "Road" does not include Federal Aid Interstate Route or Federal Aid Primary Route or private road owned by the covered business. It does include all other county roads, roadways, public thoroughfares, public access roads or private roads situated in the County.
- (7) "Covered Business" means automobile wrecking and salvage yard or junkyard.

- (8) "To begin operation," means the date a tax number is obtained by the covered business; for storage yards that do not need a tax number, the date the property is rendered to the proper Hunt County taxing authority.

SECTION 3. EXEMPTIONS

(a) The screening requirement established by Section 4 of this Act does not apply to:

- (1) an automobile wrecking and salvage yard as defined by, and that is subject to, Chapter 886, Acts of the 68th Legislature, Regular Session, 1983 (Article 2372dd, Vernon's Texas Civil Statutes);
- (2) a junkyard or automobile graveyard is defined by the Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes) and that is subject to Section 4.08 of that Act;
- (3) a recycling business;
- (4) a junkyard or an automotive wrecking and salvage yard that is located entirely within an incorporated city or town and that is subject to regulation in any manner by the city or town; or

(b) The county licensing provisions of Section 5 of this Act do not apply to:

- (1) a recycling business;
- (2) a junkyard or an automotive wrecking and salvage yard that is located entirely within an incorporated city or town and that is subject to regulation in any manner by the city or town.

SECTION 4. SCREENING REQUIREMENT

A person who operated a junkyard or an automotive wrecking and salvage yard in this state shall screen it by natural objects, plantings, fences or other appropriate means so that the screen is at least eight (8) feet in height alongside that portion of the junkyard or automotive wrecking and salvage yard that faces a road or family residence.

Additionally, the screening must be such that no part of the junkyard or automobile wrecking and salvage yard may be visible from any road, federal aid interstate route, federal aid primary route, federal aid secondary route, business, or residence.

SECTION 5. COUNTY LICENSURE

(A) To protect the public health, safety, or welfare, the Commissioners' Court of Hunt County is adopting this ordinance and requiring that a junkyard or automobile wrecking and salvage yard is to be licensed by the County. The following conditions must be met in order to obtain a license:

- (1) any person desiring to obtain a license shall make a written application which shall be sworn to for such license on the forms provided the County, together with at least four (4), 8 X 10, color photographs showing the entire covered business from a Northern, Southern, Eastern

and Western view. Said application is to be filed with the County Clerk's Office.

- (2) Submit a plat showing compliance with the location requirements from a registered surveyor.
- (3) Pay a fee of \$25.00 for the issuance or renewal of the license
- (4) Be no closer than 300 feet to any road, subdivision, residence, business, or waterway under the authority of the Texas Natural Resource Commission.
- (5) Agree to allow the health department and Environmental Enforcement Department to enter said premises for on site inspections at any reasonable time. Said inspections to be unannounced.
- (6) Upon receipt of said application, the County Clerk shall post the application in the county courthouse. It must be posted for a period of fourteen (14) days prior to any action by Commissioners' Court during the next regularly scheduled Commissioners' Court meeting.

SECTION 6. REVOCATION AND REVEWAL

- (1) Commissioners Court may revoke or suspend any license if:
 - (a) any provisions for screening are violated;
 - (b) the said junkyard or automotive wrecking and salvage yard fails to permit inspections by the health department and Environmental Enforcement Department.
 - (c) fails to remedy any violation of the conditions of the health department's and Environmental Enforcement Department rules and regulations or state health laws or it is determined that any location requirements have not been met or the contents of the application have been falsified.
- (2) Renewal of said license may be denied if:
 - (a) any provisions for screening are violated'
 - (b) the said junkyard or automotive wrecking and salvage yard fails to permit inspections by the health department and Environmental Enforcement Department.
 - (c) Fails to remedy any violations of the conditions of the health department's and Environmental Enforcement Department rules and regulations or state health laws or it is determined that any location requirements have not been met or the contents of the application have been falsified.
- (3) Whenever a license is suspended or revoked, written notice shall be given to the permit holder, the person in charge or any employee or agent of the said covered business and such notice shall state:
 - (a) specific conditions of the violation alleged;
 - (b) the date and time of the hearing to be held concerning the suspension and revocation;
 - (c) that the licensee may appear in person, be represented by counsel, present testimony and cross-examine all witnesses; such hearing shall be held no later than 30 days after the date of the revocation or suspension.

- (4) Said License may be renewed annually if the conditions for the initial license are met, as to Section (3) if an affidavit is submitted testifying to the fact that the covered business has not expanded its location and was in compliance with Section 5(A)(4), when the original license was obtained no plat will be needed.

SECTION 7. INJUNCTION

- (a) any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of the Ordinance or of Article 2372dd-1.

SECTION 8. CRIMINAL PENALTY

- (a) A person who knowingly or intentionally violates this ordinance commits an offense. An offense under this subsection is a Class C misdemeanor. For each and every day the violation occurs, there will be a fine levied of not more than \$200.00 per day. If the violation is not addressed in 90 days, a fine of up to \$200.00 per day will be issued and if after 60 day of non-compliance a notice of attachment will be sent and property seized. Said property will be sold and revenue from sell will be used for site clean up.

SECTION 9. EFFECTIVE DATE

This ordinance takes effect the 9th day of March 1998.

All covered businesses shall make application within 30 days of the passage of the Ordinance. Thereafter all new covered businesses shall make application within thirty (30) days of their moving into the County.

SECTION 10. PROVIDING A SAVINGS CLAUSE

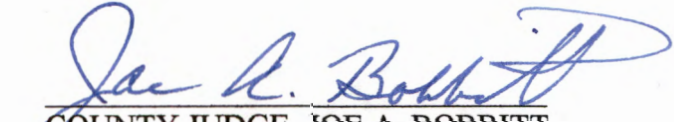
If any section, subsection, word, sentence or phrase of this ordinance is declared to be invalid, it shall not effect the validity of this ordinance.

SECTION 11. DECLARING AN EMERGENCY

That this ordinance is declared to be an emergency measure, necessary for the preservation of the health, safety and welfare of the County of Hunt, Texas, and the inhabitants thereof; therefore, all rules and regulations providing for the reading of ordinances more than one time or on more than one occasion to be and the same are hereby suspended, and this ordinance is passed and shall take effect as an emergency measure, and shall be and remain in full force and effect as herein provided from and after its passage and approval.

PASSED AND APPROVED by Hunt County, Texas, at a regular meeting of the
Commissioners Court of Hunt County, Texas, on the 9th day of March, 1998.

COUNTY OF HUNT, TEXAS



COUNTY JUDGE, JOE A. BOBBITT

ATTEST:



COUNTY CLERK, LINDA BROOKS