

## **ORDINANCE**

Relating to screening and Fannin County regulation of junkyards and automotive wrecking yards; providing penalties.

**SECTION 1. SCREENING REQUIREMENT.** A person who operates 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 least six feet in height alongside that portion of the junkyard or automotive, wrecking and salvage yard that faces a public road or family residence.

**SECTION 2. DISTANCE REQUIREMENTS.** Any wrecking yard or salvage yard must be located at least 100 ft. from the right of way of any state or county maintained highway.

**SECTION 3. EFFECT OF LOCAL ORDINANCES.** In screening a junkyard or an automotive wrecking and salvage yard, the person who operates it must comply, to the extent practicable, with all applicable ordinances adopted by a political subdivision.

**SECTION 4. COUNTY LICENSURE.** The County will require a junkyard or an automotive wrecking and salvage yard to be licensed by the County.

1. An initial fee of \$150.00 will be charged for a license. A license renewal fee of \$150.00 will be charged annually.
2. A license on operation of a junkyard or automotive wrecking and salvage yard only at a location approved by the Commissioners' Court.
3. License may be revoked or suspended if licensee does not comply with the screening regulations.
4. Fees will be deposited in the General Fund.

**SECTION 5. CRIMINAL PENALTY.**

- a. A person who knowingly or intentionally violates Section 1 of this Ordinance commits an offense. An offense under this section is a Class C misdemeanor.
- b. A separate offense occurs under Subsection a. of this Section on each day on which all elements of the offense exist.

**SECTION 6. EFFECTIVE DATE.** This Ordinance takes effect on January 1, 1988, and applies to all junkyards and automotive wrecking and salvage yards which come into being after that date. The initial fee and annual renewal fee was amended effective March 21, 2023.

SECTION 7. DEFINITIONS. In this Act (Ordinance):

- (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 in a condition to be lawfully operated on a public road.
- (6) If a requirement, standard or condition established under this Ordinance conflicts with a State law or a rule adopted under a State law, the stricter of the two provisions will prevail.
- (7) This Ordinance applies only to areas outside the jurisdiction of an incorporated area.