

THE JUNKYARD
AND
SALVAGE YARD ORDINANCE
OF
DUPLIN COUNTY, NORTH CAROLINA

PREPARED BY:

THE DUPLIN COUNTY PLANNING BOARD
AND
THE DUPLIN COUNTY PLANNING DEPARTMENT

EFFECTIVE JULY 1, 1989

ENACTMENT

This is an ordinance establishing regulations for junkyards and salvage yards within the jurisdiction of Duplin County, North Carolina and providing for administration, enforcement and amendment thereof.

PREAMBLE

WHEREAS, in the opinion of the Duplin County Board of commissioners to further promote the health, safety, and general welfare of the residents of Duplin County, it is necessary and advisable to adopt regulations pertaining to the location, establishment, and operation of junkyards and salvage yards within the jurisdiction of Duplin County, and

WHEREAS, the Duplin County Planning Board has developed this ordinance with due consideration and has submitted final recommendations to the Duplin County Commissioners, and

WHEREAS, the Duplin County Commissioners have given due notice of public hearing and have conducted such public hearing, and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met.

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF DUPLIN AS FOLLOWS:

ARTICLE I AUTHORITY

SECTION 10

The provisions of this ordinance are adopted under authority granted by North Carolina General Statute 153A-121.

ARTICLE II JURISDICTION

SECTION 20

These regulations shall govern each and every junkyard and salvage yard outside the jurisdiction of any municipality in Duplin County.

ARTICLE III TITLE

SECTION 30

This ordinance shall be known as The Junkyard and Salvage Yard Ordinance, Duplin County, North Carolina and may be referred to as the Junkyard ordinance.

ARTICLE IV INTERPRETATIONS

SECTION 40

Tense and Number

- (1) The present tense includes the future tense and the future tense includes the present tense.
- (2) The singular number includes the plural number and the plural number includes the singular number.

SECTION 41

Word Interpretations

For the purpose of this ordinance, the following words shall be interpreted as specified below:

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "county" shall mean the County of Duplin, North Carolina.
- (4) The words "Planning Board" shall refer to the Duplin County Planning Board.
- (5) The words "County Commissioners" shall refer to the Duplin County Board of-Commissioners.
- (6) The word "person" shall include firm, organization, association, company, trust, corporation or other entity.
- (7) The words "used" or "occupied" includes intended, designed, and arranged.

SECTION 42

Definitions

For the purposes of this ordinance, the following terms shall be defined as specified below. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

- (1) Area of Special Flood Hazard
Areas subject to a one percent or greater chance of flooding in any given year as identified by the Federal Emergency Management Agency.
- (2) Salvage Yard
Any establishment, place of business or property which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles, machinery, appliances, structures or parts thereof; or any business establishment or property upon which six or more unlicensed, used vehicles, or the equivalent, which cannot be operated under their own power are kept or stored.

- (3) Enforcement Officer
This ordinance shall be enforced by the Duplin County Planning Department.
- (4) Junk
Old, scrapped, ruined, or discarded copper, brass, iron, rags, rope, appliances, wood, batteries, automobiles, trash, machinery, structures or similar materials or parts thereof, which is not used for its original purpose.
- (5) Junkyard
Any establishment place of business or property which is maintained, used or operated for storing, keeping, buying or selling "junk". Provided, however, that this ordinance shall not apply to county operated bulk refuse container sites or to county operated landfills or refuse disposal facilities.
- (6) Potable Water Supply Well
A well used for or intended for supplying water for human consumption.
- (7) Protective Fence
A structure of wood, stone, brick, block, steel or other metal extending from the surface of the ground to a minimum height of 6 feet and of such materials and construction which creates a physical barrier.
- (8) Public Park
Any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.
- (9) Public Road
A road or right-of-way designated for vehicular travel by the public.
- (10) School
Institutions of education including public and private schools, day care centers, colleges and universities.
- (11) Screen Fence
A structure of wood, stone, brick, block, steel or other metal extending from the surface of the ground to a minimum height of 6 feet and of such materials and construction which creates a permanent solid, continuous, opaque visual barrier.
- (12) Sketch Plan
A drawing showing general area conditions and containing information as required by section 60(1) of the ordinance.

- (13) Traveled Way
The portion of a public road intended for movement of vehicle.
- (14) Vegetative Screen
A strip of living plant material planted with

ARTICLE V PROVISIONS

SECTION 50 Applicability
After the effective date of this ordinance it shall be unlawful for any person to establish, operate, maintain, or expand a junkyard or salvage yard in a manner which is inconsistent with the provisions and requirements of this ordinance.

SECTION 51 Location
No new junkyard or salvage yard shall be located:
(1) Within 50 feet of the right-of-way line of any public road.
(2) Within 500 feet of any residence owned by persons other than those owning the junkyard or salvage yard.
(3) Within 500 feet of any school, church, public park, public library, nursing home, rest home, airport, cemetery or other place of public assembly.
(4) Within 100 feet of any potable water supply well.
(5) Within an "area of special flood hazard".

SECTION 52 Fencing
Protective perimeter fencing shall be provided around all junkyards and salvage yards as described below.
(1) A fence of wood, stone, brick, block, steel or other metal extending from the surface of the ground to a minimum height of six feet and of sufficient materials and construction to reasonably secure the premises from unauthorized persons shall be constructed along the entire perimeter of every junkyard or salvage yard.
(2) Gates for ingress and egress shall be of sufficient materials and construction to provide the minimum degree of security required for fencing.

- (3) Up to two gates, not to exceed 20 feet in width each, are allowed for any junkyard or automobile salvage yard fence. More than two gates will be allowed at the rate of one gate per 1000 linear feet of perimeter fencing.

SECTION 53

Screening

The intent of this Section is to require junkyards and salvage yards to be screened from view from public roads and adjacent properties. Screening shall be provided as specified below.

SECTION 53.1

Types of Screening

- (1) Screen Fence - The screening requirement may be satisfied by fencing specified in Section 52(1) above, which is ALSO of such design and construction as to provide a permanent, solid, continuous, opaque screen extending a minimum of 6 feet in height above the surface of the ground.
- (2) Vegetative Screen - A strip of living plant material planted with one or several species of trees and or shrubs at such spacing which will provide a permanent, solid, continuous, opaque screen extending a minimum of 6 feet in height above the surface of the ground.
- (3) Other Screens - Combinations of fencing and vegetative screens or other methods of screening determined by the Planning Board to satisfy the intent of this ordinance may be acceptable.

SECTION 53.2

Screening Required

Screening to the specifications required in Section 53.1 shall be required along the perimeter of every junkyard and salvage yard in the following situations:

- (1) Any portion of any junkyard or salvage yard which is BOTH within 500 feet of the right-of-way line of any public road AND is visible from the traveled way of any public road shall be screened from view consistent with Section 53 of this ordinance.
- (2) Any portion of any junkyard or salvage yard which is BOTH within 500 feet AND is visible from any residence (other than that of the junkyard or salvage yard owner) school, church, public park, public library, nursing home, rest home, airport, cemetery or other place of public assembly shall be screened from view consistent with Section 53 of this ordinance.

SECTION 53

General Requirements

With regard to Section 52 and Section 53 above, the following additional requirements shall apply:

- (1) No particular species of plant materials are specified; however, performance of plant materials and methods used shall be in accordance with the requirements and intent of this ordinance. (See Appendix for chart of recommended plant materials and spacings.)
- (2) Plant materials shall average a minimum of 12" in height at the time of planting.
- (3) Persons operating junkyards and salvage yards shall utilize good husbandry techniques with regard to plant materials including but not limited to proper planting, mulching, fertilization, pruning and otherwise proper maintenance to ensure a healthy, uniform, continuous solid vegetative screen as soon after planting as possible.
- (4) Diseased, dead and damaged plant materials shall be replaced at the earliest appropriate planting time.
- (5) Protective fencing shall be maintained in a safe sound condition.
- (6) If a vegetative screen in conjunction with the required protective fencing is utilized, plant material shall be planted a sufficient distance from a fence to allow proper maintenance of both the plant materials and fence.
- (7) If a solid opaque fence is used to satisfy the fencing requirement (Section 52) AND the screening requirement (Section 53), it shall be of a uniform color scheme and geometric design. However, the Planning Board may, at its discretion, approve other designs as provided in Section 53.1(3).
- (8) Where practical, gates for access shall be located to minimize visual exposure to adjacent properties and public roads.
- (9) Because vegetative screening cannot be established in access driveways and gateways, when a vegetative screen is used to satisfy the screening requirement (Section 53.2), gates shall meet the requirements for screen fencing.

SECTION 55

Operation

It is the intent of this section to require all junkyards and salvage yards to be maintained so as to minimize harmful impacts on public health and the environment.

- (1) Gasoline, oil, grease, acid and other chemicals shall be appropriately stored or disposed of to prevent leaching into streams or the soil.
- (2) Materials shall be stored to minimize entrapment and holding of water which could be conducive to insect breeding.
- (3) Facilities shall be maintained in a safe, sanitary condition.
- (4) Facilities shall be maintained to minimize harborage and breeding of insects and vermin.

SECTION 56

Non-conformities

It is the intent of this section to require all junkyards and salvage yards existing as of the effective date of this ordinance to be subject to the requirements of Section 52, 53, 54 and 55 only. Pre-existing junkyards and salvage yards that do not comply with the provisions of this ordinance shall be considered "nonconforming". Nonconforming facilities shall be brought into compliance with Sections 52, 53, 54, and 55 of this ordinance within 24 months of the effective date of this ordinance. Owners of nonconforming facilities shall be notified by the Planning Department of the requirements of this ordinance and of the actions necessary to bring their facility into compliance.

ARTICLE VI ADMINISTRATION

SECTION 60

Planning Board Approval

Prior to establishment of a new junkyard or salvage yard or expansion of an existing junkyard or salvage yard, the owner/operator shall submit 3 copies of a sketch plan for approval by the Planning Board. The sketch plan shall be submitted to the Planning Department at least 14 days prior to the Planning Board meeting at which the plan is to be considered.

- (1) Sketch Plan Contents - The required sketch plan shall show or be accompanied by the following:
 - (1) Title of Plan
 - (2) Name, address, and telephone number of owner/operator
 - (3) Approximate boundary of property
 - (4) Boundary of proposed junkyard/salvage yard
 - (5) Location of protective and screen fences.
 - (6) Location of vegetative screen
 - (7) Specifications of type of fence and type and spacing of plant material to be used

- (8) Approximate locations of adjacent homes, schools, churches, cemeteries, or other places of public assembly, wells, roads, or other public right-of-way, and wooded areas within 1000 ft.
- (9) North arrow
- (10) Date of plan
- (11) Scale of plan
- (12) Vicinity map
- (13) Proposed location of gates and driveways
- (14) Adjacent property owners and use of adjacent property
- (15) Any other such reasonable information as may be required by the Planning Board

NOTE: See Appendix for an example of a junkyard sketch plan.

SECTION 60.1 Construction Permit Required

Construction or expansion of a junkyard or salvage yard shall not begin until authorized by the enforcement officer of this ordinance. Upon approval of the sketch plan, the enforcement officer shall issue a construction permit authorizing construction of the junkyard/salvage yard as approved. If construction has not been completed within 12 months, Planning Board approval shall become null and void. The Planning Board at its discretion may grant a 12 month extension to the construction permit.

SECTION 60.2 Duties of Planning Department

Upon receipt of a sketch plan containing sufficient information, the Planning Department shall submit the plan to the Planning Board for consideration at their next meeting. The Planning Department shall review the proposed plan and advise the owner of any deficiencies. The Planning Department shall make recommendation to the Planning Board regarding the plans compliance with the ordinance.

SECTION 60.3 Duties of the Planning Board

The Planning Board shall have 45 days from its initial consideration of the plan in which to approve, approve conditionally, or disapprove the plan.

- (1) Approved Plans - If the plan is approved by the Planning Board, one copy of the plan so marked will be retained by the Planning Board, one copy will be returned to the owner with a letter of approval and one copy will be sent to the enforcement officer.

- (2) Approved Conditionally - If the plan is approved conditionally by the Planning Board, one copy of the plan, so marked, will be retained by the Planning Board, one copy will be forwarded to the enforcement officer and one copy will be returned to the owner with a letter stating the reasons for conditional approval and the conditions to be addressed for final approval of the plan. Any conditions imposed on the plan must be agreed to by the applicant and shall be addressed prior to issuance of a construction permit.
- (3) Disapproval Plans - If the plan is disapproved by the Planning Board, one copy of the plan, so marked, will be retained by the Planning Board, one copy will be forwarded to the enforcement officer and one copy will be returned to the owner with a letter stating the reasons for disapproval and outlining resubmittal and appeal options.

SECTION 60.4

Duties of Enforcement Officer

The enforcement officer of this ordinance upon Planning Board approval and upon application by the owner, shall be authorized to issue a construction permit. The enforcement officer may periodically observe the construction of determined compliance with approval plans. The enforcement officer shall upon completion of the facility to determine continued compliance with this ordinance.

ARTICLE VII LEGAL PROVISIONS

SECTION 70

Minimum Requirements

The provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of this ordinance differ with the requirements of any other adopted county, state or federal regulation, the most restrictive or that imposing the higher standard shall govern.

SECTION 71

Enforcement

This ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123, including but not limited to the following:

- (1) A violation of this ordinance shall constitute a misdemeanor, punishable by a maximum fine of \$50.00 or imprisonment for not more than 30 days.
- (2) Violation of this ordinance subjects the offender to a civil penalty of fifty (\$50.00) dollars.

- (3) This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (4) This ordinance may be enforced by injunction, order of abatement or both as provided in G.S. 153A-123(e).
- (5) Each day's continuing violation of this ordinance is a separate and distinct offense.

SECTION 72

Complaints

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the enforcement officer, stating the cause and basis for the complaint. The enforcement officer shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.

SECTION 73

Separability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

SECTION 74

Amendment

Petitions for amendment may be filed with the Planning Department by any citizen of the County, any County Department or agency, the County Planning Board or Board of Commissioners.

SECTION 74.1

Commissioners Review

The provisions and requirements of this ordinance may be amended by the County Commissioners according to the procedure set fourth.

- (1) Planning Board Review - No amendment shall become effective unless it shall have been proposed by or shall have been reviewed by the Planning Board. The Planning Board shall have 45 days in which to review the proposed amendment and to make recommendation to the Commissioners. If the Planning Board fails to report to the Commissioners within 45 days it shall be deemed to have approved the proposed amendment.
- (2) Public Hearing - No amendment shall become effective until after duly advertising and holding a public hearing. Notice of public hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the County. After such public hearing, the Commissioners may take such take such lawful actions as it may deem advisable.

SECTION 75

Variance and Exception

The Planning Board may issue variances and exceptions from the requirements of this ordinance such that would not be contrary to the public interest, or the spirit and intent of this ordinance, and where due to special conditions, a literal enforcement of the provisions of this ordinance would result in an unnecessary hardship. In granting a variance or exception to this ordinance the Planning Board must determine the following:

- (1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other lands or buildings.
- (2) The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.
- (3) Special conditions and circumstances do not result from the actions of the applicant; and
- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or buildings.

SECTION 76

Appeal

The County Commissioners shall hear and decide appeals and review any orders, requirements, decisions, or determinations made by the Planning Board or any County department responsible for administration or enforcement of this ordinance. The Commissioner's decision is subject to review by the Superior Court of Duplin County.

SECTION 77

Effective Date

This ordinance shall become effective and be in full force from and after the 1st day of July, 1989. Adopted by the Duplin County Board of County Commissioners this the 15th day of May, 1989.

Willis Sholar

Chairman, Duplin County
Board of Commissioners

ATTEST: *Ralph Cottle*

Clerk to the Board

ARTICLE VIII APPENDIX

SECTION 80

CHART OF RECOMMENDED PLANT MATERIAL

(1) Trees

<u>NAME</u>	<u>HEIGHT(H)</u> <u>SPREAD(S)</u>	<u>SPACING</u>	<u>GROWTH</u> <u>RATE*</u>
American Holly	(H) 15-30' (S) 10-20'	6'	Fast
Carolina Cherry	(H) 20-25' (S) 15-20'	10'	Moderate
DaHoon Holly	(H) 15-20' (S) 10-15'	6'	Fast
Eastern Red Cedar	(H) 30' (S) 15'	6'	Moderate
Japanese Evergreen	(H) 20-40' (S) 8-16'	8'	Moderate
Yaupon Holly	(H) 20' (S) 6-12'	6'	Moderate

(2) Shrubs

Chinese Holly	(H) 10' (S) 6-8'	10'	Moderate
Chinese Photinia	(H) 12' (S) 5-10'	8'	Fast
Cleyera	(H) 10' (S) 5-6'	10'	Moderate
Fortune's Osmanthus	(H) 15' (S) 5-7'	10'	Moderate
Glossy Privet	(H) 8-10' (S) 5-10'	12'	Fast
Japanese Holly	(H) 6-17' (S) 3-5'	10'	Slow
Japanese Privet	(H) 4-20' (S) 5-6'	10'	Fast

(2) Shrubs Continued

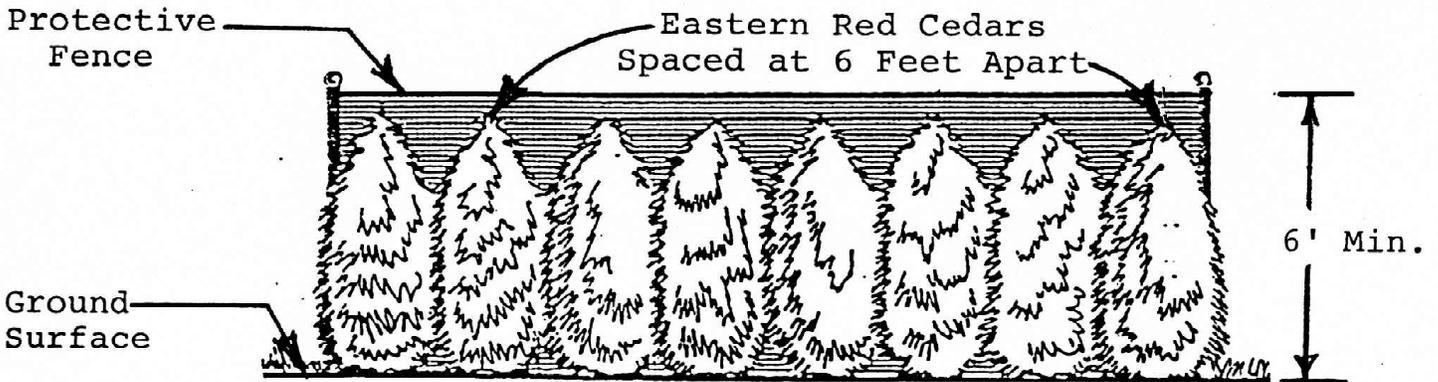
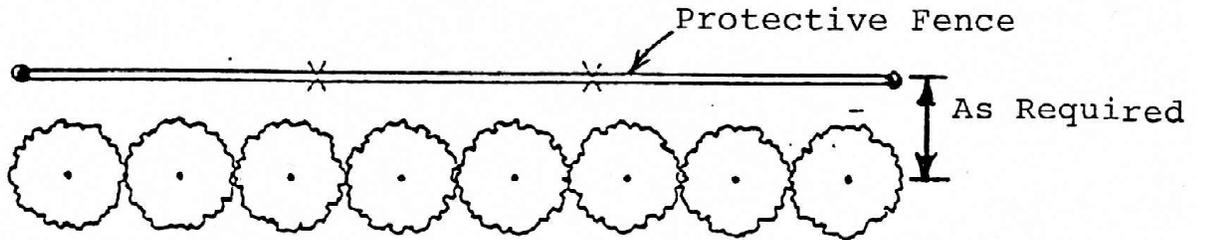
<u>NAME</u>	<u>HEIGHT(H)</u> <u>SPREAD(S)</u>	<u>SPACING</u>	<u>GROWTH</u> <u>RATE*</u>
Luster Leaf Holly	(H) 8-12' (S) 7-11'	10'	Moderate
Pittosporum	(H) 10-30' (S) 5-8'	10'	Moderate
Southern Wax Myrtle	(H) 20' (S) 6-12'	8'	Fast
Spice Plant	(H) 8-12' (S) 8-10'	10'	Moderate
Thorny Elaeagnus	(H) 8-11' (S) 6-10'	10'	Moderate

*GROWTH RATE APPROXIMATIONS IN HEIGHT:

Slow..... 6" per year
Moderate... 8" per year
Fast..... 12" per year

Example of Required Protective Fence
With Vegetative Screen

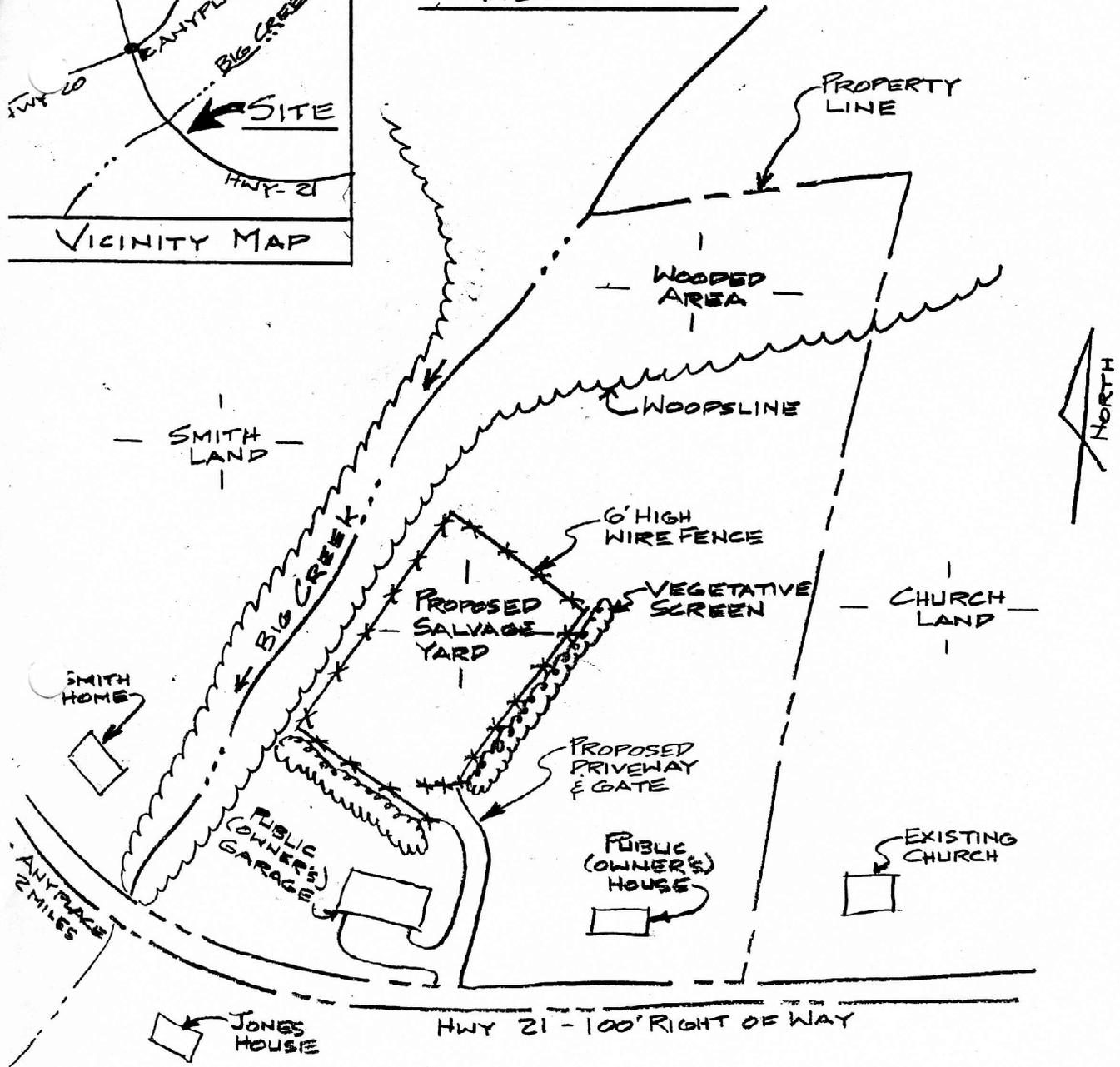
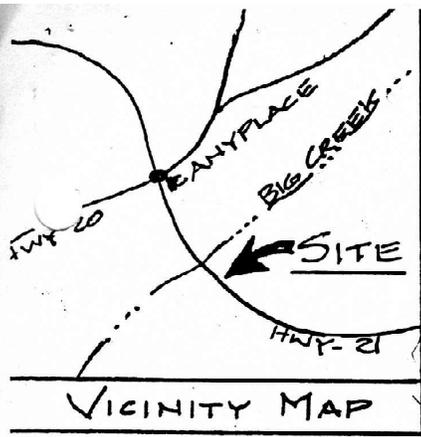
OVERHEAD VIEW



FRONT VIEW

Figure VIII-1

EXAMPLE
SKETCH PLAN



SKETCH PLAN
PROPOSED AUTOMOBILE
SALVAGE YARD

OWNER: JOHN Q. PUBLIC
R#1
ANYPLACE, NC
PHONE: 555-5555

DATE: JULY 15, 1988

BY: [Signature]