

**CHAPTER 6
VEHICLE GRAVEYARD AND JUNKYARD ORDINANCE**

CHOWAN COUNTY, NORTH CAROLINA

Preamble

WHEREAS, North Carolina General Statutes 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 vehicle 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 Chowan County unless at least partially obstructed from view by appropriate fencing or combination of fencing and vegetation; and,

WHEREAS, this Board declares that vehicle graveyards and junkyards in close proximity to public roads, residential areas and schools may pose a threat to health, safety and welfare of the citizens, residents and school children in close proximity thereto unless sufficiently enclosed and surrounded by 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 vehicle junkyards and graveyards in the unincorporated areas of Chowan County.

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

6.01 Title

This ordinance may be known and may be cited as “Ordinance Regulating the Operation or Maintenance of Vehicle Graveyards and Junkyards in Chowan County”.

6.02 Purposes and Objectives

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

- A. To protect the citizens and residents of Chowan County from possible injury at vehicle graveyards and junkyards.
- B. To preserve the dignity and aesthetic quality of the environment in Chowan County.
- C. To preserve the physical integrity of land in close proximity to residential areas.
- D. To protect the economic interests of the citizens and residents of Chowan County.
- E. To achieve responsible economic growth in areas of Chowan County that is compatible with growth and development in nearby areas.

6.03 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.

VEHICLE GRAVEYARD: Any establishment which is maintained, used; or operated for storing, keeping, buying and selling two or more wrecked, scrapped, ruined, dismantled or inoperable motor vehicles and 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, animals 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.

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 wood, stone, steel, or other metal, or any substance of a similar nature and strength. The fence shall have at least one (1) gate for the purpose of ingress and egress. The fence shall be for both safeguarding and screening from view of the general public.

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 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 vehicles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous 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 a vehicle graveyard, but shall not include county operated sanitary landfills.

PUBLIC ROAD: 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.

SCHOOL: Any public or private institution for the teaching of children under eighteen years of age 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 making 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.

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 a 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 one square inch.

6.04 Regulations

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 Chowan County a junkyard or vehicle graveyard, even as considered part of a garage, service station or sales establishment, within ten (10) feet of the State right-of-way of any "public road", within one quarter mile of any "school" or within any residential area. For the purposes of this ordinance, a junkyard or vehicle graveyard shall be within a residential area if there are two (2) or more "housing units" within a geographical area comprised of a one (1) mile wide strip contiguous and parallel to the external boundary lines of the tract of real property on which said vehicle graveyard or junkyard is located if within one quarter mile of any "housing unit".

Any and all junkyards and vehicle graveyards established after the effective date of the ordinance, shall be required to keep all junk and junked vehicles a minimum of ten (10) feet from State rights-of-ways at all points and for this area to be fenced as defined in this ordinance with no portion of the fencing to be closer than ten (10) feet to the State rights-of-way.

6.05 Exceptions

This Ordinance shall not apply to service stations, repair shops, garages or car sales establishments except for junked vehicles on premises unless considered a health hazard. The presence of junk vehicles will require compliance under this ordinance.

6.06 Nonconforming Vehicle Graveyards and Junkyards Existing at Effective Date of Ordinance

Vehicle graveyards or junkyards existing at the effective date of this ordinance which would be in violation of this ordinance but for this section shall be granted a grace period of twelve (12) months to conform to the provisions of this ordinance, thereafter same shall be in violation of this ordinance.

6.07 Violation Shall be a Misdemeanor

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a junkyard or vehicle 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 no to exceed thirty (30) days, or both, at the discretion of the court. Each day that said vehicle graveyard or junkyard shall be maintained or operated in violation of this ordinance shall constitute a separate and distinct offense.

The County Inspectors and/or Health Department shall be responsible for initiating the enforcement of the provisions of this ordinance and may take informal measures to procure compliance from any person deemed by the County or its representative to be in violation. If informal measures fail to obtain compliance, the representative shall report the failure to the Sheriff of Chowan County for enforcement of the ordinance.

6.08 Effective Date

This ordinance shall become effective upon its adoption.

Adopted, this 12th day of February, 1996

Nancy B. Morgan, County Clerk