

AUTOMOBILE GRAVEYARD AND JUNKYARD ORDINANCE

AN ORDINANCE TO REGULATE THE MAINTENANCE AND OPERATION OF AUTOMOBILE GRAVEYARDS AND JUNKYARDS WITHIN MIDDLESEX COUNTY, AND TO FIX PENALTIES FOR THE VIOLATION THEREOF. THIS ORDINANCE SHALL BE KNOWN AS AND MAY BE CITED AS "THE AUTOMOBILE GRAVEYARD AND JUNKYARD ORDINANCE OF MIDDLESEX COUNTY."

Be it ordained by the Board of Supervisors of Middlesex County, Virginia, pursuant to Section 28, Article 2, Chapter 1, Title 15.1, Code of Virginia of 1950, as amended, as follows:

ARTICLE I - DEFINITIONS

1-1 Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall have the meaning indicated in this article for the purposes of this ordinance.

1-1-1 Automobile Graveyard - Any lot or place which is exposed to the weather and upon which any motor vehicle of any kind, incapable of being operated, and which it would not be economically practical to make operative, is placed, located or found. (Amended 8/96)

1-1-2 Governing Body - The Board of Supervisors of Middlesex County, Virginia.

1-1-3 Junk - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material.

1-1-4 Junkyard - 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, and the term shall include garbage dumps and sanitary fills.

1-1-5 Visible - Capable of being seen without visual aid by a person of normal visual acuity.

ARTICLE 2- MAINTENANCE AND OPERATION

2-1 There shall be erected and maintained around all automobile graveyards and junkyards subject to the requirements of this ordinance fencing, natural objects, or plantings so the automobile graveyard or junkyard will not be visible from traveled roadways and adjoining properties. (Amended 8/96)

2-1-1 Contents not to extend above height of fences - The contents of an automobile graveyard/junkyard shall not be placed or deposited to a height greater than the height of the fence surrounding it.

2-1-2 Time for demolishing and wrecking cars - Work in connection with the demolishing or wrecking of cars shall be permitted only on weekdays between the hours of 7:00 AM and 6:00 PM.

2-1-3 Open fire - No open fire for the burning of rubbish, trash, automobiles, or any parts thereof, or other waste matters, shall be permitted.

2-1-4 Rubbish and waste matter - An automobile graveyard/junkyard shall, as far as practicable, be kept clear and clean of all rubbish or waste matter.

2-1-5 Gasoline to be drained from vehicles - All tanks and engines shall be kept thoroughly drained of gasoline.

2-1-6 Sheriff's deputies to have access for inspection - All automobile graveyards/junkyards, together with the books required by this article shall be at all times open for inspection to all officers of the County having police power, the zoning official, and the building inspector.

2-1-7 Investigation of premises - The building inspector or other county official, on routine inspection or upon request of a complaint may investigate a suspected automobile graveyard/junkyard operation and record the make, model, style, and identification numbers of all suspected junk motor vehicles.

2-2 Automobile graveyards and junkyards which are in areas zoned for industrial use under authority of the governing body are exempt from the requirement of Section 2-1.

2-3 Existing automobile graveyards or junkyards shall comply with the provisions of this ordinance (Section 3-1) no later than six months from the effective date of this ordinance.

ARTICLE 3- PENALTIES

3-1 Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the articles, sections, subsections, regulations, or provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), and each and every day during which any violation of this ordinance is committed, continued or permitted, shall constitute a separate offense and shall be punishable as herein provided.

ARTICLE 4- SEVERABILITY

4-1 Should any article, section, subsection, paragraph, clause, or other provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

ARTICLE 5- CONFLICTING ORDINANCES

5-1 All conflicting ordinances or parts thereof, which are inconsistent with the provisions of this ordinance, are hereby repealed.

ARTICLE 6- EFFECTIVE DATE

6-1 The effective date of this ordinance shall be from and after its passage and legal adoption, and its provisions shall be in force thereafter, save those provisions, which may, from time to time, be amended or repealed.

Voting in Favor: Fred Crittenden, Kenneth Williams, Lenora Weber, Frank Jessie, John D. Miller, Jr.

Voting in Opposition: None

CERTIFICATION

I, Charles M. Culley, Jr., Clerk of the Board of Supervisors of the County of Middlesex, Virginia, certify that the foregoing is a true and correct copy of an ordinance passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, at 7:30 P.M., on August 20, 1996.

Charles M. Culley, Jr.