

JUNKYARD REGULATIONS

of the

MOBILE COUNTY COMMISSION

MOBILE COUNTY, ALABAMA

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Adopted

September 13, 1999

Produced by the:

Mobile County Environmental Services Department

MOBILE COUNTY COMMISSION

**OFFICE OF COUNTY ENGINEER
DEPARTMENT OF ENVIRONMENTAL SERVICES
205 GOVERNMENT STREET
MOBILE, ALABAMA 36644-1600
Telephone: (334) 694-3228
FAX: (334) 690-4722**

JUNKYARD - RULES AND REGULATIONS

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Declaration of policy.

The regulation of junkyards in the unincorporated areas of Mobile County is hereby declared to be in the public interest and necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public roadways and to promote the conservation of our natural mineral resources by encouraging the recycling of the reusable scrap iron and metals. The Legislature of Alabama and the County Commission of Mobile County hereby finds and declares that junkyards which do not conform to the requirements of these regulations constitute a public nuisance and are unlawful in accordance with Acts of Alabama, Act 94-216.

License-Required.

No person shall establish, operate or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any highway or County maintained road without obtaining a license to do so from the Mobile County Commission.

Same-Issuance, revocation and renewal; fees.

The Mobile County Commission shall have the sole authority to issue licenses for the establishment, maintenance and operation of junkyards within the limits defined in these regulations, and may revoke said licenses at any time a junkyard fails to conform to the requirements of these regulation, and shall charge a fee of \$750.00, payable annually in advance. All licenses issued under this section shall expire on September 30 following the date of issuance. Licenses may be renewed from year to year upon payment of the requisite fee.

Same-Conditions.

No license shall be granted for the establishment, maintenance or operation of a junkyard within 1,000 feet of the nearest edge of right-of-way of any highway or County maintained right of way in the unincorporated area of the County, except:

- (1) Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the adjacent property and the main-traveled way of a highway or County maintained road or otherwise removed from sight;
- (2) Those located within areas which are zoned for industrial use under authority of law;
- (3) Those located within unzoned industrial areas, which areas shall be determined by actual land uses and defined by regulations promulgated by the State of Alabama.

Construction of Regulations.

Nothing in these regulations shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation or resolution which are more restrictive than the provisions of these regulations.

RULES AND REGULATIONS FOR THE CONTROL OF JUNKYARDS

Act 94-216, authorized the Mobile County Commission to promulgate rules and regulations governing the location, construction, maintenance, screening and licensing of junkyards within the unincorporated areas of the county.

Under authority as shown above, there is hereby set out the following rules and regulations concerning the control and licensing of junkyards within the unincorporated areas of Mobile County.

Section 1. General Information

Automobiles, vehicles, machinery or material junkyards within 1,000 feet of the nearest edge of the right-of-way of any highway or County maintained road are prohibited, unless a license authorizing the same has been issued by the Mobile County Commission. A license for this purpose may be issued only after the screening and all other items in these regulations have been completed to the satisfaction of the Environmental Services Director and approved by him.

Section 2. Definitions

The following terms when used in these rules and regulations have the following meanings:

- (1) "Junkyard" means 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.
- (2) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, appliances, rubber debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous material.

- (3) "Automobile Graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. For the purpose of these rules and regulations any place where one or more junked, wrecked, or non-operative automobiles, vehicles, machines and other similar scrap or salvage materials are deposited, parked, placed or otherwise located shall be determined to be an automobile graveyard.
- (4) "Scrap Processing Facility" means any establishment having facilities for processing iron, steel, non-ferrous scrap, mineral wastes or slag, and whose principal product is scrap iron, steel, or non-ferrous scrap for sale for remelting purposes only.
- (5) "Director" means the Environmental Services Director of the Mobile County Commission.
- (6) "Zoned Industrial Area" means any area zoned industrial by an official zoning authority of the State.
- (7) "Unzoned Industrial Area" means the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity and that land within 1,000 feet thereof which is:
- a. Located on the same side of the highway as the principal part of said activity, and
 - b. Not predominately used for residential or commercial purposes, and
 - c. Not zoned by State or Local law, regulation or ordinance.
- (8) "Industrial Activities" means those activities permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the State, or prohibited by said authority but generally recognized as industrial by other zoning authorities within the State, except that none of the following shall be considered industrial activities for the purpose of establishing an unzoned industrial area:
- a. Outdoor advertising structures.
 - b. Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to, grain elevators, metal grain storage bins, and wayside fresh produce stands.
 - c. Activities normally and regularly in operation less than 3 months of the year.
 - d. Transient or temporary activities.
 - e. Activities not visible from the traffic lanes of the main traveled way.

- f. Activities more than 1000 feet from the nearest edge of the main traveled way.
- g. Activities conducted in a building principally used as a residence.
- h. Railroad tracks, minor sidings, and passenger depots.
- i. Junkyards as defined in Act 94-216.

- (9) "Screening" means the use of certain vegetative planting, fencing, ornamental wall of masonry, or other architectural treatment, earthen embankment, or a combination of any of these which will effectively hide from view any deposit of junk.
- (10) "Zone of Control" means all areas inside the boundaries of this County which are adjacent to or within 1,000 feet of the edge of the right-of-way of a highway or County maintained right of way. Any revision in right-of-way limits after initial control is obtained will require a similar revision in the control area.
- (11) "Person" means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic or corporation.
- (12) "Unauthorized Accumulation" means any accumulation of trash, garbage, or putrescible waste for more that seven (7) days on any residential or commercial properties, excluding noncommercial composting, and commercial composting for which a valid permit has been obtained. This shall not include building materials used in constructing or repairing a building or other structure and stored at the site of such building or structure.

Section 3. Measurements of Distance

- (1) Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the roadway.
- (2) All distances along the centerline of the roadway shall be measured between two vertical planes which are normal or perpendicular to and intersect the centerline of the roadway, and which pass through the termini of the measured distance.

Section 4. Screening

(1) **Responsibility for Screening**

- a. Any junkyard which is within 1,000 feet of the nearest edge of the right-of-way of a highway or County maintained right-of-way shall be screened at locations along the right-of-way, along the side lot lines, and along the back lot lines, so as not to be visible from the adjacent properties.
- b. Junkyards established subsequent to the effective date of these regulations, and located in areas subject to control by and as contained in these rules and regulations must provide for adequate screening in accordance with these regulations at the expense of the person owning the junkyard. Screening must be of a type approved by the Director. Those junkyards that cannot be adequately screened shall be relocated at owner's expense.

(2) **Plan for Screening of Junkyards Established after these Regulations**

The owner or owners of any junkyard or scrap processing facility shall submit a plan drawn to scale indicating how screening is to be accomplished. Such plan shall show the construction details of the screening to be used. When fencing is used alone or in combination with plant material, the results shall provide immediate screening. When planting is used alone or in combination with an earthen embankment, the number, type, size and spacing of the plants shall be capable of screening the junk entirely from view immediately upon planting. The ability of the proposed plant material to accomplish this goal shall be judged by the Director.

- a. The screening shall be located on the owner's land and not on any part of the road right-of-way.
- b. The screen shall be in place prior to the time the junk is deposited.
- c. At no time after the screen is established shall the junk be stacked high enough to be visible above the screen. No junk shall be placed outside of the screened areas or in areas not covered by the license. Minimum fence height shall be six (6) feet.
- d. Fences must be located in such a manner as to not be hazardous to the traveling public.
- e. The construction of fences shall be uniform and no patchwork type of construction shall be permitted.
- f. Fences shall be painted where the composition is such that painting is required. The paint used shall be of such color so as to blend into the environs of the road right-of-way or adjacent properties.

(3) **Acceptable Fencing Materials**

Subject to the approval of the Director, acceptable fencing shall include fences of steel or other metals, durable woods such as heart cypress, redwood, or other wood treated with a preservative, or walls or masonry.

Some of the types acceptable are:

- a. Chain link type with aluminum, steel, plastic or wooden slat inserts.
- b. Wooden types of basket weave, palisade, louver, or other suitable design.
- c. Walls of masonry including plain or ornamental concrete block, block, brick, stone, or other suitable masonry material.

Note: The above types of fencing and walls are given for examples only. Any other design of fencing constructed of other materials may be submitted for consideration.

(4) **Plant Material**

- a. Plant materials indicated on the plans shall specify the botanical name of the plant materials used, the size at the time of planting, and the spacing between plants. All plant material shall be predominantly evergreen and approved by the Director. Screening shall be made complete at the time of planting.
- b. The requirements established by the American Nursery & Landscape Association as shown in their current publication entitled "American Standard for Nursery Stock" shall be in accord and govern grading, ball size, etc. for specific stock used. Scientific and common names of plants shall be in conformity with the approved names in "Standardized Plant Names" (Current Edition) prepared by the American Joint Committee on Horticultural Nomenclature. Certificates of inspection of plant materials required by federal, state or other authority including Alabama Dept of Agriculture and Industries licenses shall be procured prior to planting.

- c. The minimum size of plant material at the time of planting shall be as follows:

Shade Trees: 1' - 1 1/2" caliper (Deciduous)

Multi-stem trees: 4' - 5' in height (Hawthorn, Crape Myrtle, etc.)

Evergreen Trees: 4' - 5' in height (Pinus, Magnolia, etc.)

Evergreen Shrubs: 2 1/2' - 3' in height (including eleagnus, abelia, etc.)

- d. Planting plans shall show plant pit size, back fill material used, planting and staking details.

(5) **Maintenance**

The owner or owners of any junkyard shall maintain the screening established initially, doing such painting and repairs to keep any fences, walls or other structural material in good appearance. Plant material shall be watered, cultivated, or mulched, and given any required maintenance including spraying for insect control, to keep the planting in a good healthy condition. Dead plant material will be removed immediately and shall be replaced during the next spring or fall planting season following death. The replacement plants shall be at least as large as the initial planting.

(6) **Failure to Maintain Screening**

Failure to provide or maintain screening shall result in the revocation of the junkyard owner's license and the Environmental Services Director may apply for a civil action in the name of the Mobile County Commission in the Circuit Court of Mobile County, Alabama to abate or enjoin any public nuisances as declared by Act 94-216.

Section 5. Other Requirements

- 1. Junkyards are not allowed to be located within 100 ft. of any bank of stream or river and cannot be located within any designated floodway.
- 2. All junkyards are required to maintain a NPDES stormwater permit as administered by the Alabama Department of Environmental Management. Proof of this permit is required to obtain a license.
- 3. There shall be a set back for locating any junk of not nearer than ten (10) feet to any property line or right-of-way line.
- 4. There shall not be any loading or unloading of any junk outside the screening.
- 5. A stormwater management plan shall be submitted with the application.

6. New or proposed junkyards are prohibited from being within 400 ft. of the property line of a school, hospital or church.
7. Junkyard owners are required to obtain a valid business license.
8. New or proposed junkyards shall obtain site approval from the Director. A commercial site plan shall be submitted to the County Engineer's Office.
9. Existing junkyards have 120 calendar days to come into compliance with these regulations.

Section 6. Application for License

- (1) No junkyard shall be established, operated or maintained within 1,000 feet of the nearest edge of the right-of-way of any highway or County maintained roadway, without obtaining a license to do so from the Mobile County Commission. Application for a license to establish, maintain or operate a junkyard shall be made in writing on the form prescribed by the Director and shall be signed by the applicant or his authorized agent. A license fee in the amount of \$750.00, by certified or cashier's check or money order, made payable to the Mobile County Commission, shall accompany this application. The license shall expire on September 30 following the date of issue, and the license may be renewed from year to year upon payment of the fee. The license fee is not refundable.
- (2) Any failure to apply for or renew the license for operation or maintenance of a junkyard shall be considered in violation of these regulations and the violator shall be subject to the penalties set forth in Act 94-216.
- (3) The license issued shall be valid for only that area covered in the approved application. Any expansion in size or any change of location of the junkyard is strictly prohibited unless an application for the change is made and approval is granted by the Mobile County Commission. Any change of location will require the issuance of a new license.
- (4) Any person operating a junkyard, which the Director shall require to be screened in accordance with these rules and regulations, shall submit a plan for such screening with the application for a license to operate such junkyard. The Director must approve the application and plans for screening before a license for the operation of such junkyard shall be issued.

Section 7. Procedure for Obtaining License

- (1) Applicant
 - a. Obtain application Form MCE No. 1 from the Environmental Services Department, 205 Government Street, Mobile, AL 36644-1600.

- b. Contact the Environmental Services Department and request a site inspection of the junkyard to be covered by the license.
- c. Prepare the original and four copies of the application Form MCE No. 1 and the plans for screening the junkyard and forward with necessary license fee to the Director.

Note: The plan for screening the junkyard shall be drawn to scale on paper a minimum size of 11" x 16".

- d. Prepare and forward the original and four copies of the application together with the necessary license fee to the Environmental Director.

(2) **The Environmental Services Director**

- a. Have site inspection made upon request of the junkyard operator.
- b. Review application Form MCE No. 1 and plans for screening of junkyard for compliance with applicable rules and regulations.
- c. Upon approval of application and plans for screening by the Environmental Services Director, forward information to the County Engineer's Office.
- d. Deliver copy of approved application and plan for screening to applicant.
- e. When advised by applicant that screening according to plan has been completed, make inspection of same and if it meets with necessary requirements, notify County Engineer to this effect and place on the agenda of the County Commission. Approval and issuance of license will be made by the County Commission at a regular County Commission Meeting.
- f. Deliver appropriate license to applicant.

Section 8. Periodic Inspection

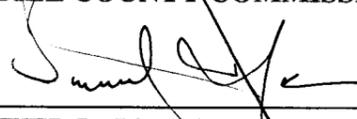
The Director or his designated representative shall inspect junkyards periodically to ensure that they are being operated in accordance with applicable rules and regulations pertaining to junkyard control, and shall require that fences or plant material be maintained in such a manner as to accomplish the objective of these rules and regulations. If the inspection discloses that the junkyard is being operated in violation of these rules and regulations of the Mobile County Commission, the owner shall be informed in writing on the Form MCE No. 3, sent by registered mail, stating the violation and instructing him to make the necessary corrections within 30 days from the date of the letter.

Section 9. Procedure for Non-Compliance

- (1) If the owner fails to make the correction(s) noted in the letter mentioned in Section 8 within the required time, the Director shall submit to the County Commission for referral to the County Attorney the following information and data:
 - a. Name and address of the owner.
 - b. Type of business, i.e., sole proprietorship, partnership or corporation. If it is a partnership, indicate all partners with name and address of each.
 - c. Specific location.
 - d. Past record of compliance or non-compliance.
 - e. Type of material stored at junkyard and quantity.
 - f. Copy of letter sent to owner.
- (2) The County Attorney shall review the material and if further action is desired, the material will be forwarded to the Director along with recommendations.
- (3) The Attorney, after reviewing the submitted material will determine if legal action should be taken to make the owner comply with the Junkyard Regulations.

Adopted on September 13, 1999

MOBILE COUNTY COMMISSION

BY: 

SAMUEL L. JONES, President

ATTEST:



SUSAN MORRISON, County Administrator

Form MCE No. 1
MOBILE COUNTY COMMISSION
(Revised 8/13/99)

Page 1 of 2

Application No. _____
License No. _____
Date of Issue _____

DO NOT WRITE ABOVE THIS LINE

APPLICATION FOR JUNKYARD LICENSE

The undersigned, pursuant to the provisions of Act 94-216 and the regulations promulgated thereunder, hereby applies for a license of a junkyard which is located within 1,000 feet of the nearest edge of the right-of-way of a highway or County maintained right of way and furnishes the following information to support this application:

1. Applicant's Company name, address, telephone no. _____

2. Owner's name, address, telephone no. _____

3. Lease holder's name, address, telephone no. _____

4. (Check one) The type of business is: Junkyard _____, Garbage Dump_____, Sanitary Fill_____, Automobile Graveyard _____, Scrap Processing Facility_____, or other (list)_____.
5. I began to maintain, use and operate the business or facility as indicated on the _____ day of _____, 19____.
6. (Check one) This application is an original application for: License_____, Renewal of a license_____, or Expansion of Junkyard_____.
7. There is enclosed certified or cashier's check or money order payable to the Mobile County Commission for \$750.00 dollars for the annual fee.

Any false statement or misrepresentation made by the applicant for this license may cause the license to be revoked and the license fee forfeited.

Date _____ Applicant's Signature _____

Title _____

Form MCE No. 1
MOBILE COUNTY COMMISSION

LOCATION AND DIMENSION SKETCH OF FACILITY

Form MCE No. 2

License No. _____
Date of Issue _____

**MOBILE COUNTY COMMISSION
JUNKYARD LICENSE**

This is to certify that _____

is authorized to establish, operate and maintain a Junkyard at

This license is valid for the Junkyard named hereon at the location hereon designated.

Mobile County Commission

Environmental Services Director

FORM MCE NO. 3

Subject: **Junkyard Violations**

Dear Sir:

During a recent inspection, it was noted that your junkyard located at

_____ is in violation of the provisions of the Mobile County Junkyard Regulations.

The following violations were found:

Notice is hereby given that the above violations be corrected before _____ or the Mobile County Commission may take the necessary action to revoke your license for non-compliance with its terms.

Notice is hereby given that the above violations be corrected before _____ or the Mobile County Commission may take the necessary legal action to bring forth compliance with the regulations adopted by the Mobile County Commission in conjunction with Act 94-216 requiring screening and other requirements to obtain a license for the operation or maintenance of a junkyard.

Very truly yours,

Environmental Services Director