

**ORDINANCE REGULATING THE OPERATION OR MAINTENANCE OF
AUTOMOBILE GRAVEYARDS IN ALAMANCE COUNTY**

WHEREAS, North Carolina General Statute 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, North Carolina General Statute 153A-134 provides that a county may regulate business; and

WHEREAS, this Board declares that automobile graveyards in close proximity to public roads are patently offensive to the dignity and aesthetic quality of the environment in Alamance County unless at least partially obstructed from view by appropriate fencing or combination of fencing and vegetation; and

WHEREAS, this Board declares that automobile graveyards in close proximity to public roads may pose a threat to health, safety and welfare of the citizens, and for aesthetic purposes; and

WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of automobile graveyards in the unincorporated areas in Alamance County.

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

SECTION ONE. TITLE

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

SECTION TWO. 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.

- A. Automobile Graveyard: Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling six (6) or more wrecked, scrapped, ruined or dismantled motor vehicles, or motorized equipment; or any establishment or place of business upon which six (6) or more unlicensed used motor vehicles or motorized equipment which cannot be operated

under their own power are kept or stored shall be deemed to be an “automobile graveyard” within the meaning of the ordinance.

- B. Establishment: Any real property on which or in which there is operated or maintained any commercial, industrial or service business or activity for profit.
- C. Business: Any marketing activity conducted for the sale, trade, or barter of goods or services for a profit.
- D. Fence: A continuous, opaque, barrier constructed of chain link with panel weave.
- E. Gate: A door or other device attached to a fence which, when opened provides a means of ingress and egress of persons and things and which, when closed forms a continuous barrier as part of the fence to which it is attached.
- F. Housing Unit: any house, manufactured home, an apartment, a group of homes, or a single room occupied or intended for occupancy as separate living quarters for one or more humans.
- G. Junked Car: An unlicensed used motor vehicle or motorized equipment which cannot be operated under its own power.
- H. Land Parcel: A single tract or contiguous tracts of land under single or joint ownership.
- I. Motor Vehicles: Every device in, upon, or by which any person or property is or may be transported or drawn upon land, air, or water which is propelled by mechanical power sources, and every device designed to run upon land, air, or water that is pulled or pushed by a device propelled by mechanical power.
- J. Motorized Equipment: Every device that is propelled or powered by mechanical power sources which is designed to accomplish any work.
- K. 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, hardsurfaced or other dependable highways, and any road which is a neighborhood public road as defined in North Carolina General Statute Section 136-67.
- L. Vegetation: Evergreen trees or shrubs or plants with a minimum height of four (4) feet when planted, which reach a height of at least six (6) feet within three (3) years.
- M. Visible: Capable of being seen without visual aid by a person of normal visual acuity.

SECTION THREE. PERMIT REQUIRED FOR AUTOMOBILE GRAVEYARDS AND/OR JUNKYARDS

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 Alamance County an automobile graveyard without a permit issued in accordance with the provisions of this Ordinance. A permit shall be issued by Alamance County or its agents upon showing of compliance with this Ordinance. The permit shall be valid for a period of three (3) years and may be renewed thereafter unless revoked for the nonconformance to this Ordinance.

SECTION FOUR. SCREENING AND FENCING

All automobile graveyards shall be screened by a fence or vegetation at all points where said fence or vegetation shall be necessary to screen the automobile graveyard from the view of persons from public roads or so as to create a barrier to the view of the public of said automobile graveyard except as provided in Section Five - Exceptions.

If vegetation is provided for screening, vegetation shall be of a type that will reach a minimum height of six (6) feet within three (3) years of planting, and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow (without gaps or open spaces) will exist to a height necessary to screen the automobile graveyard or junkyard from public view. A proposed plan for vegetation must be approved by designated Alamance County Agricultural Extension Service prior to planting. The hedgerow shall be maintained as a continuous, unbroken hedgerow for the period the property is used as an automobile graveyard. Screening is not required in front of the building.

Each owner, operator, or maintainer of an automobile graveyard to which this Ordinance applies shall utilize good husbandry techniques such as pruning, mulching and proper fertilization so that the vegetation will reach maturity as soon as is practical and will have maximum density in foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

The fence or vegetation shall have not more than two (2) gates and/or entrances on any street for the purposes of ingress and egress of motor vehicles. The gates shall be closed and securely locked at all times, except during business hours.

The fence shall be maintained in good order and shall not be allowed to deteriorate.

SECTION FIVE. EXCEPTIONS TO SCREENING AND FENCING

The following automobile graveyards are excepted from the Screening and Fencing Requirements:

- A. Automobile graveyards which are in a location that is: Greater than 1000 feet from the nearest edge of right-of-way of any public road; or

- B. Those automobile graveyards which are screened by natural objects, so as not to be visible from any public road at any season of the year; or
- C. Those unlicensed junk cars located in a fully enclosed structure; or
- D. Those automobile graveyards permitted by Article 12 of the North Carolina General Statute Chapter 136.

SECTION SIX. STREAM BUFFER

Any automobile graveyard which traverses or borders a perennial or intermittent stream must maintain a fifty (50) foot buffer of vegetation on both sides of the stream at all times to retard rapid water runoff and soil erosion and in which no automobile graveyard will be maintained. Perennial and intermittent streams are identified as solid blue lines and dotted blue lines on United States Geological Survey Maps.

SECTION SEVEN. ADVERTISEMENTS ON SCREENING

Screening required by this ordinance shall not be used for bill postings or other advertising purposes, except that a space not larger than six feet by twelve feet may be used for the advertisement of the business of the owner thereof.

SECTION EIGHT. REMEDIES AND PENALTIES FOR VIOLATION

- A. If any business is operated in violation of this Ordinance, in addition to other remedies, the County may institute an action for an injunction to stop the violation.
- B. The Alamance County Inspections Department shall be responsible for enforcing the provisions of this Ordinance.
- C. Any person, firm, corporation or other entity who maintains or operates or who controls the maintenance or operation of an automobile 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 or by imprisonment not to exceed 30 days, or both, in the discretion of the Court. Each day that said automobile graveyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.
- D. The Alamance County Inspections Department shall have the power to revoke the permit required by Section Three of this ordinance. When the Inspections Department intends to revoke the permit, it shall serve the permittee with a notice of revocation. The permittee may appeal the revocation as provided in Section Eleven. The permittee may continue operating his business pending an appeal under Section Eleven.

SECTION NINE. EFFECTIVE DATE

Effective date shall be twelve (12) months from adoption of this Ordinance.

SECTION TEN. VARIANCE PROCEDURE

- A. The Board of Commissioners may authorize variations from the provisions of this ordinance regarding required screening where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this ordinance. All requests for a variation shall be in writing and submitted to the Administrative Services Department. Prior to consideration of a variation by the Board of Commissioners, the request for the variation shall be referred by the Administrative Services Department to the Alamance County Planning Board for the Planning Board’s recommendation.

- B. Notice: Decisions on variations by the Board of Commissioners shall be reached only after a public hearing and after notice has been given by certified mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the county not less than ten days nor more than thirty days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the board is sought, as well as a brief description of the nature of the application.

SECTION ELEVEN. APPEAL PROCEDURES

The revocation of any permit or the refusal to issue a permit by the Alamance County Inspections Department, shall entitle the person who applied for the permit to a hearing if such person submits written demand for a hearing within fifteen (15) days after receipt of written notice of the disapproval or revocation. The hearing shall be conducted by the Alamance County Board of Commissioners and pursuant to procedures adopted by the Alamance County Board of Commissioners.

SECTION TWELVE. PERMIT FEE

The permit fee for automobile graveyard shall be \$25.

Adopted by the Alamance County Board of Commissioners, this the 5th day of July, 1988.

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The foregoing ordinance was passed by the Board of Commissioners for the County of Alamance on first reading during regular meeting on June 6, 1988 – see Minute Book No. 27 Page No. 78 and adopted during regular session on July 5, 1988 to be effective July 5, 1989 – see Minute Book No. 27 Page No. 88.