

COURT ORDER NO. 93-14/-11-09

THE STATE OF TEXAS

§

ORDER AMENDING COURT ORDER

NO. 92-208-02-24 REGULATING

AUTOMOTIVE WRECKING

COUNTY OF COLLIN

§

SALVAGE AND JUNKYARDS

On November 9, 1992, the Commissioners' Court of Collin County, Texas, met in regular session with the following members present and participating, to-wit:

RC1 Harris

Phyllis Cole

Jerry Hoagland

John Witherspoon

Jack Hatchell

County Judge, Presiding

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

During such session the Court considered adoption of the following ordinance to amend Sections One and Three of Court Order No. 92-208-02-24.

WHEREAS, the Commissioners' Court of Collin County has concluded that the phrase "change of ownership", including any phrase having similar meaning, should be defined; and

WHEREAS, the Commissioners' Court of Collin County did conduct a public hearing, as specified in Tex.Rev.Civ.Stat.Ann., art. 2372dd-1, Sec 5(b), prior to adopting this amending ordinance; and

WHEREAS, the Commissioners' Court of Collin County has the authority to adopt this ordinance under Tex.Rev.Civ.Stat.Ann., art. 2372dd-1.

NOW BE IT THEREFORE ORDERED by the Commissioners' Court of Collin County that Sections One Three of Court Order No. 92-208-02-24 be amended to read as follows:

ARTICLE I

SECTION ONE

DEFINITIONS

- (1) "Automotive wrecking and salvage yard" means any person or business that stores three (3) or more wrecked vehicles

outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

- (2) "Change of ownership" means the sale or transfer of a majority of either the outstanding voting shares or of all outstanding shares of capital stock if the business is a corporation; the sale or transfer of a majority interest in any partnership if the business is a partnership; or, the sale or transfer of the real property or a bulk sale of the inventory if the business is a sole proprietorship.
- (3) "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, including farm equipment, or other material (other than a wrecked vehicle) that has been discarded or sold at a nominal price by a previous owner of the material.
- (4) "Junkyard" means a business that owns and is operated to store, buy, or sell junk, all or part of which is kept outdoors, until disposed of.
- (5) "Recycling business" means a business that is primarily engaged in the business of:
 - (a) converting ferrous or nonferrous metals, glass or other materials into raw material products having prepared grades and having an existing or potential economic value;
 - (b) using raw material products of that kind in the production of new products; or
 - (c) obtaining or storing ferrous or nonferrous metals, glass or other materials for a purpose described by 4(a) or 4(b) hereof.
- (6) "Wrecked vehicle" means a discarded, abandoned, junked, wrecked or worn out automotive vehicle, including an automobile, truck, tractor-trailer or bus that is not in a condition to be lawfully operated on a public road.
- (7) "Road" means all County roads, rights-of-way, public thoroughfares, or public access roads not subject to Tex.Rev.-Civ.Stat.Ann., art. 4477-9a, Sec. 408 (1992).
- (8) "Covered business" means the working and storage area of a junkyard or automotive wrecking and salvage yard, which begins operation after June 1, 1987.

ARTICLE II

SECTION THREE

COUNTY LICENSE REQUIREMENTS

A. A license, issued by a County official or agency, as designated by the Commissioners' Court, is required for:

- (1) junkyards or automotive wrecking and salvage yards beginning operation after the effective date of this ordinance, including the change of ownership of an existing junkyard or automotive wrecking and salvage yard; and,
- (2) junkyards or automotive wrecking and salvage yards which began operation prior to the effective date of this ordinance, but after June 1, 1987.
- (3) any expansion or enlargement of an existing junkyard, or automotive wrecking and salvage yard which occurs after the effective date of this ordinance.

A license shall be in effect for one (1) year.

B. An application for a license shall be considered, as to site/location, by the Commissioners' Court. For covered businesses beginning operation or expanding or enlarging after adoption of this ordinance, a license may be approved and issued only after the location requirements are satisfied. The location requirements for license issuance are:

- (1) the location of the proposed covered business shall not be detrimental to the public health, safety or welfare;
- (2) the location of the proposed covered business shall not create a hazard to the environment;
- (3) the location of the proposed covered business shall not be incompatible with surrounding development;
- (4) the proposed covered business shall be at least three hundred feet (300') from the property line of a lot on which there is a church, a school, a park, a hospital, a nursing home, or a residence (single family home, duplex, apartment, townhouse or mobile home), or the property line of a residential subdivision;

(5) the location of the proposed covered business shall not be within one thousand feet (1,000') of any downstream lake, river, creek, tributary or pond;

(6) the location of the proposed covered business shall not be within the one hundred (100) year flood plain.

C. A provisional license may be issued to covered businesses in operation prior to the adoption of the ordinance. To receive a provisional license, the covered business shall not be located within fifty feet (50') of the right-of-way of a state highway, public street, or residence. Notwithstanding the foregoing, a covered business in operation on September 1, 1991 shall receive a provisional license but shall comply with the above fifty foot (50') right-of-way requirement on the earlier of:

- (1) the date on which ownership changes;
- (2) the date on which the lease of the property on which the junkyard or salvage yard is located terminates; or
- (3) September 1, 1994.

ARTICLE III

SEVERABILITY

If any section, subsection, word, sentence or phrase of this ordinance is declared to be invalid, it shall not affect the validity of any other section, subsection, word, sentence or phrase of this ordinance.

Ron Harris
RON HARRIS, County Judge

Phyllis Cole
PHYLLIS COLE, Precinct 1

Jerry Hoagland
JERRY HOAGLAND, Precinct 2

John Witherspoon
JOHN WITHERSPOON, Precinct 3

Jack Hatchell
JACK HATCHELL, Precinct 4

ATTEST:

Helen Starnes
HELEN STARNES

Ex-Officio Clerk
Commissioners' Court
Collin County, Texas



COURT ORDER NO.

92-208-0224

THE STATE OF TEXAS

§

COUNTY OF COLLIN

§

ORDER REGULATING
AUTOMOTIVE WRECKING
SALVAGE AND JUNKYARDS

On February 24, 1992, the Commissioners' Court of Collin County, Texas, met in regular session with the following members present and participating, to-wit:

Ron Harris
Phyllis Cole
Jerry Hoagland
John Witherspoon
Jack Hatchell

County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4

During such session the Court considered adoption of the following ordinance to require licensing of all automotive wrecking and salvage yards and junkyards operating after June 1, 1987.

WHEREAS, the Commissioners' Court of Collin County has concluded that the indiscriminate location and operation of junkyards or automotive wrecking and salvage yards, and the visibility of junked vehicles, vehicle parts and other junk, is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, creates fire hazards, and is detrimental to the economic welfare of the County by producing urban blight adverse to the maintenance and improvement of the quality of life; and

WHEREAS, the Commissioners' Court of Collin County recognized the screening standards as stated in Tex.Rev.Civ.Stat.Ann., art. 2372dd-1, Sec. 3(a) (1992 Supp.); and

WHEREAS, the Commissioners' Court of Collin County did conduct a public hearing, as specified in Tex.Rev.Civ.Stat.Ann., art. 2372dd-1, Sec 5(b), prior to adopting this ordinance; and

WHEREAS, the Commissioners' Court of Collin County has the authority to adopt this ordinance under Tex.Rev.Civ.Stat.Ann., art. 2372dd-1.

NOW BE IT THEREFORE ORDERED by the Commissioners' Court of Collin County that:

SECTION ONE

DEFINITIONS

- (1) "Automotive wrecking and salvage yard" means any person or business that stores three (3) or more wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.
- (2) "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, including farm equipment, or other material (other than a wrecked vehicle) that has been discarded or sold at a nominal price by a previous owner of the material.
- (3) "Junkyard" means a business that owns and is operated to store, buy, or sell junk, all or part of which is kept outdoors, until disposed of.
- (4) "Recycling business" means a business that is primarily engaged in the business of:
 - (a) converting ferrous or nonferrous metals, glass or other materials into raw material products having prepared grades and having an existing or potential economic value;
 - (b) using raw material products of that kind in the production of new products; or
 - (c) obtaining or storing ferrous or nonferrous metals, glass or other materials for a purpose described by 4(a) or 4(b) hereof.
- (5) "Wrecked vehicle" means a discarded, abandoned, junked, wrecked or worn out automotive vehicle, including an automobile, truck, tractor-trailer or bus that is not in a condition to be lawfully operated on a public road.
- (6) "Road" means all County roads, rights-of-way, public thoroughfares, or public access roads not subject to Tex.Rev.-Civ.Stat.Ann., art. 4477-9a, Sec. 408 (1992).
- (7) "Covered business" means the working and storage area of a junkyard or automotive wrecking and salvage yard, which begins operation after June 1, 1987.

SECTION TWO

ADMINISTRATION

The procedures described in this ordinance shall be administered by a regular salaried County official, as designated by the Commissioners' Court.

SECTION THREE

COUNTY LICENSE REQUIREMENTS

A. A license, issued by a County official or agency, as designated by the Commissioners' Court, is required for:

- (1) junkyards or automotive wrecking and salvage yards beginning operation after the effective date of this ordinance; and,
- (2) junkyards or automotive wrecking and salvage yards which began operation prior to the effective date of this ordinance, but after June 1, 1987.
- (3) any expansion or enlargement of an existing junkyard, or automotive wrecking and salvage yard which occurs after the effective date of this ordinance.

A license shall be in effect for one (1) year.

B. An application for a license shall be considered, as to site/location, by the Commissioners' Court. For covered businesses beginning operation or expanding or enlarging after adoption of this ordinance, a license may be approved and issued only after the location requirements are satisfied. The location requirements for license issuance are:

- (1) the location of the proposed covered business shall not be detrimental to the public health, safety or welfare;
- (2) the location of the proposed covered business shall not create a hazard to the environment;
- (3) the location of the proposed covered business shall not be incompatible with surrounding development;

- (4) the proposed covered business shall be at least three hundred feet (300') from the property line of a lot on which there is a church, a school, a park, a hospital, a nursing home, or a residence (single family home, duplex, apartment, townhouse or mobile home), or the property line of a residential subdivision;
 - (5) the location of the proposed covered business shall not be within one thousand feet (1,000') of any downstream lake, river, creek, tributary or pond;
 - (6) the location of the proposed covered business shall not be within the one hundred (100) year flood plain.
- C. A provisional license may be issued to covered businesses in operation prior to the adoption of the ordinance. To receive a provisional license, the covered business shall not be located within fifty feet (50') of the right-of-way of a state highway, public street, or residence. Notwithstanding the foregoing, a covered business in operation on September 1, 1991 shall receive a provisional license but shall comply with the above fifty foot (50') right-of-way requirement on the earlier of:
- (1) the date on which ownership changes;
 - (2) the date on which the lease of the property on which the junkyard or salvage yard is located terminates; or
 - (3) September 1, 1994.

SECTION FOUR

SCREENING

- A. All junkyards and automotive wrecking and salvage yards shall be screened with a solid barrier fence that is eight feet (8') high, but may be up to twelve feet (12') high at the request of the applicant. The fence shall be painted a natural earthtone color and shall not have any signs appear on its surface other than signage indicating the business name. The fence shall be kept in good repair at all times.
- B. The operator of the covered business shall allow access to the County Fire Marshal and Health Inspector for on-site inspections, upon complaint or at reasonable business hours.

SECTION FIVE

LICENSE APPLICATION PROCEDURE

A. A written application shall be made to the County official designated by the Commissioners' Court within six (6) months after adoption of this ordinance for existing covered businesses and prior to construction for proposed covered businesses. A written application shall be made to the County official designated by the Commissioners' Court prior to the expansion or enlargement of any automotive wrecking and salvage yard or junkyard. The application must include the following:

- (1) four (4) 8"x10" color photographs showing the entire area of the covered business from a northern, eastern, southern and western view; and
- (2) a plat or scaled drawing which describes the physical layout of the facility and the area encompassed within three hundred feet (300') of the facility perimeter. Said plat or drawing shall include:
 - (a) all buildings, septic tanks, fences, material stacks and their location within the covered business; and
 - (b) all downstream lakes, rivers, creeks, tributaries, and ponds on or within one thousand feet (1,000') of the covered business, and the one hundred (100) year flood plain within the covered business; and
 - (c) all commercial and industrial buildings, residential subdivisions, fences, railroads, private roads and prominent natural objects within three hundred feet (300') of the covered business.

Note: This application will be in addition to any building permit that will be required.

B. Upon receipt, the application will be forwarded to the County Health Inspector and Fire Marshal for review and recommendations. The application, and recommendations, will then be forwarded to the Commissioners' Court for review and posted for a fourteen (14) day period prior to formal action taken by the Commissioners' Court.

- C. After approval by the Commissioners' Court, a permit to construct a proposed covered business will be issued. Upon completion of construction in accordance with the requirement of the permit and following final inspection, a certificate of occupancy and license for operation will be issued.
- D. An annual fee of twenty-five dollars (\$25.00) shall be paid at the time of application for the license or renewal.

SECTION SIX

RENEWAL AND REVOCATION

- A. A license issued under this ordinance may be renewed annually upon satisfaction of the following requirements:
 - (1) payment of a fee of twenty-five dollars (\$25.00); and
 - (2) provide an affidavit indicating that the covered business has not expanded or enlarged its location.
- B. The Commissioners' Court may revoke, suspend or deny renewal of any license issued under this ordinance if:
 - (1) any screening requirements are violated; or
 - (2) said automotive wrecking and salvage yard or junkyard operators do not permit on-site inspections by the County Health Inspector and Fire Marshal; or
 - (3) location requirements have not been complied with; or
 - (4) contents of the license application have been falsified.
- C. In the event that a license is revoked, suspended or denied renewal, written notice shall be given to the license holder or its designated agent. The notice will include the following:
 - (1) specific instances of the alleged violation(s); and

- (2) that the licensee may request a hearing before the Commissioners' Court, such request must be submitted in writing within ten (10) days of receipt of notice.

SECTION SEVEN

HEARINGS

- A. If a request for hearing is timely received, the licensee shall be given the opportunity to present evidence and be represented in said hearing.
- B. The Court shall notify the requesting party of the date and time of the hearing.
- C. The hearing shall be held no later than thirty (30) days after the date of the revocation or denial of renewal.
- D. The Commissioners' Court shall determine whether or not to uphold the actions of the County official in revoking, suspending or denying the license, which decision shall be final.

SECTION EIGHT

EXCEPTIONS

- A. The County licensing requirement described in this ordinance does not apply to the following:
 - (1) a recycling business; or
 - (2) a junkyard or an automotive wrecking and salvage yard that is located entirely within an incorporated city or town and that is subject to regulation in any manner by the city or town.
- B. The County screening requirement described in this ordinance does not apply to the following:
 - (1) a junkyard or automobile graveyard as defined by Tex.Rev.Civ.Stat.Ann., art 4477-9a and subject to Sec. 408 of that law;
 - (2) a recycling business;

- (3) a junkyard or an automotive wrecking and salvage yard that is located entirely within an incorporated city or town and that is subject to regulation in any manner by the city or town.

SECTION NINE

INJUNCTION

Any person is entitled to injunctive relief to prevent a violation or threatened violation of this ordinance, or Tex.Rev.Civ.-Stat.Ann., art 2372dd-1, from continuing or occurring.

SECTION TEN

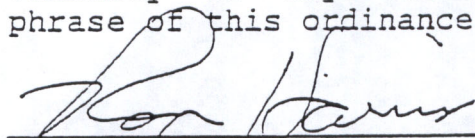
CRIMINAL PENALTY

A person who knowingly or intentionally violates this ordinance commits an offense. An offense under this ordinance is a Class C misdemeanor. A separate offense occurs each day on which all the elements of the offense exist.

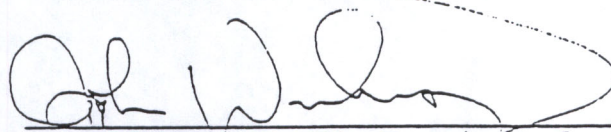
SECTION ELEVEN

SEVERABILITY

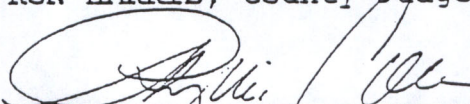
If any section, subsection, word, sentence or phrase of this ordinance is declared to be invalid, it shall not affect the validity of any other section, subsection, word, sentence or phrase of this ordinance.



RON HARRIS, County Judge



JOHN WITHERSPOON, Precinct 3



PHYLLIS COLE, Precinct 1

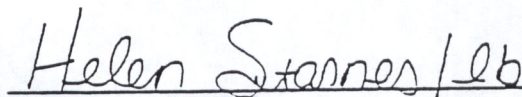


JACK HATCHELL, Precinct 4

NOT PRESENT

JERRY HOAGLAND, Precinct 2

ATTEST:



HELEN STARNES
Ex-Officio Clerk
Commissioners' Court
Collin County, Texas

