

RESOLUTION 01-02-12-10

WHEREAS, the Legislature of Alabama has heretofore enacted Act No. 99-417, relating to Shelby County and authorizing the Shelby County Commission to regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, parts of inoperable vehicles, and other litter within the unincorporated territory of the county and providing that certain acts constitute a public nuisance and are unlawful, providing for civil remedies, including actions to enjoin and abate a public nuisance; and which said Act No. 99-417 provided that the Shelby County Commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk or materials described therein;

NOW THEREFORE BE IT RESOLVED, and, separately and severally, **ORDAINED** by the Shelby County Commission as follows:

SANITATION REGULATIONS OF SHELBY COUNTY

Section 1. Purpose and Declaration

The regulation of the accumulation and storage of junk, inoperable motor vehicles, parts of inoperable motor vehicles, and other litter within the unincorporated areas of Shelby County, and licensing of the operation of junkyards within the unincorporated areas of Shelby County is declared to be in the public interest and necessary to promote the public safety, health, welfare, convenience, enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of lands and the environment, and to promote the

conservation of natural mineral resources; the Legislature of Alabama and the Shelby County Commission find and declare that within the unincorporated areas of Shelby County the accumulation and storage of junk, inoperable motor vehicles, parts of inoperable motor vehicles, and other litter and the operation of junkyards which do not conform to the requirements of these regulations are a public nuisance.

Section 2. Definitions

(a) *Commission*. The Shelby County Commission.

(b) *Designated County Official(s)*. The County Manager, the Director of Planning and Development or other staff designated and authorized by the County Manager to develop and/or administer policies and actions association with the enforcement of Act No. 99-417 or these regulations.

(c) *Junk*. Inoperable motor vehicles, parts of inoperable motor vehicles, salvaged materials, household furniture, used motor vehicle tires, kitchen and other household appliances, rags, paper, cardboard, old or scrap copper, brass, rope, batteries, trash, debris, waste, junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

(c) *Junkyard*. Any building, lot, real property, or other premises or properties or establishment or place of business, home, or residence which is maintained, operated, or used for storing, keeping, possessing, buying, or selling junk or upon which or within which junk is maintained for other purposes. This definition includes but is not limited to scrap metal processors, auto wrecking yards, automobile dismantling facilities, salvage yards, scrap yards, auto recycling yards, used auto parts yard, and temporary or permanent storage of automobile bodies and parts. This definition does not include temporary outdoor storage in those circumstances where the

entire ,building, lot, property, or other premises shall be free and clear of all such junk or other property or materials within a period of time not to exceed ninety (90) days.

(e) *Visible and Visibility.*

"Visible" and "visibility" mean capable of being seen without visual aid by a person of normal visual acuity.

(f) *Scrap metal processing processors.* Any establishment or place of business that is maintained, used, or operated *solely for the processing and preparing of scrap metals for remelting by steel mills and foundries.*

(g) *Automobile dismantling facility.* Any establishment or place of business which is maintained, used, or operated for the buying, selling, or dealing in motor vehicles or parts thereof for the purpose of dismantling such vehicles and for the buying or selling of the integral parts and component materials of such vehicles.

Section 3. Prohibited Activities

(a) It shall be unlawful and constitute a public nuisance for the owner or any person in charge or control of a building, lot, junkyard or other premises within the unincorporated territory of Shelby County to fail to keep the lot, junkyard, or premises clean and free from junk as defined herein.

(b) It shall be unlawful and constitute a public nuisance for any person to park, leave, or store upon any property or premises in public view within the unincorporated territory of Shelby County more than one motor vehicle which is not currently and validly registered and tagged as required by state law for operation of the public highways.

(c) No person shall establish, operate, or maintain a junkyard or salvage yard or own or be in possession of any premises containing, but not limited to, junk, any portion of which is within

100 feet of the nearest edge of the right-of-way of any public road, or accumulate or allow the accumulation of junk on any premises for more than a period of ninety days, without obtaining a county license to do so.

Section 4. Licensed Junkyards

(a) *Procedures for Approval.* Prior to obtaining a license for the establishment and/or operation of a junkyard as defined herein, a property owner must obtain approval through the Shelby County Department of Planning and Development and the designated county official, after which application must submit said approval to and obtain a license from Shelby County through one of the Shelby County License Offices upon payment of a fee of \$100.

(b) *Standards for Approval.* An application for approval of a junkyard shall be made on forms provided by the Shelby County Department of Planning and Development and will include such other supporting documentation as required by the designated county official to determine whether the application conforms with these regulations. Each application for approval of a junkyard will be evaluated to determine whether it is in conformance with the standards and criteria set forth in Act No. 99-417, and furthermore, whether it is in conformance with the Zoning Regulations of Shelby County. No license shall be granted except for those junkyards or Salvage yards or premises which have been screened along the public right-of-way or along any adjoining property line that abuts any driveway, parking lot or residential lot with a man-made fence or wall of at least six feet in height so as not to be visible from that height or less. The fence or wall shall be neat in appearance, design, and construction, shall be designed and constructed in a style and manner compatible with the appearance of the surroundings and in a style and manner which will not divert or attract the attention of drivers of motor vehicles on the public ways.

(c) *Revocation of Approval.* If, after approval of junkyard, the designated county official determines that the standards stipulated in the approval have not been adhered to by the property owner, the designated county official may, at his discretion, revoke such approval until such time as he determines that the property has been corrected to meet the standards of approval.

(d) *License Renewal.* On October 1, of each year, a licensed junkyard operator must have obtained a renewed license from the Shelby County license office upon payment of an annual renewal fee of \$100. Licenses renewed more than 30 days after the renewal date shall be subject to an additional \$25 fee.

Section 5. Violation and Remedies

(a) On behalf of the County Commission, the County Manager may enforce the provisions of these regulations upon certification from the designated county official, the Shelby County Health Department, or any other Shelby County Department authorized by the Commission, that a violation exists pursuant to this resolution, Act No. 99-417 and any supporting regulations or procedures. In doing so, the County Manager may commence a civil action in the name of the Shelby County Commission, Shelby County, Alabama, or both, in the Circuit Court of Shelby County, Alabama, or any other court of appropriate jurisdiction, to abate or enjoin any public nuisance by or through these regulations and/or Act No. 99-417. In any action, the Circuit Court of Shelby County, Alabama, or any other court of appropriate jurisdiction, shall assess all costs of abating the public nuisance declared by Act No. 99-417 or through the actions associated with this resolution, including attorney's fees, court costs, and all other expenses of litigation, against the person creating or maintaining the public nuisance.

(b) Any adjacent property owner or person in legal possession of adjoining property or any other person, firm, or corporation having a legal right and standing under the laws of the State of

Alabama to do so may commence a civil action in their own name in the Circuit Court of Shelby County, Alabama or any other court of appropriate jurisdiction, to abate or enjoin any public nuisance declared by these regulations or Act No. 99-417.

(c) Upon passage of these regulations by the Shelby County Commission, the County Manager shall begin accepting, evaluating and acting upon complaints from the general public regarding violation of these regulations as well as implementing procedures for licensing of approved junkyards with said license beginning October 1, 2001. Commencing on October 1, 2002, the County Manager may begin further enforcement through canvassing activities throughout the county to assure compliance with Act No. 99-417 or the policies and these regulations.

Section 6. Generally

(a) These regulations are cumulative in nature and are in addition to any and all power and authority which the Commission may have under any other law.

(b) The provisions of these regulations are severable. If any part of these regulations or Act No. 99-417 are declared to be invalid or unconstitutional, that declaration shall not affect the parts which remain.

(c) These regulations shall become effective upon passage by the Shelby County Commission.

(d) The County Manager is directed to determine, develop and approve the documents and procedures to administer Act No. 99-417 or these regulations.