

WALKER COUNTY, GEORGIA

JUNK VEHICLE CONTROL ORDINANCE

ARTICLE I.

PURPOSE

This Ordinance requires owners of property in unincorporated Walker County, Georgia to maintain their property in a presentable and sanitary order, free from junk vehicles so as to provide for the public health, safety and general welfare of the citizens.

ARTICLE II.

DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings respectively ascribed to them by this ARTICLE. When not consistent with the context, words used in the present tense shall include the future tense; words used in the plural number shall include the singular number; words used in the singular number shall constitute the plural number and words in the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely directive.

(1) "Junk Vehicle" - An inoperative or Junk Vehicle shall include, but not be limited to, any automobile, truck, vehicle, trailer or any kind or type, or contrivance or part thereof, the condition of which is one or more of the following: (a) wrecked; (b) dismantled; (c) partly dismantled; (d) inoperative; (e) abandoned; or (f) discarded. The following vehicles are excepted and excluded from coverage under the terms of this Ordinance: farm equipment and machinery, logging and pulpwooding equipment and machinery, construction equipment and machinery, campers, old buses which are actively being used as campers or for storage; tractor trailers being actively used for storage.

(2) "Junkyard" - Any establishment which is maintained or used for storing, buying, or selling Junk Vehicles or for an automobile graveyard. For purposes of this Ordinance, any establishment shall be presumed to be a Junkyard if 5 or more Junk Vehicles are maintained at said establishment for more than 30 days, except vehicles being held pursuant to lawful impoundment by any law enforcement agency. For purposes of this Ordinance any person who stores, deals, buys or sells Junk Vehicles as a business or for profit shall be presumed to be a Junkyard.

(3) "Automobile Graveyard" - Any establishment which is maintained or used for buying, selling or storing wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(4) "Enforcing Officer" - designated employee of either the Walker County Sheriff's Department or Walker County whose duty it shall be to enforce this Ordinance.

(5) "Measurement of Distance" - Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the center line of the highway.

(6) "Person" - Any individual, firm, partnership, association, corporation, company or organization of any kind.

(7) "Screening" - The use of any vegetative planting, fencing, ornamental wall of masonry or other architectural treatment or device, earthen embankment, or a combination of any of these which will effectively hide from view any deposit of Junk from traveled way of a highway or road on a year-round basis. Screening does not include the use of Junk.

(8) "Visible" - Capable of being seen without visual or optical aid by a person of normal visual acuity.

### ARTICLE III.

#### NEW JUNKYARDS

##### SECTION 1

Junkyards established subsequent to the adoption of this Ordinance, which are within 1,000 feet of the nearest edge of the right-of-way of a Federal, State of Georgia, or Walker County maintained highway or road or which are visible from either Federal, State or County highways or roads must provide for adequate screening located off the highway or road right-of-way and at the expense of the Junkyard owner. The screening must effectively screen the Junkyard from the highway or road on a year-round basis and must be compatible with surroundings.

##### SECTION 2

###### Screening Criteria:

(a) The screening shall be located on the owner's land and not on any part of the highway or 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 the screen;

(d) No Junk shall be placed closer than 25 feet to any highway or road right-of-way or any adjoining property line;

(e) Fences must be located in such a manner as to not be hazardous to the traveling public;

(f) The construction of fences shall be uniform and no patchwork type of construction shall be permitted;

(g) When fences are painted, the paint used shall be of a color so as to blend into the environs of the highway or road right-of-way.

(h) The fence enclosing the Junkyard shall not be used for advertising purposes, except that a space no larger than 6 feet by 12 feet may be used to advertise the business.

(i) All sides of the property must be screened;

(j) Proposed Junkyards which are located on hills or valley which cannot be adequately screened shall not be permitted.

(k) The maximum height of any required fencing shall not exceed eight feet.

### SECTION 3

#### Acceptable Fencing Materials:

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 of 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, brick, stone or other suitable material;

(d) An earth wall, if properly designed, grassed and landscaped.

### SECTION 4

#### Plant Material:

(a) All plant material shall be predominantly evergreen;

(b) The minimum size of plant material at the time of planting shall be as follows:

- (1) Evergreen shrubs: 2½ feet - 3 feet in height;
- (2) Evergreen trees: 4 feet - 5 feet in height (Pinus, Magnolia);
- (3) Small trees: 4 feet - 5 feet in heights (Hawthorn, Crepe Myrtle);
- (4) Large trees deciduous: 1" to 1½" caliper (Maples, Sycamore, Sweetgum).

#### SECTION 5

The owners of any Junkyard shall maintain the screening by doing painting and such repairs to keep fences, walls, or other structural material in good appearance. Plant material shall be maintained in good healthy condition.

#### ARTICLE IV.

#### EXISTING NON-CONFORMING JUNKYARDS

##### SECTION 1

Any Junkyard which was lawfully established/duly licensed by the State of Georgia, and in existence on the date this Ordinance is adopted and any part of which is located within 1,000 feet of the nearest edge of the right-of-way of any Federal, State of Georgia, or Walker County maintained highway or road and which is not screened by natural objects, plantings, fences, or other appropriate means so as to be visible from the traveled way of the highway or road or otherwise removed from sight is a Non-Conforming Junkyard.

##### SECTION 2

In order for a Non-Conforming Junkyard to continue there must be existing property rights in the Junkyard and Junk Vehicles affected by these rules. A Junkyard may not continue to exist if it has been abandoned, destroyed, or voluntarily discontinued. The following criteria must exist and must be applied before any Junkyard has been abandoned:

(a) The Junkyard has not been operated or conducted business for one year or more, or

(b) The Junkyard is in need of substantial repair or maintenance, or

(c) The Junkyard owner cannot be found or determined after a diligent search has been made by a representative of Walker County and verified by affidavit which shall set forth all the steps taken and attempts made to locate and determine said owner.

### SECTION 3

The owner of a Non-Conforming Junkyard which was lawfully established and duly licensed by the State of Georgia and in existence on the date of adoption of this Ordinance shall be given three years from the effective date of this Ordinance to comply with the provisions of ARTICLE III, with the exception of the following Sections, which shall be modified or amended to read as follows:

2(d) No Junk Vehicles shall be placed closer than ten (10) feet to any highway or road right-of-way or any adjoining property line;

2(i) Side lot lines must be screened only if Junk Vehicles are visible from the highway or road;

2(j) Existing Non-Conforming Junkyards may be located on hills or valleys.

If the owner of a Non-Conforming Junkyard fails to fully and completely comply with the provisions and requirements of ARTICLE III within said three year period, such Junkyard will be declared illegal and a public nuisance. The owner of such Non-Conforming Junkyard shall then have an additional SIXTY (60) DAYS within which to remove or dispose of all Junk and Junk Vehicles. Any Junkyard owner who refuses to make arrangements to remove or dispose of the Junk and/or Junk Vehicles to abate the existing nuisance shall be subject to the applicable provisions of ARTICLE III which govern abatement of nuisances, penalties and appeals.

### SECTION 4

The owner of a Non-Conforming Junkyard which was established but not duly and lawfully licensed by the State of Georgia on the date of adoption of this Ordinance, if applicable, shall be given NINETY (90) DAYS from the effective date of this Ordinance to obtain a license for the operation of a Junkyard from the State of Georgia, if applicable, and shall be given one year from the effective date of this Ordinance to comply with provisions of ARTICLE III, with the exception of the following Sections which shall be modified or amended to read as follows:

2(d) No Junk Vehicles shall be placed closer than ten (10) feet to any highway or road right-of-way or any adjoining property line;

2(i) Side lot lines must be screened only if Junk Vehicles are visible from the highway or road;

2(j) Existing Non-Conforming Junkyards may be located on hills or valleys.

If the owner of a Non-Conforming Junkyard fails to fully and completely comply with the provisions and requirements of this Ordinance within said time period, such Junkyard will be declared illegal and a public nuisance. The owner of such Non-Conforming Junkyard shall then have an additional SIXTY (60) DAYS within which to remove or dispose of all Junk Vehicles. Any Junkyard owner who refuses to make arrangements to remove or dispose of the Junk Vehicles to abate the existing nuisance shall be subject to the applicable provisions of ARTICLE VI which govern abatement of nuisances, penalties and appeals.

#### SECTION 5

If the location or site of a non-conforming Junkyard is changed or relocated, it ceases to be a non-conforming Junkyard and shall be treated as a new Junkyard at a new location.

#### SECTION 6

In the event any Junkyard also buys, sells or stores Junk (Junk being defined as any old or scrap cooper, brass, rope, rags, batteries, paper, refuse, trash; wood, brick, plaster and other scrap building materials; rubber, debris, waste; abandoned appliances; junked, dismantled or wrecked automobiles or parts thereof; or iron, steel and other old scrap ferrous or non-ferrous material) in addition to Junk Vehicles then any and all of such Junk must be effectively screened and comply with the requirements of ARTICLE III of this Ordinance.

#### SECTION 7

The following conditions allow the parking or standing of Junk Vehicles on any property within the unincorporated areas of Walker County:

(a) Junked Vehicles which are enclosed within a barn, garage or building;

(b) Junked Vehicles on the premises of a business enterprise operated in a lawful manner for the purpose of repairing, reconditioning or re-modeling of vehicles in conformance with the requirements for an automobile repair garage or other such similar use. Such vehicles shall not be stored for the purpose of salvage of parts, but shall be in continual process of repair or reconditioning;

(c) Junked antique vehicles as defined by O.C.G.A. §40-2-75 which are in the process of being restored or which are being stored for future restoration; provided that such antique

vehicles are either located in back of a building, screened by a fence or plant material or substantially out of sight from either Federal, State or County Roads. This sub-section shall apply only to persons who restore and recondition antique vehicles as a hobby and shall not be applicable to persons who either own Junkyards or persons who recondition and restore antique vehicles as a business or for profit.

(d) Junked Vehicles may be located on the premises of a business enterprise operated in a lawful manner as a wrecker or towing service for a period of forty-five (45) days.

#### SECTION 8

Except as specifically authorized in ARTICLE IV, Section 7 it shall be unlawful:

(a) For any person to maintain 5 or more Junk Vehicles for more than 30 days (except vehicles being held pursuant to lawful impoundment by any law enforcement agency) without first obtaining and maintaining a valid State of Georgia license, if applicable, a Walker County permit, and complying with the remaining requirements of this Ordinance.

(b) For any person to store, buy, sell and deal in Junk Vehicles regardless of the number of Junk Vehicles involved without first obtaining and maintaining a valid State of Georgia license, if applicable, a Walker County permit, and complying with the remaining requirements of this Ordinance.

#### ARTICLE V.

#### PERMITTING OF JUNKYARDS

##### SECTION 1

All Junkyards located in Walker County must obtain a permit to be issued by Walker County for each location. Applications shall be submitted on forms provided by Walker County and accompanied by a fee established by Walker County. The applicant must have evidence of having been duly licensed by the State of Georgia, if applicable, before a Walker County permit may be obtained. Applicant must maintain a valid State of Georgia license, if applicable, at all times. Failure to maintain a current valid State of Georgia license, if applicable, and a Walker County permit shall be a violation of this Ordinance.

##### SECTION 2

If an application for a Walker County permit is denied, then the applicant may appeal the decision to the Walker County Planning Commission pursuant to the requirements set forth in ARTICLE VIII of this Ordinance governing appeals to the Walker County Planning Commission.

### SECTION 3

If the application for a permit is denied by the Walker County Planning Commission, then the applicant may appeal the decision to the State Court of Walker County pursuant to the requirements set forth in ARTICLE VIII of this Ordinance governing appeals to the State Court of Walker County.

### ARTICLE VI.

#### JUNKYARDS - ENFORCEMENT

### SECTION 1

The Walker County enforcing officer, or his duly authorized employees or agents, shall inspect Junkyards periodically to insure that they are being operated in compliance with applicable rules and regulations and shall require that all screening materials are being maintained in good order. If an inspection discloses that a Junkyard is being operated in violation of this Ordinance, the owner shall be informed in writing by Certified Mail stating the violation and instructing the owner to make corrections within THIRTY (30) DAYS from the date of the letter.

### SECTION 2

Any person aggrieved by a determination of the enforcing officer may request a public hearing before the Walker County Planning Commission pursuant to the requirements set forth in ARTICLE VIII of this Ordinance governing appeals. Commission.

Any person aggrieved by a decision of the Walker County Planning Commission may seek an appeal to the State Court of Walker County pursuant to the requirements set forth in ARTICLE VIII of this Ordinance governing appeals.

### SECTION 3

Any person failing to make mandated corrections within said THIRTY (30) DAY period, or failing to comply with the provisions of this Ordinance, or doing any act prohibited hereby, or failing to do any act mandated hereby shall be guilty of an offense, and, upon conviction in the Magistrate Court of Walker County, Georgia, shall be punishable by a fine of not less than FIFTY (\$50.00) DOLLARS nor more than FIVE HUNDRED (\$500.00) DOLLARS or SIXTY (60) DAYS imprisonment or both.

Each day such violation continues shall be deemed a separate offense. At the discretion of the presiding judge, a violator of this Ordinance may be given a reasonable length of time to rectify or correct the violation.



#### SECTION 4

Any person failing to make mandated corrections shall, in addition to the penalty provided for in Section 3 hereinabove, pay the cost of making such corrections, and upon refusal to do so, the Walker County government may seek a fieri facias issued against said person for the cost of the same to be collected as provided by law.

#### ARTICLE VII.

##### VARIANCES

#### SECTION 1

Persons affected by this Ordinance are authorized to appeal in specific cases for a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship. Such variance may be granted in individual cases of unnecessary hardship upon a finding by the Walker County Planning Commission that all of the following conditions exist:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

(b) The application of this Ordinance to this particular piece of property would create an unnecessary hardship.

(c) Such conditions are peculiar to the particular piece of property involved.

(d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

#### SECTION 2

Persons requesting a variance must file a request in writing to the Walker County Planning Commission. The Walker County Planning Commission, after giving adequate notice, must afford the applicant a public hearing and shall then either approve or disapprove the variance.

#### SECTION 3

If the application for a variance is denied by the Walker County Planning Commission, then the applicant may appeal the decision to the State Court of Walker County pursuant to the

requirements set forth in ARTICLE VIII of this Ordinance governing appeals to the State Court of Walker County.

ARTICLE VIII.

APPEALS

SECTION 1

Any person aggrieved by a determination of the Walker County enforcement officer (except for the issuance of a criminal citation) may, within TEN (10) DAYS from the date of the service of such notice, file a written notice of appeal with the Walker County Planning Commission. The Walker County Planning Commission, after giving adequate notice, shall offer the aggrieved person a public hearing. At the hearing the enforcing officer shall present the facts concerning the alleged nuisance, and the owner thereof may present evidence. At such hearing the Walker County Planning Commission shall either confirm, modify or set aside the determination of the enforcement officer. Any such ruling shall be in writing and a copy served on the owner by Certified Mail.

SECTION 2

Any party aggrieved by the decision of the Walker County Planning Commission may appeal said decision to the State Court of Walker County, Georgia, by filing a written notice of Appeal with the Clerk of said State Court within TEN (10) DAYS from the date of issuance of the written decision of the Walker County Planning Commission. Said Appeal shall be heard by the Judge of the State Court of Walker County, Georgia at such time and at such place as the Judge may designate within his lawful authority under the Constitution and Laws of the State of Georgia, and said State Court Judge may affirm, amend, remand or reverse the order or decision of the Walker County Planning Commission enforcing officer, or take any other action deemed appropriate from the evidence and the facts of the individual case. In all appeals taken to the State Court of Walker County, Georgia, by virtue of this Section, the aggrieved party shall be entitled to a hearing de novo under the rules of procedure and evidence as are now or may hereafter be in force and effect for the State Court of Walker County, Georgia.

ARTICLE IX.

MISCELLANEOUS

SECTION 1

Alternate Methods of Enforcement:

Whenever any provision of this Ordinance has been or is being violated, the appropriate county authority or any adjacent

or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding and prosecute the same to final judgment to correct or abate such violation.

## SECTION 2

### Separability of Provisions:

Should any article, section, sub-section, or provision of these regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the regulations as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

## SECTION 3

### Conflict with other Regulations:

Whenever the regulations of this Ordinance require more restrictive standards than are required in or under any other statutes, the regulations and requirements of this Ordinance shall govern. Whenever the provisions of any other Georgia or Walker County statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

## SECTION 4

### Repeal of Old Ordinances:

All regulations and parts of regulations adopted prior to this Ordinance and in conflict with this Ordinance are hereby repealed.

## SECTION 5

### Amendments:


Any chapter, section, sub-section, or provision of these regulations proposed for amending shall be published as provided by law for the publication of Ordinances. Before adoption, a public hearing, as described by law, shall be held thereon. Any amendment must be duly adopted by the Commissioner of Walker County, Georgia as prescribed by law.

## SECTION 6


### Effective Date:

This Ordinance shall take effect and be in force from and after its adoption by the Walker County Commissioner this 74 day of March, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand as  
Commissioner of Walker County, Georgia, and caused the official  
seal of said County to be affixed this 1<sup>st</sup> day of March,  
1989.

  
\_\_\_\_\_  
COMMISSIONER, WALKER COUNTY,  
GEORGIA

ATTEST:

  
\_\_\_\_\_  
Clerk

