

STATE OF ALABAMA

COUNTY OF BLOUNT

**ORDINANCE NO 2021-05  
AMENDING ORDINANCE NO 2018-01**

**JUNKYARD AND SALVAGE YARD ORDINANCE  
FOR THE TOWN OF CLEVELAND, ALABAMA**

This ordinance shall be known as The Junkyard and Salvage Yard Ordinance, and may be referred to as the Junkyard Ordinance.

**1. WORD INTERPRETATIONS**

For the purpose of this Ordinance, the following words shall be interpreted as specified below:

- (1) The word "may" is permissive.
- (2) The words "shall" and "will" are mandatory.
- (3) The word "town" shall mean the Town of Cleveland, Alabama.
- (4) The words "Town Council" shall refer to the Cleveland, Alabama Town Council.
- (5) The words "Mayor and Council" shall refer to the Mayor and Town Council of Cleveland, Alabama.
- (6) The word "person" shall include firm, organization, association, company, trust, corporation or other entity.
- (7) The words "used" or "occupied" includes intended, designed, and arranged.

**2. DEFINITIONS**

For the purposes of this Ordinance, the following terms shall be defined as specified below. Unless specifically defined, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance the most reasonable application.

**(1) Area of Special Flood Hazard**

Areas subject to a one percent or greater chance of flooding in any given year as identified by the Federal Emergency Management Agency.

(2) Salvage Yard

Any establishment, place of business or property which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles, machinery, appliance, structures or parts thereof; or any business establishment or property upon which six or more unlicensed, used vehicles, or the equivalent, which cannot be operated under their own power are kept or stored.

(3) Enforcement Officer

This ordinance shall be enforced by the Mayor or his designee.

(4) Junk

Old, scrapped, ruined or discarded copper, brass, iron, rags, rope, appliances, wood, batteries, automobiles, trash, machinery, structures or similar materials or parts thereof, which is not used for its original purpose.

(5) Junkyard

Any establishment place of business or property which is maintained, used or operated for storing, keeping, buying or selling "junk". Provided, however, that this Ordinance shall not apply to county operated bulk refuse container sites or to county operated landfills or refuse disposal facilities.

(6) Potable Water Supply Well

A well used or intended for supplying water for human consumption.

(7) Protective Fence

A structure of wood, stone, brick, block, steel or other metal extending from the surface of the ground to a minimum height of 6 feet and of such materials and construction which creates a physical barrier.

(8) Public Park

Any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(9) Public Road

A road or right of way designated for vehicular travel by the public.

(10) School

Institutions of education including public and private schools, day care centers, colleges and universities.

(11) Screen Fence

A structure of wood, stone, brick, block, steel or other metal extending from the surface of the ground to a minimum height of 6 feet and of such materials and construction which creates a permanent solid, continuous, opaque visual barrier.

(12) Sketch Plan

A drawing showing general area conditions and containing information as required by this Ordinance.

(13) Traveled Way

The portion of a public road intended for movement of a vehicle.

3. **PROVISIONS**

Applicability

After the effective date of this Ordinance, it shall be unlawful for any person to establish, operate, maintain, or expand a junkyard or salvage yard in a manner which is inconsistent with the provisions and requirements of this Ordinance.

4. **LOCATION**

No new junkyard or salvage yard shall be located:

- (1) Within 50 feet of the right of way line of any public road.

- (2) Within 500 feet of any residence owned by persons other than those owning the junkyard or salvage yard.
- (3) Within 500 feet of any school, church, public park, public library, nursing home, rest home, airport, cemetery or other place of public assembly.
- (4) Within 100 feet of any potable water supply well.
- (5) Within an “area of special flood hazard.”

5. **FENCING**

Protective perimeter fencing shall be provided around all junkyards and salvage yards as described below:

- (1) A fence of wood, stone, brick, block, steel or other metal extending from the surface of the ground to a minimum height of six feet and of sufficient materials and construction to reasonably secure the premises from unauthorized persons shall be constructed along the entire perimeter of every junkyard or salvage yard.
- (2) Gates for ingress and egress shall be of sufficient materials and construction to provide the minimum degree of security required for fencing.
- (3) Up to two gates, not to exceed 20 feet in width each, are allowed for any junkyard or automobile salvage yard fence. More than two gates will be allowed at the rate of one gate per 1000 linear feet of perimeter fencing.

6. **SCREENING**

The intent of this section is to require junkyards and salvage yards to be screened from view from public roads and adjacent properties. Screening shall be provided as specified below:

**Types of Screening**

- (1) Screen Fence – the screening requirement may be satisfied by fencing specified in the section above, which is also of such design and construction as to provide a permanent, solid, continuous, opaque screen extending a minimum of 6 feet in height above the surface of the ground.

- (2) Other Screens – Combinations of fencing or other methods of screening determined by the Town Council to satisfy the intent of this Ordinance may be acceptable.

#### Screening Required

Screening to the specifications required in this Ordinance shall be required along the perimeter of every junkyard and salvage yard in the following situations:

- (1) Any portion of any junkyard or salvage yard which is both within 500 feet of the right of way line of any public road and is visible from the traveled way of any public road shall be screened from view consistent with this Ordinance.
- (2) Any portion of any junkyard or salvage yard which is both within 500 feet and is visible from any residence (other than that of the junkyard or salvage yard owner) school, church, public park, public library, nursing home, rest home, cemetery or other place of public assembly shall be screened from view consistent with this Ordinance.

#### **7. GENERAL REQUIREMENTS**

With regard to this Ordinance, the following additional requirements shall apply:

Protective fencing shall be maintained in a safe sound condition.

If a solid opaque fence is used to satisfy the fencing requirement and the screening requirement, it shall be of a uniform color scheme and geometric design. However, the Town Council may, at its discretion, approve other designs.

Where practical, gates for access shall be located to minimize visual exposure to adjacent properties and public roads.

#### **8. OPERATION**

It is the intent of this section to require all junkyards and salvage yards to be maintained so as to minimize harmful impacts on public health and the environment.

- (1) Gasoline, oil, grease, acid and other chemicals shall be appropriately stored or disposed of to prevent leaching into streams or the soil.
- (2) Materials shall be stored to minimize entrapment and holding of water which could be conducive to insect breeding.
- (3) Facilities shall be maintained in a safe, sanitary condition.

- (4) Facilities shall be maintained to minimize harborage and breeding of insects and vermin.

## 9. ADMINISTRATION

### Town Council Approval

Prior to establishment of a junkyard or salvage yard or expansion of an existing junkyard or salvage yard, the owner/operator shall submit 3 copies of a sketch plan for approval by the Town Council. The sketch plan shall be submitted to the Town Council at least 30 days prior to the Town Council meeting at which the plan is to be considered.

- (1) Sketch Plan Contents. The required sketch plan shall show or be accompanied by the following:
  - (a) Title or Plan
  - (b) Name, address and telephone number of owner/operator.
  - (c) Approximate boundary of property
  - (d) Boundary of proposed junkyard / salvage yard
  - (e) Location of protective and screen fences.
  - (f) Location of vegetative screen
  - (g) Specifications of plant material to be used
  - (h) Approximate locations of adjacent homes, schools, churches, cemeteries, or other places of public assembly, wells, road or other public right of way and wooded areas within 1000 feet.
  - (i) North arrow
  - (j) Date of plan
  - (k) Scale of plan
  - (l) Vicinity map
  - (m) Proposed location of gates and driveways
  - (n) Adjacent property owners and use of adjacent property
  - (o) Any other such reasonable information as may be required by the Town Council.

### Construction Permit Required

Construction or expansion of a junkyard or salvage yard shall not begin until authorized by the enforcement officer of this ordinance. Upon approval of the sketch plan, the enforcement officer shall issue a construction permit authorizing the construction of the junkyard/salvage yard as approved. If construction has not been completed within 12 months, Town Council approval shall become null and void. The Town Council at its discretion may grant a 12 month extension to the construction permit.

### Duties of Town Council

Upon receipt of a sketch plan containing sufficient information, the Town Council shall review the proposed plan and advise the owner of any deficiencies. The Town Council shall determine the plan's compliance with the Ordinance.

The Town Council shall have 45 days from its initial consideration of the plan in which to approve, approve conditionally, or disapprove the plan.

- (1) Approved Plans – if the plan is approved by the Town Council, one copy of the plan so marked will be retained by the Town Council, one copy of the plan will be returned to the owner with a letter of approval and one copy will be sent to the enforcement officer.
- (2) Approved conditionally – If the plan is approved conditionally by the Town Council one copy of the plan, so marked will be retained by the Town Council one copy will be forwarded to the enforcement officer and one copy will be returned to the owner with a letter stating the reasons for conditional approval and the conditions to be addressed for final approval of the plan. Any conditions imposed on the plan must be agreed to by the applicant and shall be addressed prior to issuance of a construction permit.
- (3) Disapproval Plans – If the plan is disapproved by the Town Council, one copy of the plan, so marked, will be retained by the Town Council, one copy will be forward to the enforcement officer and one copy will be returned to the owner with a letter stating the reasons for disapproval and outlining resubmittal and appeal options.

### Duties of Enforcement Officer

The enforcement officer of this Ordinance upon the Town Council approval and upon application by the owner, shall be authorized to issue a construction permit. The enforcement officer may periodically observe the construction of determined compliance with approval plans. The enforcement office shall upon completion of the facility to determine continued compliance with this Ordinance.

## **11. MINIMUM REQUIREMENTS**

The provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this Ordinance differ with the requirements of any other adopted

county, state or federal regulation, the most restrictive or that imposing the higher standard shall govern.

## **12. ENFORCEMENT**

This ordinance may be enforced by any one or more of the remedies authorized by State Law including but not limited to the following:

- (1) A violation of this Ordinance shall constitute a misdemeanor, punishable by a maximum fine of \$500.00 or imprisonment for not more than 30 days.
- (2) Violation of this ordinance subjects the offender to a civil penalty of \$500.00.
- (3) This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.
- (4) This ordinance may be enforced by injunction, order of abatement or both as provided in State Law.
- (5) Each day's continuing violation of this Ordinance is a separate and distinct offense.

## **13. COMPLAINTS**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the enforcement officer, stating the cause and basis for the complaint. The enforcement officer shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.

## **14. SEPARABILITY**

Should any section or provision of this Ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

## **15. AMENDMENT**

Petitions for amendment may be filed with the Town Council by any citizen of the Town.

## **16. VARIANCE AND EXCEPTION**

The Town Council may issue variances and exceptions from the requirements of this Ordinance such that would not be contrary to the public interest, or the spirit and intent of this Ordinance and where due to special conditions, a literal enforcement of



the provisions of this Ordinance would result in an unnecessary hardship. In granting a variance or exception to this Ordinance, the Town Council must determine the following:

- (1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other lands or buildings.
- (2) The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties.
- (3) Special conditions and circumstances do not result from the actions of the applicant; and
- (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or buildings.

17. **APPEAL**

The Town Council shall hear and decide appeals and review any orders, requirements, decisions, or determinations made by the enforcement officer. Any decision of the Town Council pursuant to this section shall be appealable to the Circuit Court of Blount County, Alabama within 30 days of the entry of such decision by the Town Council.

18. **EFFECTIVE DATE**


This Ordinance shall become effective and be in full force and effect on the 18<sup>th</sup> day of November, 2021.

TOWN OF CLEVELAND, ALABAMA

BY: 

MAYOR

ATTEST

  
Town Clerk

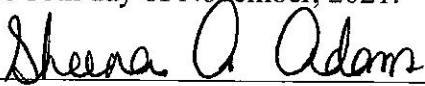
**Certification of Town Clerk**

STATE OF ALABAMA    )  
BLOUNT COUNTY        )

I, Sheena Adams, Town of Cleveland, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an ordinance duly adopted by the Town Council of the Town of Cleveland, Alabama, on the 18<sup>th</sup> day of November, 2021.

I, the undersigned clerk of the Town of Cleveland, Alabama, do hereby certify that the above and foregoing resolution was properly advertised in accordance with the State of Alabama Section 11-45-8, at three said places of publication being Cleveland Post Office, Cleveland Town Hall and Cleveland Pharmacy, and is in full force.

Witness my hand and seal of office this 18th day of November, 2021.

  
\_\_\_\_\_  
Sheena A Adams, Town Clerk