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# Junkyard Control

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Table of Contents

<b>Junkyard Control .....</b>	<b>. 3</b>
<b>Private Acts of 1991 Chapter 32 .....</b>	<b>. 3</b>
<b>Private Acts of 1992 Chapter 193 .....</b>	<b>. 4</b>

# Junkyard Control

## Private Acts of 1991 Chapter 32

**SECTION 1.** This act shall be known and may be cited as the "Carter County Junkyard Control Act of 1991".

**SECTION 2.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county commission hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

**SECTION 3.** For the purpose of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 4.** No automobile graveyard shall hereafter be established within five hundred feet (500') of any county road in Carter County, nor shall any automobile graveyard hereafter be established within five hundred feet (500') of any dwelling.

**SECTION 5.** Any person who maintains an automobile graveyard, any part of which is within five hundred feet (500') of any county road or dwelling, shall erect and maintain a fence or an approved planted buffer strip, as determined appropriate by the planning commission. Such fence shall be at least eight feet (8') high and sufficient to conceal such automobile graveyard from the view of a person standing at the same level as such graveyard.

**SECTION 6.** If any automobile graveyard: (i) is located within the limitations fixed above to any county road or dwelling; (ii) is not operated as a business by anyone; (iii) is not used for any purpose whatsoever; and (iv) no one claims ownership, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for removing such automobile graveyard.

**SECTION 7.** It shall be the duty of anyone wishing to open an automobile graveyard which fits within the definition of this act to appear before and seek approval from the Carter County Planning Commission before beginning operation.

**SECTION 8.** It is the intent of this act that the automobile graveyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public. A permit from the county shall be required for the operation of an automobile graveyard. Such permit fee, if any, will be set by the Carter County Planning Commission.

**SECTION 9.** Where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure may be made without destroying the intent of this act, then a variance may be granted, provided the reasoning for departure of such variance is stated in writing and made a part of the minutes of the planning commission.

**SECTION 10.** Any person found violating any provision of this act shall be assessed a civil penalty not to exceed fifty dollars (\$50.00). Each day's subsequent violation shall constitute a separate offense. However, in the case of automobile graveyards established prior to the passage of this act, the owners or operators shall have six (6) months to comply with the provisions of this act.

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Carter County and certified to the Secretary of State.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: March 11, 1991.

# Private Acts of 1992 Chapter 193

**SECTION 1.** This act shall be known and may be cited as the "Carter County Junkyard Control Act of 1992".

**SECTION 2.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county commission hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

**SECTION 3.** For the purpose of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The terms "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 4.** No automobile graveyard shall hereafter be established within five hundred (500) feet of any county road in Carter County, nor shall any automobile graveyard hereafter be established within five hundred (500) feet of any dwelling. This requirement may be revised or supplemented as needed.

**SECTION 5.** Any person who maintains an automobile graveyard, any part of which is within five hundred (500) feet of any county road or dwelling, shall erect and maintain a fence or an approved planted buffer strip, as determined appropriate by the planning commission. Such fence shall be at least eight (8) feet high and sufficient to conceal such automobile graveyard from the view of a person standing at the same level as such graveyard.

**SECTION 6.** If any automobile graveyard: (i) is located within the limitations fixed above to any county road or dwelling; (ii) is not operated as a business by anyone; (iii) is not used for any purpose whatsoever; and (iv) no one claims ownership, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for removing such automobile graveyard.

**SECTION 7.** It shall be the duty of anyone wishing to open an automobile graveyard which fits within the definition of this act to appear before and seek approval from the Carter County-Planning Commission before beginning operation.

**SECTION 8.** It is the intent of this act that the automobile graveyard shall be operated as a business and maintained daily by the owners or operators of such, keeping normal business hours so as not to become a nuisance to the general public. A permit from the county shall be required for the operation of an automobile graveyard. Such permit fee, if any, will be set by the Carter County Planning Commission.

**SECTION 9.** Where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure may be made without destroying the intent of this act, then a variance may be granted, provided the reasoning for departure of such variance is stated in writing and made a part of the minutes of the planning commission.

## **SECTION 10.**

(a) any person found violating any provision of this act shall be assessed a civil penalty not to exceed fifty dollars (\$50.00). Each day's subsequent violation shall constitute a separate offense. However, in the case of automobile graveyards established prior to the passage of this act, the owners or operators shall have six (6) months to comply with the provisions of this act.

(b) Any automobile placed in violation of these regulations shall be deemed an unlawful automobile and the county attorney or other official designated by the Carter County Commission, 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 to cause the automobile to be removed.

As amended by: Private Acts of 1992, Chapter 245

**SECTION 11.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Carter County and certified to the Secretary of State.

**SECTION 12.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 11.

Passed: March 25, 1992.

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