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# Private Acts of 1987 Chapter 95

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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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## Private Acts of 1987 Chapter 95

**SECTION 1.** Definition. 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 2.** Limitation on establishment - Exception. No automobile graveyard shall hereafter be established within five hundred feet (500') of any county road in Smith County, nor shall any automobile graveyard hereafter be established within one thousand feet (1,000') of any dwelling. Provided, however, this added restriction on the establishment of automobile graveyards located in relation to such U.S. numbered routes shall not apply in any case wherein the land on which an automobile graveyard is to be established has been specifically designated or zoned for such use by the governing body of the county or city in which it is proposed to be established.

**SECTION 3.** Fence required. Any person who maintains an automobile graveyard, any part of which is within one thousand feet (1,000') of any county road or dwelling, shall erect and maintain a fence around such automobile graveyard. 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. A fence shall be required in any case when erection thereof would not effectively conceal a substantial portion of such automobile graveyard from the view of a person on such county road or dwelling.

**SECTION 4.** Responsibility for removal of graveyard. If any automobile graveyard is located within the limitations fixed above to any county road or dwelling, and said automobile graveyard is not operated as a business by anyone and is not used for any purpose whatsoever and no one claims ownership of said automobile graveyard, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for the removing of such automobile graveyard.

**SECTION 5.** Enforcement of provisions - Violation of misdemeanor. Any citizen of this state may obtain a warrant for the arrest of anyone violating the provisions of this Act, but it is hereby declared to be a specific duty for the members of the Smith County Sheriff's Department to enforce the provisions of this Act. Any person violating any provision of this Act shall be guilty of a misdemeanor and punished as provided by law therefor. 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 thereof shall have a reasonable and necessary period of time in which to comply with the provisions hereof.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 7.** 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 upon being approved as provided in Section 6.

Passed: April 30, 1987.

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