

**ORDINANCE REGULATING  
THE OPERATION AND MAINTENANCE OF  
AUTOMOBILE GRAVEYARDS  
AND  
JUNKYARDS  
IN  
WAYNE COUNTY, N.C.**

Adopted October 7, 1986  
Amended July 1, 2003



**ORDINANCE REGULATING THE OPERATION AND MAINTENANCE OF  
AUTOMOBILE GRAVEYARD AND JUNKYARDS IN WAYNE COUNTY, N. C.**

WHEREAS, North Carolina General Statute Section 153A-121(a) provides that "a county may by ordinance define, regulate, prohibit, or abate acts omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances;" and

WHEREAS, this Board declares that automobile graveyards and junkyards in close proximity to public roads and residential areas are patently offensive to the dignity and aesthetic quality of the environment in Wayne County unless at least partially obstructed from view by appropriate fencing or combination of fencing and vegetation; and

WHEREAS, this Board declares that automobile graveyards and junkyards in close proximity to public roads, rural volunteer fire departments, churches, residential areas, and schools may pose a threat to the health, safety, and welfare of the citizens, residents and school children in close proximity thereto unless sufficiently enclosed and surrounded by a substantial fence or wall, due to the hazard of fire, the possible entrapment of children and others in areas of confinement such as vehicle trunks and compartments and the possibility of injury to persons coming into contact with metal, glass, or other rigid materials; and

WHEREAS, this Board desires to enact the following ordinance regulating the operation or maintenance of automobile junkyards in the unincorporated areas of Wayne County.

NOW, THEREFORE, BE IT ORDAINED by the Wayne County Board of Commissioners, as follows:

**SECTION ONE. TITLE**

This ordinance may be known and may be cited as "Ordinance Regulating the Operation and Maintenance of Automobile Graveyards and Junkyards in Wayne County, N. C."

**SECTION TWO. PURPOSES AND OBJECTIVES**

The purposes and objectives for which this ordinance is passed are as follows:

- A. To protect the citizens and residents of Wayne County from possible injury at automobile graveyards and junkyards.
- B. To preserve the dignity and aesthetic quality of the environment in Wayne County.
- C. To preserve the physical integrity of land in close proximity to residential areas.
- D. To protect and enhance the economic viability and interests of the citizens and residents of Wayne County whom have made substantial financial investments in homes, businesses, and industry in Wayne County.

### SECTION THREE. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural the singular; and the word "shall" is mandatory and not directory.

**Automobile Graveyard:** Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, dismantled or inoperable motor vehicles and which are not being restored to operation, regardless of the length of time which individual motor vehicles are stored, or kept at said establishment or place of business.

**Building:** Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

**Dwelling:** Any habitable building used or intended for use as a residence which is connected to power, and water sources and having adequate provisions for waste water disposal.<sup>1</sup>

**Establishment:** Any place, land, building or structure on which or in which there is operated or maintained a business or going concern for profit.

**Fence:** A continuous, opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength, which will hide the automobile graveyard or junkyard.

**Garage:** An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles and which receives fifty percent or more of its gross income from charges made for such repairs.

**Gate:** A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

**Housing Unit:** A house, an apartment, a group of rooms or a single room occupied or intended for occupancy as separate living quarters.

**Junk:** Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles or parts thereof, dismantled or broken appliances or parts thereof, iron, steel, and other old scrap ferrous or non-ferrous materials.

**Junkyard:** An establishment which is maintained, operated, or used for storing, keeping, buying or selling junk regardless of the length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard, but shall not include garbage dumps and county operated sanitary landfills.

**Public Road:** Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined in North Carolina General Statute Section 136-67, which definition is incorporated into this Ordinance by reference.

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<sup>1</sup> Amended July 1, 2003

**Repair Shop:** An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles and which receives fifty percent or more of its gross income from charges made for such repairs.

**School:** Any public or private institution for the teaching of children under eighteen years of age which is recognized and approved by the North Carolina Board of Education.

**Service Station:** Any establishment which is maintained and operated for the primary purpose of making retail sales of fuels, lubricants, air, water and other items for the operation and routine maintenance of motor vehicles and/or for making mechanical repairs, servicing and/or washing of motor vehicles, and which receives more than fifty percent of its gross income from the retail sale of the aforesaid items and/or from the making of mechanical repairs, servicing and/or washing of motor vehicles.

**Substantial:** Ample to satisfy the purpose for which an object is intended.

**Vegetation:** Evergreen trees, including, but not limited to, white pine, evergreen shrubs or plants, including but not limited to red tipped photina, wax myrtle, with a minimum height of twelve (12) inches when planted, which reach a height of at least six (6) feet at maturity.

**Visible :** Capable of being seen without visual aid by a person of normal visual acuity.

**Wire Fence:** A continuous, translucent, perforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of wire, steel, or nylon mesh, or any substance of a similar nature and strength, but which perforations or openings are no longer than sixteen (16) square inches. "Hog wife" fencing and or poultry net fencing or that fencing of a similar type shall not be used.

#### **SECTION FOUR. PROHIBITIONS**

Except as hereinafter provided, it shall be unlawful after the effective date of this Ordinance for any person, firm or corporation, or other legal entity to operate or maintain in any unincorporated area of Wayne County a junkyard or automobile graveyard within one hundred feet of the centerline of any "public road," within 200 feet of any dwelling owned by another person, firm, or corporation,<sup>1</sup> within one quarter mile of any "school", rural volunteer fire department, church, or within any residential area. For the purposes of this Ordinance, a junkyard or automobile graveyard shall be within a residential area if any portion of the junkyard or automobile graveyard shall be within or contiguous to the boundary of an area where twenty-five (25) or more housing units within a geographical area comprised of a one-fourth (1/4) mile wide strip contiguous with and parallel to the external boundary lines of the tract of real property of which the said automobile graveyard or junkyard is located.

It shall be unlawful after the effective date of this Ordinance for any person, firm, or corporation, or other legal entity to begin to operate, maintain, or establish or to operate, maintain or establish in any unincorporated area of Wayne County a junkyard or automobile graveyard which, the site plan of which has not been approved by the Wayne County Planning Board as provided in Section Seven below.

Junkyards and automobile graveyards shall be fenced completely. The type of fence shall be stated on the site plan and must be specifically approved with the site plan. Wire fences shall not be allowed. The

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<sup>1</sup> Amended July 1, 2003

Planning Board may consider the aesthetic aspects of the fence in determining whether to approve the site plan.<sup>1</sup> The height of any plants used must be at least twelve (12) inches at the time of planting.

Each owner, operator or maintainer of a junkyard or automobile graveyard to which this Ordinance applies, and who chooses to use vegetation, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time; and the opaque fence, and vegetation, shall be maintained in good condition.

## **SECTION FIVE. EXCEPTIONS**

A. This Ordinance shall not apply to service stations, repair shops or garages unless the operation thereof would also fall within the definition of junkyards or automobile graveyards as defined in Section Three above.

B. Junkyards or automobile graveyards existing as of the effective date of this Ordinance may be operated and/or maintained without restrictions of this Ordinance, if said junkyard or automobile graveyard shall be surrounded by opaque fence or wire fence with vegetation as defined above where said fencing shall be necessary to screen the view of persons from public roads, schools rural volunteer fire departments, churches, or residential areas, and where such screening is not already substantially provided by natural vegetation, or other natural barriers; provided, however, that nothing contained herein shall require fencing, as defined herein, which would not be substantially effective to create a barrier to the view of the public to said junkyard or automobile graveyard. Any fence used within the meaning of this subsection shall be a fence as defined in Section Three above and, if a wire fence shall be used in conjunction with vegetation as described above. If a wire fence with vegetation is used, the plants shall be planted on at least one side of the wire fence and as close as practical to said fence. Vegetation shall be of a type that will reach a minimum height of six (6) feet at maturity, and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous unbroken hedgerow will exist to a height of at least six (6) feet along the links of the wire fence surrounding the junkyard or automobile graveyard when the vegetation reaches maturity. The height of any plants used must be at least twelve (12) inches at the time of planting. Each owner, operator or maintainer of a junkyard or automobile graveyard to which this Ordinance applies, and who chooses to use vegetation as defined in Section Three above with wire fence, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time; and the opaque fence, or wire fence and vegetation, shall be maintained in good condition. The opaque fence, or wire fence, shall have at least one (1) gate for the purpose of ingress and egress.

C. The Planning Board may grant a variance to the fencing requirement based upon good cause shown. Applications for such variance shall be made to the Wayne County Planner under the provisions of Section Six and Section Seven hereunder.

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<sup>1</sup> Amended July 1, 2003

**SECTION SIX. NONCONFORMING AUTOMOBILE GRAVEYARDS AND JUNKYARDS EXISTING AT EFFECTIVE DATE OF ORDINANCE**

Automobile graveyards or junkyards existing at the effective date of this Ordinance which would be in violation of this Ordinance but for this Section shall be granted a grace period of twenty-four (24) months to conform to the provisions of this Ordinance, thereafter same shall be in violation of this Ordinance. The owners or operators of any automobile graveyard or junkyard existing at the effective date of this Ordinance shall provide a plan to the Wayne County Planning Board within six (6) months of the effective date of this Ordinance to show the Wayne County Planning Board that the existing automobile graveyards or junkyards will conform with this Ordinance.

**SECTION SEVEN. SITE PLAN REQUIRED FOR AUTOMOBILE GRAVEYARDS AND JUNKYARDS ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE**

Owners or operators of automobile graveyards and junkyards to be established after the effective date of this Ordinance shall present three copies of a site plan which conform to the standards of this Ordinance to the Wayne County Planning Board. The Planning Board shall review the site plan to insure conformity with the requirements of this Ordinance. No new automobile graveyard or junkyard shall be operated until the site plan has been approved by the Wayne County Planning Board; provided, however, that if the Planning Board has not taken action within ninety (90) days after the first meeting of the Planning Board after the submission of the site plan, said site plan will be deemed to be approved.

**SECTION EIGHT. VIOLATION SHALL BE A MISDEMEANOR**

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a junkyard or automobile graveyard in violation of this Ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said junkyard or automobile graveyard shall be maintained or operated in violation of this Ordinance shall constitute a separate and distinct offense.

**SECTION NINE. ENFORCEMENT**

A. The enforcement officer shall be the Wayne County Planner or his designee. The enforcement officer shall review site plans submitted under Section Seven and make appropriate recommendations to the Planning Board. The enforcement officer shall also visit the site of establishments covered by this ordinance and if the establishments do not conform with said ordinance shall discuss with the owner and/or operator the steps needed to bring the establishment into compliance. If these steps are not taken, the enforcement officer shall notify the owner in writing of the steps that must be taken to bring the establishment into compliance. If the owner or operator still fails to bring the establishment into compliance with this Ordinance, the enforcement officer, after consultation with the County Manager, shall take institute the necessary steps to enforce this ordinance in accordance with the provisions of subsection B of this Section. The enforcement officer shall also assist owners or operators of any automobile graveyard or junkyard in making plans to comply with this Ordinance.

B. This Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of abatement. The County may apply for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct any

unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgment in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the establishment or place of business into compliance with this Ordinance.

This Ordinance may be enforced by any one or more of the remedies authorized herein.

**SECTION TEN. SEVERABILITY**

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

**SECTION ELEVEN. EFFECTIVE DATE**

This Ordinance shall become effective upon its adoption.

Adopted this the 7th day of October 1986.

WAYNE COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_

Joseph B. Lancaster, Chairman

ATTEST:

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E. Norman Ricks III  
Clerk to the Board

Amended by Wayne County Board of Commissioners July 1, 2003