

**TOWN OF ONLEY, VIRGINIA
ORDINANCE REGULATING JUNKYARDS**

**Ordinance No. 002-06
August 2006**

WHEREAS, the Town Council of the Town of Onley desire to promote the public safety, health, welfare, convenience and enjoyment of public travel with the Town of Onley;

WHEREAS, the Town Council of the Town of Onley further desire to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways within the Town of Onley,

WHEREAS, it is declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the highways within the Commonwealth and the Town of Onley, and

WHEREAS, under the authority of § 15.2 – 903 of the Code of Virginia, the Town of Onley may enact ordinances regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances;

BE IT THEREFORE ORDAINED, by the Town Council of the Town of Onley that the following provisions be enacted regulating the maintenance and operation of automobile graveyards and junkyards and areas adjacent to public highways with the Town of Onley.

***State law references:**

Ordinances taxing and regulating “automobile graveyards” and “junkyards”, Code of Virginia, § 15.2 – 903; Junkyards adjacent to highways, Code of Virginia, § 33.1-348.

Sec. 1. Definitions.

Sec. 2. Violations of chapter.

Sec. 3. Fencing.

Sec. 4. Cleanliness of abutting sidewalks and streets.

Sec. 5. Automobile graveyard records.

Sec. 6. Effective date.

Sec. 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automobile graveyard means any lot or place which is exposed to the weather and upon which more than five 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.

Junk means old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

State law references: Similar definitions, Code of Virginia, § 33.1-348.

Sec. 2. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall be subject to a civil penalty not to exceed \$200.00 for the first offense with each business day during which the same violation is found to have existed constituting a separate offense, up to a total of \$3,000.00 in a twelve month period.

Sec. 3. Fencing or Screening.

Each junkyard in the town shall be completely enclosed by a masonry fence of six feet or more in height to be kept neatly painted, or screened by a suitable manufacturing fencing of six feet or more in height, or screened by appropriate vegetative material of eight feet or more in height, and must be kept in good repair for the purpose of excluding such use from the public view. The fence or screen shall not be constructed closer than one (1) foot to the nearest right-of-way of any highway or street and shall not be used for the purpose of advertising anything other than the place of business. Such advertisement shall be limited by zoning ordinance of the Town of Onley. The contents of the junkyard shall not be placed or deposited to a height greater than the height of the fence or screen herein described.

Sec. 4. Cleanliness of abutting sidewalks and streets.

Sidewalks and streets abutting a junkyard shall be kept clear of all vehicles incapable of being operated under their own power and trash or other waste matter.

Sec. 5. Automobile graveyard records.

The proprietor of an automobile graveyard shall maintain an accurate record, open for inspection to all town officials and law-enforcement officers, showing the make, state license number, state certificate of title, motor number, body number, style and seating capacity of each vehicle purchased, together with such other information concerning the vehicle as may be necessary to establish ownership of the vehicle.

Sec. 6. Effective date.

For any legally existing automobile graveyard or junkyard, the standards of Sec. 3 Fencing and Screening shall not apply until after the effective date of this ordinance. The effective date of this ordinance is July 1, 2007.

John Willis Kellam
John Willis Kellam, Mayor

Attest:
Elizabeth Bell
Elizabeth Bell, Town Clerk

I certify that the foregoing is a true copy of an ordinance adopted on 7/6/06 by the
Onley Town Council.

Elizabeth Bell
Elizabeth Bell, Town Clerk

Council voting:

Zember	<u> I </u>
Pierson	<u> I </u>
Lowe	<u> I </u>
Thomes	<u> I </u>
Hurst	<u> I </u>
Ferguson	<u> I </u>