

# CITY OF VON ORMY, TEXAS

**ORDINANCE NO: 2012-96**

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## **AN ORDINANCE REGULATING THE INSTALLATION AND OPERATION OF JUNK AND SALVAGE YARDS WITHIN CITY LIMITS.**

WHEREAS, Junk and Salvage Yards are largely viewed as undesirable within city limits and adversely affect both the aesthetic as well as tangible economic/property value of land within their vicinity; and

WHEREAS, the presence of Junk and Salvage Yards provide for serious concerns regarding disease-spreading rodents; and

WHEREAS, the presence of Junk and Salvage Yards foment and institute perilous conditions regarding the environmental health of nearby residents due to hazardous contents necessarily stored within their premises

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VON ORMY, TEXAS:**

### **SECTION 1. DEFINITIONS:**

- a. A "junk yard" is defined as any locality whose operation(s) allows for the continued and/or ceaseless storage of materials and goods known to be of no real and/or discernible value.
- b. A "salvage yard" is defined as any locality whose operation(s) allows for the continued and/or ceaseless storage of material and goods from which parcels can be removed and utilized for the purpose of repair and/or refurbishing an otherwise damaged asset.
- c. An "automotive wrecking yard" defined as any locality whose operation(s) allows for the continued and/or ceaseless storage of motor vehicles or farm equipment from which parcels can be removed and utilized for the purpose of repair and/or refurbishing an otherwise damaged asset.
- d. "Disease-spreading rodents" are defined as any creature that has been linked to and/or are presumed to be responsible for the spread of biological ailments, such as rabies, which pose a serious threat to the continued well being of Von Ormy residents.
- e. "Hazardous contents" are defined as materials, chemicals, and compounds that have been identified and prescribed by Federal and/or State Environmental Protection Agency, Occupational Safety and Health Administration, and similar regulatory boards and

commissions as possessing an intrinsic hazard to the health of individuals following periods of exposure.

## SECTION 2. REGULATION:

- a. The installation and continued operation of junk yards, salvage yards and automotive wrecking yards within the City of Von Ormy will necessarily entail a number of fiduciary liabilities on the part of the municipality:
  1. An environmental study must be conducted so as to delineate and define potential hazards to the land designated for the proposed storage yard.
  2. In the event that the proposed installation site is within relative proximity to a water source; i.e, river, lake, well, aquifer, etc., an impact analysis must be conducted to define the potential risks and moreover, likelihood for corruption and/or contamination due to the continued presence of such a facility presents.
  3. Once operating, an independent agent must be contracted by the City of Von Ormy over specified intervals, not less than bi-annually, to perform soil and water analysis for those lands and minerals identified as present within the impact area of the Junk/ Salvage Yard.
  4. At any time the City of Von Ormy reserves the right to defer to the Texas Commission on Environmental Quality (TCEQ) to dispute or rebut any assessments made by the contracted agent(s) offering soil and water analysis.
- b. Building Permit - Those disclosures being made above regarding the need for regulatory review and analysis, it is imperative that the City institute a permit fee for the chief purpose of off-setting and, moreover, subsidizing for the provision of those services prescribed above. The building fee for the initial incorporation of a Junk/ Salvage Yard shall be \$15,000 and may be adjusted by majority vote of the City Council and placed on the city's Master Fee Schedule.
- c. Environmental Quality Permit - Each year that the junk yard, salvage yard or automotive salvage yard remains in operation, the business entity will be required to renew a Environmental Quality Permit in the amount of \$1,000 to be paid October 1, of each calendar year. The Environmental Quality Permit may be adjusted by majority vote of the City Council and placed on the city's Master Fee Schedule.
- d. A person who operates a junk yard, salvage yard or automotive salvage yard in without obtaining an Environmental Quality Permit, defined herein, commits an offense and can be fined up to \$500.00 for each day of operation without a permit. An offense under this section is a Class C Misdemeanor.

## SECTION 3. DISTANCE

- a. A junk yard or automotive wrecking and salvage yard, other than a junkyard or automotive wrecking and salvage yard may not be located within 50 feet of the right-of-way of a public street or state highway or a residence, or if so, must have a solid barrier fence 7 feet high surrounding the yard.

- b. A person who knowingly or intentionally violates Section 3 of this Ordinance commits an offense and can be fined up to \$500.00. An offense under this section is a Class C Misdemeanor.

SECTION 4. SEVERABILITY: Should any part of this ordinance be rendered or declared invalid by a court of competent jurisdiction of the State of Texas such invalidation of such part or portion of this ordinance should not invalidate the remaining portions thereof, and they shall remain in full force and effect.

SECTION 5. EXCLUSIONS:

This ordinance shall take effect and be in full force and effect from and after the date of its passage.

**PASSED, APPROVED AND ADOPTED THIS 16th DAY OF MAY, 2012**

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Art Martinez de Vara, Mayor

**ATTEST:**

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Julia A. Hernandez, City Clerk