

**AN ORDINANCE LICENSING JUNKYARDS AND AUTOMOTIVE WRECKING
AND SALVAGE YARDS LOCATED IN UNINCORPORATED AREAS OF
TARRANT COUNTY, TEXAS**

WHEREAS, junkyards and automotive wrecking and salvage yards currently exist in various locations in unincorporated Tarrant County; and

WHEREAS, new junkyards and automotive wrecking and salvage yards that plan to operate in the unincorporated areas of Tarrant County are subject to Texas Local Government Code Section 234 and Sections 396.041-396.045 of the Texas Transportation Code; and

WHEREAS, the Commissioners Court of Tarrant County find a particular need to create a distance barrier and screening requirements between residences to protect adjacent property owners from the negative effects of these junkyards and automotive wrecking and salvage yards; and

WHEREAS, the Commissioners Court of Tarrant County does not seek to punish or otherwise regulate out of business any junkyard or automotive wrecking and salvage yard already licensed and in operation as of the date of the adoption of this ordinance; and

WHEREAS, to protect the public health, safety, and welfare of the citizens of Tarrant County, Texas, the Commissioners Court of Tarrant County, Texas, hereby adopts the following ordinance and fees affecting junkyards and automotive wrecking and salvage yards located in the unincorporated areas of Tarrant County, Texas under the authority of sections 396.041-396.045 of the Texas Transportation Code and section 234 of the Local Government Code:

I. DEFINITIONS

The following definitions, per Local Government Code section 234.001 and Transportation Code section 396.001, shall apply for the purposes of this ordinance:

- A. "Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for the use in automotive repair rebuilding, as determined by the county.
- B. "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.
- C. "Junkyard" means a business or a place where a business that owns junk, and is operated to store, buy, or sell junk, that keeps all or part of the junk or materials outdoors until the business disposes of the junk, as determined by the county.
- D. "Recycling business" means a business primarily engaged in the business of:
 - 1. converting metal or other material into raw material products that have:
 - i. prepared grades; and
 - ii. an existing or potential economic value;

2. using raw material products described by Paragraph (1) in the production of new products; or
 3. obtaining or storing metal or other material for a purpose described by Paragraph (1) or (2).
- E. "Wrecked vehicle" means a discarded, junked, damaged, or worn-out automotive vehicle that is not in a condition to be lawfully operated on a public road.
- F. "The Department" means the responsible Tarrant County department authorized to administer this Ordinance.

II. LOCATION OF YARD

- A. A junkyard or an automotive wrecking and salvage yard may not be located:
1. within 100 feet of the right-of-way of a public street or state highway; or
 2. within 1,000 feet of the nearest property line of a residence, child care facility, school, or church.
 3. For purposes of this subsection, the following definitions apply:
 - i. "Child care facility" means a building used as a day nursery, children's boarding home, child placing agency, or other place for the care or custody of children under fifteen (15) years of age.
 - ii. "School" means a facility, including all attached playgrounds, dormitories, stadiums, or other appurtenances that are part of the facility used for the primary purpose of instruction or education, including primary and secondary schools, colleges, and universities, both public and private.
 - iii. "Church" means a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of religious belief.

III. SCREENING REQUIREMENTS

- A. A person who operates a junkyard or an automotive wrecking and salvage yard must screen it with a solid barrier fence at least ten (10) feet high. The fence must be painted a natural earth tone color and may not have any sign appear on its surface other than a sign indicating the business name.
- B. Materials associated with a junkyard or an automotive wrecking or salvage yard may not accumulate or be stacked higher than eight (8) feet above ground level.

IV. LICENSES AND RENEWALS

- A. A junkyard or an automotive wrecking and a salvage yard subject to this ordinance must be licensed by the Commissioners Court of Tarrant County, Texas.
- B. The license of a junkyard or an automotive wrecking and salvage yard is conditioned upon the operation of the junkyard or automotive wrecking and salvage yard only at the location listed on the application approved by the Commissioners Court.

- C. The Commissioners Court shall impose a fee of \$150.00 for the issuance of a license to operate a junkyard. The Commissioners Court shall impose a fee of \$150.00 for the issuance of a license to operate an automotive wrecking and salvage yard.
- D. The Commissioners Court shall impose a fee of \$150.00 for the renewal of each license issued under the authority of this ordinance. Each license is valid for one (1) year.
- E. The license fee shall be deposited into the general fund of Tarrant County, Texas.
- F. Applications for a license may be obtained from the Transportation Department (Department) of Tarrant County. All applications for licenses must be completely filled out. Incomplete applications will not be considered and will be returned to the applicant.
- G. The location of the junkyard or automotive wrecking and salvage yard must be described by mailing address, by legal description, and by any other description sufficient to apprise the Commissioners Court of the exact location of the proposed junkyard or automotive wrecking and salvage yard. Additionally, all applications must have a map of the site of the junkyard or automotive wrecking and salvage yard showing the existence of screening on all sides.

V. EXCEPTIONS TO LICENSING

The licensing requirements of this ordinance do not apply to:

- A. a recycling business;
- B. a junkyard or automotive wrecking and salvage yard located entirely in a municipality and subject to regulation by the municipality; or
- C. a junkyard or automotive wrecking and salvage yard in operation before October 18, 2022.

VI. GROUNDS FOR DENIAL OF LICENSE OR RENEWAL

Any of the following grounds are reasons for denial for the license or renewal of the license for a junkyard or automotive wrecking and salvage yard:

- A. Material misstatements or misrepresentations in the application for license, the accompanying documents, or at the hearing before the Commissioners Court.
- B. Insufficient screening as described in *Section III Screening Requirements*.

VII. GROUNDS FOR REVOCATION OF LICENSE

The owner or operator of a junkyard or automotive wrecking and salvage yard shall have 120 days from the date of a notice that the location is not in compliance with this ordinance's screening requirement to rectify the situation. Failure to rectify the screening violation will subject the junkyard or automotive wrecking and salvage yard owner to a hearing before the Commissioners Court, at which time the license for said yard may be revoked for noncompliance with this ordinance.

VIII. OFFENSES

- A. It shall be an offense and violation of this ordinance to operate a junkyard as defined in this ordinance without a valid license issued by the Department of Tarrant County, Texas, and approved by the Commissioners Court.
- B. It shall be an offense and violation of this ordinance to operate an automotive wrecking and salvage yard as defined in this ordinance without a valid license issued by the Transportation Services Department of Tarrant County, Texas, and approved by the Commissioners Court.
- C. It shall be an offense and violation of this ordinance to operate a junkyard as defined in this ordinance at a location not approved by the Commissioners Court of Tarrant County, Texas.
- D. It shall be an offense and violation of this ordinance to operate an automotive wrecking and salvage yard as defined in this ordinance at a location not approved by the Commissioners Court of Tarrant County, Texas.

IX. PENALTY

- A. Any person operating a junkyard or automotive wrecking and salvage yard, commits an offense if he or she intentionally or knowingly violates any provision of this ordinance. Transportation Code sections 396.23 and 396.045 provides such violation is a misdemeanor punishable by a fine of not less than \$100 and not more than \$500. Each day a violation continues is a separate offense.
- B. A business which violates **Section III. Screening Requirements** is subject to a civil penalty not to exceed \$50 each day for the first ten (10) days of the violation, \$100 each for the next ten (10) days, \$250 each day for the next ten (10) day, and \$1,000 for each day thereafter.

X. SEVERABILITY AND CONSTRUCTION

If any word, phrase, clause, sentence, section, provision, or part of this ordinance is held to be invalid under the law or unconstitutional, the remaining provisions of this ordinance shall remain in full force. It is hereby declared to be the intent of the Commissioners Court that this ordinance would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of this ordinance might be interpreted in such a way as exceeding Tarrant County's authority, such provision should be construed to apply only to the extent authorized by law.

XI. GRANDFATHER CLAUSE

Any junkyard or automotive wrecking and salvage yard which is licensed and in operation as of the effective date of this ordinance is exempt from the requirements in **Section II. Location of Yard** and **Section III. Screening Requirements**. A junkyard or automotive wrecking and salvage yard exempt from the requirements of this sections shall continue to be bound by the previous actions of the Commissioners Court of Tarrant County regulating junkyards or automotive wrecking and salvage yards as approved on April 18, 1988 in Court Order #59890 and July 16, 2013 in Court Order #115589, as applicable.

XII. AREA COVERED BY ORDINANCE

This ordinance applies in the unincorporated areas of Tarrant County, Texas, which is the area in the county not within an incorporated area of a city, town, or village.

XIII. RECITALS AND FINDINGS

All the facts and other matters set forth in the “Whereas” clauses that form the preamble to this ordinance are hereby adopted as findings of fact in support of this ordinance. The “Whereas” clauses are found to be true and correct and are incorporated into the body of this ordinance as if set forth in their entirety.

XIV. EFFECTIVE DATE

This ordinance shall become effective from and after the date of its passage, and it is accordingly so ordered.

ADOPTED, ORDERED, AND ENTERED OF RECORD in the minutes of the Commissioners Court of Tarrant County, Texas on this the 3rd of October 2023.