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Junk Yards

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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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Junk Yards

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.

Private Acts of 1987 Chapter 97

SECTION 1. This act shall be known and may be cited as "Smith County Junkyard Control Act".

SECTION 2. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads, and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county.

SECTION 3. Whenever used in this chapter:

(1) "Automobile grave" and "Automobile graveyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Five (5) or more such vehicles will constitute an automobile graveyard.

(2) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

(3) "Junk" shall mean 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.

(4) "Junkyard" shall mean 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. This definition includes scrap

metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. Provided, however, a "junkyard" shall not be construed to include a recycling center. For purposes of this act, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.

(5) "Primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

(6) "Main traveled way" shall mean the traveled way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage road, turning roadways, or parking areas.

(7) "Smith County Planning Commission" shall mean the county planning commission as it is duly organized in Smith County, Tennessee.

(8) "Smith County Road Department" shall mean the Commissioner of Roads and his employees that are directed with the duty to care and maintain the county road system as required by county resolution and state statute.

SECTION 4. No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road designated by the county road department, except the following:

- (a) Those located within areas which are zoned for industrial use under authority of law;
- (b) Those which are not visible from the main traveled way of the system.

SECTION 5. Screening by junkyard operator or property owner. Any junkyard lawfully in existence at the passage of this act, which is within one thousand feet (1,000') of the nearest edge of the right-of-way and visible from the main traveled way of any county road, shall be screened by an eight (8) foot fence so not to be visible from the main traveled way of such county roads, and the operator or property owner shall pay the cost of installation.

SECTION 6. It shall be the duty of anyone wishing to open a junkyard which fits within the definition of this act, to appear and seek approval before the Smith County Planning Commission before beginning operations.

SECTION 7. The Smith County Road Commissioner may apply to any appropriate court in the county in which said junkyards may be located for an injunction to abate such nuisance. The county attorney and the sheriff's department are authorized to assist the road commissioner in the enforcement of this act.

SECTION 8. (a) On or after the passage of this act, it shall be unlawful for any junkyard located within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1,000') of any dwelling.

SECTION 9. Nothing contained in this act shall be construed as prohibiting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

SECTION 10. It is the intent of this act that the automobile junkyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public.

SECTION 11. Any person who shall establish, operate or maintain a junkyard, or who operates contrary to the provisions of this act, shall be guilty of a misdemeanor and shall be fined twenty-five dollars (\$25.00) and costs for each day of violation.

SECTION 12. 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 of Smith County and certified by him to the Secretary of State.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall become 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 13.

Passed: May 5, 1987.

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