

**CHAMBERS COUNTY ORDINANCE PERTAINING TO THE
REGULATION OF JUNKYARDS AND AUTOMOTIVE WRECKING AND
SALVAGE YARDS PURSUANT TO SECTION 234 OF THE TEXAS LOCAL
GOVERNMENT CODE AND SECTION 396 OF THE TEXAS
TRANSPORTATION CODE**

WHEREAS, Chambers County seeks to enhance beautification in the County and ways in which it can continue to help protect the public health, safety, and welfare of its citizens and residents.

WHEREAS, Chambers County has the authority to regulate junkyards and automotive wrecking and salvage yards pursuant to Section 234 of the Texas Local Government Code and Section 396 of the Texas Transportation Code (the Code” or the “Codes”); and

WHEREAS, Chambers County wishes to adopt an ordinance to regulate junkyards and automotive wrecking and salvage yards to accomplish its stated goals in accordance with the Codes.

NOW THEREFORE, in accordance with the Codes and upon public hearing held in accordance with Section 396.042 of the Texas Transportation Code, where any interested member of the public was permitted to appear and testify about the subject of the ordinance, the Commissioners Court of Chambers County hereby adopts and passes the following ordinance regulating junkyards and automotive wrecking and salvage yards.

1. All junkyards or automotive wrecking and salvage yards must be licensed by Chambers County in accordance with the Code.
2. A license or renewal fee will be assessed by Chambers County in the amount of \$25.00 for each applicant seeking a license or the renewal of the license.
3. Chambers County must approve the locations of junkyards or automotive wrecking and salvage yards subject to the Code. All licenses or renewal of licenses sought will not be granted unless the operator of the junkyard or automotive wrecking and salvage yard locates the junkyard or automotive wrecking and salvage yard at a location approved by the commissioners court or a county employee designated by the commissioners court. The location of the junkyards or automotive wrecking and salvage yard must not: (A) be located within 50 feet of the right-of-way of a public street or state highway; and (B) be located within 50 feet of the nearest property line of a residence.
4. A person may not accumulate or stack materials associated with a junkyard or automotive wrecking and salvage yard higher than eight (8) feet above ground level. Sections 3 and 4 do not apply to a junkyard or automotive wrecking and salvage yard only used for farm equipment.

5. Junkyards or automotive wrecking and salvage yards must be properly screened in accordance with the Codes. Specifically, the junkyard or automotive wrecking and salvage yard shall screen the junkyard or automotive wrecking and salvage yard to at least six (6) feet in height along the portion of the junkyard or automotive wrecking and salvage yard that faces a public road or residence. The person may screen the yard by any appropriate means, including:
 - A. A fence;
 - B. Natural objects; or
 - C. Natural objects.

6. The screening requirements listed above do not apply to the following:
 - A. Automotive wrecking and salvage yard as defined by and subject to the Section 397 of the Texas Transportation Code;
 - B. A junkyard as defined by Section 391.001 and subject to Subchapter E, Chapter 391 of the Texas Transportation Code;
 - C. A recycling business; or
 - D. A junkyard or an automotive wrecking and salvage yard entirely in a municipality and regulated by the municipality.

7. Compliance with this Ordinance and policy is required. A person who operates a junkyard or an automotive wrecking and salvage yard, in screening the yard, shall comply, to the extent practicable, with all applicable ordinances adopted by Chambers County.

8. Chambers County will assess penalties for violations of the screening and location requirements of this ordinance. Specifically:
 - A. A person commits an offense if the person knowingly violates the screening and location requirements of this Ordinance.
 - B. An offense under this Ordinance is a misdemeanor punishable by a fine of not less than \$100 or more than \$500.
 - C. Each day a violation continues is a separate offense.

9. The following persons and business are exempt from this ordinance in accordance with the Code:
 - 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; and
 - C. A junkyard or automotive wrecking and salvage yard in operation before June 1, 1987.

10. Before this ordinance was passed and adopted by the Chambers County Commissioners Court, Chambers County:

A. Posted in a public place in the county courthouse a notice of the time, place and general subject of the public hearing; and

B. Published the notice in a newspaper of general circulation in the county.

C. The published notice was posted for the ten (10) days preceding the date of the public hearing and was published at least once a week for the three (3) weeks preceding the week the public hearing is held.

11. This ordinance does not apply to: (A) farm machinery owned or operated by the person on whose property the machinery is located and kept on that property for purposes other than sale; and (B) a business subject to a screening requirements under Subchapter E of Chapter 391, Chapter 396, or Chapter 397 of the Texas Transportation Code.

12. If there is a conflict with this ordinance and some other requirement, standard, or condition established under the Code with another law of this state, a rule adopted under state law, or a municipal ordinance, the stricter of the two provisions prevails.

13. Upon public notice, a public hearing and a majority vote of the Commissioners Court of Chambers County, Texas, this ordinance is hereby adopted and made effective immediately.

14. A violation of this ordinance will lead to a civil penalty. The appropriate attorney representing the county in civil cases may file a civil action to recover a civil penalty from a business that violates a visual aesthetic standard established under the Codes and this ordinance. The penalty may not exceed the greater of the amounts set forth under the Codes or \$50 each day for the first 10 days of the violation, \$100 each day for the next 10 days, \$250 each day for the next 10 days, and \$1,000 for each day thereafter. In determining the amount of the penalty, the court shall consider the seriousness of the violation.

Adopted, Passed and Approved by the Chambers County Commissioners Court on this 23rd date of January, 2024:

DocuSigned by:
Jimmy Sylvia
1492536299FA478...
County Judge Jimmy Sylvia

Attest:

DocuSigned by:
Heather H. Hawthorne
03933AF26BE5410...
County Clerk