

2005- 13
JUNKYARD CONTROL ORDINANCE

SECTION 1. TITLE OF ORDINANCE. This Ordinance shall be known as the County Highway Junkyard Control Ordinance.

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, it is hereby declared to be in the public interest, to regulate and restrict the establishment, operation and maintenance of junkyards in the areas adjacent to the County Highways within this County

SECTION 3. DEFINITIONS. In the use of this Ordinance, the following terms shall be defined as:

- A. AUTOMOBILE GRAVEYARD – shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scraped, ruined, more than five (5) unlicensed motor vehicles, or dismantled motor vehicles or motor vehicle parts.
- B. JUNKYARD – shall mean an establishment or place of business which is maintained or operated or used for storing, keeping, keeping uninhabitable mobile homes, buying or selling junk or for the maintenance or operation of an automobile graveyard and the term shall include garbage dumps and sanitary fills, but shall not include any scrap metal processing building.
- C. COUNTY HIGHWAY OR COUNTY ROAD – shall mean that portion of the County Highway or County Road so designated on the County highway map as amended, which is kept in the County Highway garage and those roads which Martin County receives money from the State of Indiana.
- D. VISIBLE – shall mean capable of being seen by a person of normal visual activity using the highway system.
- E. PERSONS – shall mean any individual, firm, partnership, corporation, group or association.

SECTION 4. LOCATION. No person may establish, operate or maintain a junkyard or scrap metal processing facility or store junk on any portion which is within one thousand (1,000) feet of the nearest edge of a right-of-way of any County Highway or County Road, except for the following:

- A. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main travel lay or any County Highway or County Road, or otherwise removed from sight.

- B. Those which are not visible from the main travel lay of any County Highway or County Road.

SECTION 5. A person who violates this Ordinance or knowingly allows a junkyard or scrap metal processing facility to be established or maintained on his property in violation of this Ordinance may be fined not more than One Thousand Dollars (\$1,000.00). Whenever the Martin County Sanitation Officer is given written notice that a junkyard or scrap metal processing facility is maintained or operated in violation of this Ordinance, the Martin County Sanitation Officer shall give thirty (30) days notice by certified mail to the owner of the property on which the violation exists. If the owner fails to act within thirty (30) days as required by the notice, then each day of the maintenance or operation beginning on the first day following the receipt of the notice by the owner constitutes a separate offense.

SECTION 6. A person who recklessly, knowingly, or intentionally places or leaves refuse on property of another person, except in a container provided for refuse, commits littering and is in violation of this Ordinance and may be fined not more than One Thousand Dollars (\$1,000.00). Refuse includes solid and semi-solid wastes, dead animals and offal. Evidence that littering was committed from a moving vehicle other than a public conveyance constitutes prima facie evidence that it was committed by the operator of that vehicle.

SECTION 7. The County Commissioners hereby designate the Martin County Sanitation Officer as the agency which shall enforce the provisions of this Ordinance. When any violation of this Ordinance is discovered or brought to the attention of the Martin County Sanitation Officer, the Martin County Sanitation Officer shall study the circumstances and shall determine if this Ordinance has been violated. Whenever the Martin County Sanitation Officer shall determine that a violation exists, he shall enter a resolution setting out the nature, extent and location of any such violation and refer said resolution to the County Attorney. Thereupon, the County Attorney shall commence an action in the name of Martin County in the proper Court in Order to enjoin a violation of this Ordinance. In addition, the County Attorney may request that the Prosecuting Attorneys of the Judicial Circuit in which the violation has occurred to institute criminal proceedings against any person or persons who are responsible for the establishment, maintenance, use or operation which is a violation of this Ordinance.

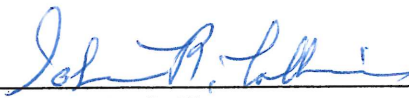
SECTION 8. Nothing in this Ordinance shall be construed to affect the provisions of any other lawful Ordinance, regulation or resolution which are more restrictive than the provisions of this Ordinance.

SECTION 9. This Ordinance shall be effective immediately upon passage and publication.

ADOPTED THIS 16th DAY OF AUGUST, 2005.

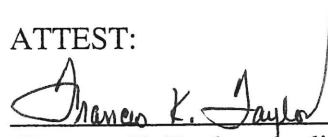
MARTIN COUNTY COMMISSIONERS

By: 
Michael D. Dant

By: 
John R. Collins

By: 
Kevin R. Boyd

ATTEST:


Frances K. Taylor, Auditor