

## CHAPTER 5

### REGULATION OF JUNK MOTOR VEHICLES

<b>Sec. 5-1.</b>	Purpose.
<b>Sec. 5-2.</b>	Definitions.
<b>Sec. 5-3.</b>	Vehicle crushing/demolition regulations.
<b>Sec. 5-4.</b>	Automobile graveyard, junkyard, and salvage yard regulations.
<b>Sec. 5-5.</b>	Inoperable motor vehicle regulations.
<b>Sec. 5-6.</b>	Violation of this Chapter.

#### **Sec. 5-1. Purpose.**

In accordance with the authority provided in §§ 15.2-903, 15.2-904, and 15.2-905 of the Code of Virginia, 1950, as amended, and in order to promote the health, safety, and welfare of Bath County residents, and to prevent the pollution of water and soil in Bath County, the County hereby regulates the operation of automobile or motor vehicle graveyards, automobile or motor vehicle salvage yards, and abandoned, inoperative or junk motor vehicle and junkyard sites within the County.

#### **Sec. 5-2. Definitions.**

*Administrator* shall mean the Bath County Zoning Administrator or his or her agent.

*Automobile* shall mean "motor vehicle" as such term is defined by § 46.2-100 of the Code of Virginia.

*Automobile or Motor Vehicle Graveyard* shall mean any lot or place which is exposed to the weather and public view upon which three (3) or more motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions of this section shall begin with the first day that the vehicle is placed on the subject property.

*Automobile or Motor Vehicle Salvage Yard* shall mean a lot, land, or structure, or part thereof used primarily for collecting, dismantling, storage, selling and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof

*Inoperable motor vehicle* shall mean for purposes of this Chapter the same as "inoperable motor vehicle" as defined by § 15.2-904 of the Code of Virginia, which shall mean any one or more of the following, (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed

business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

*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.

*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, and the term shall include garbage dumps and sanitary fills.

*Motor Vehicle* or *Vehicle* shall mean "motor vehicle" as such term is defined by § 46.2-100 of the Code of Virginia.

*Motor Vehicle Demolisher* shall mean any person whose business is to crush, flatten or otherwise reduce a motor vehicle to a state or condition where it can no longer be considered a motor vehicle. Such motor vehicle demolisher shall be a licensed Department of Motor Vehicles demolisher. The motor vehicle demolisher's crusher must have a fluid recovery system.

*Visible* shall mean capable of being seen without visual aid by a person of normal visual acuity.

### **Sec. 5-3. Vehicle crushing/demolition regulations.**

(a) Any qualified motor vehicle demolisher licensed by the Department of Motor Vehicles has the authority to crush and dispose of abandoned or junk motor vehicles throughout the County as long as such crusher has obtained a permit therefore from the Administrator or his or her agent and complies fully with the provisions herein. Similarly, it shall be unlawful for any person or entity to crush, flatten or otherwise compact any motor vehicle without obtaining said permit in accordance herewith. This Chapter shall not affect those property owners or occupants who have current conditional use permits to operate motor vehicle junk yards and which permit allows motor vehicle crushing operations at the permit locations.

(b) Any motor vehicle demolisher who desires to crush abandoned or junk motor vehicles and dispose of the same must first obtain a permit from the Administrator for each location from which the crusher desires to conduct said activity. Prior to obtaining a permit, said crusher must provide the Administrator with evidence of approval from the landowner to enter upon the landowner's property to conduct demolition activities. The permit shall state at a minimum the location of the property, the landowner's name(s), and the date(s) the operation is to be conducted.

(c) Upon the satisfaction of the Administrator that the motor vehicle demolisher can conduct the activity in compliance with this Chapter, and upon the motor vehicle demolisher's signature on the permit that he/she will comply fully with the terms and conditions hereof, a permit shall be issued to each motor vehicle demolisher for each location ("location" being each different address or parcel of property) in which the crushing and demolition activity shall take place. Upon completion of activities, at each location, the permitted motor vehicle demolisher

must report back to the Administrator that said activities are complete and must sign the necessary Department of Motor Vehicles forms at such times as the County require so that the County may obtain State reimbursement. The motor vehicle demolisher must obtain a separate permit for each additional location that it desires to conduct crushing work.

(d) The Administrator or his or her agent shall be permitted to inspect and monitor the operations of each crusher at each location. The Administrator or his or her agent shall have the authority to shut down the operation at any time the demolition operations are being performed in violation of this Chapter.

(e) No motor vehicle shall be tipped, overturned or rolled before removing the battery and all fluids, and sealing all fluid reservoirs.

(f) If the engine or transmission is to be removed from a vehicle prior to crushing all fluid systems must be drained prior to removal in such a manner as to prevent spillage.

(g) The motor vehicle demolisher's crushing machine must have a fluid recovery system. The system must be kept clean, unobstructed and operating properly at all times, and 4 millimeter or greater sheeting shall be placed under the recovery system to prevent soil contamination. The motor vehicle demolisher shall have a written Hazardous Waste Spill Contingency Plan on file with the County and shall have absorbent material on hand to be used in case of an accidental spill.

(h) The motor vehicle demolisher shall remove gas tanks prior to crushing and the contents thereof shall be transferred to a suitable container in such a manner as to prevent spillage.

(i) Coolant shall be removed from both the radiator and engine block prior to crushing in such a manner as to prevent spillage.

(j) Oil shall be removed from the engine prior to crushing and transferred to a suitable container in such a manner as to prevent spillage.

(k) Batteries shall be removed prior to crushing

(l) Any freon in the vehicle must be recycled prior to crushing in conformity with applicable Federal and State regulations and laws.

(m) The demolisher must keep records of the transportation and transfer of all liquids removed from the vehicles. Such records shall be open to inspection by Federal, State and County officials during normal business hours.

(n) Any and all liquids (such as antifreeze, oils, gases, diesel fuel, etc.) lost from the vehicle shall be properly taken care of so as to prevent soil contamination.

**Sec. 5-4. Automobile graveyard, junkyard, and salvage yard regulations.**

(a) All vehicles or vehicle parts brought into an Automobile or Motor Vehicle Graveyard ("graveyard") or a Automobile or Motor Vehicle Salvage Yard ("salvage yard") or a junkyard shall be immediately inspected for fluid leaks. If leaks are found, measures shall be taken to stop said leaks or otherwise prevent fluids from contaminating the soil. Gasoline, diesel fuel and freon shall be removed from the motor vehicles to prevent soil contamination.

(b) Any accidental spillage of vehicular fluids that takes place on the graveyard or junkyard or salvage yard will be cleaned up immediately upon discovery in conformity with Federal and State regulations and laws.

(c) The owner or operator of a holding yard shall have a Written Hazardous Waste Spill Contingency Plan on file with the County.

(d) Batteries shall be stored separately within a well ventilated, roofed area on a cement pad so as to prevent leakage into the soil or water.

**Sec. 5-5. Inoperable motor vehicle regulations.**

(a) The owner of any parcel of land or contiguous parcels of land zoned for residential or commercial or agricultural purposes shall remove therefrom all inoperable motor vehicles, trailers, and semi-trailers in excess of the number of permitted vehicles allowed under the Bath County Land Use Regulations according to the zoning of the property, unless such vehicles, trailers, and semi-trailers are kept within a fully enclosed building or structure. The owners of property zoned for residential, commercial or agricultural purposes shall, at such time or times as determined by the Administrator, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. Bath County, through its agents or employees may remove any such inoperable motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice, has failed to do so. In the event Bath County, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, after having given such reasonable notice, Bath County may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the locality as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the locality. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

(b) The provisions shall not apply to a duly licensed automobile dealer, salvage dealer, or scrap processor.

(c) "Shielded or screened from view" shall mean not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.

**Sec. 5-6. Violation of this Chapter.**

A violation of this Chapter shall be subject to a civil penalty, which may be imposed in accordance with the provisions of § 15.2-2209 of the Code of Virginia and each day of violation shall constitute a separate offense. Any law enforcement officer or Administrator may issue a summons directly to any person or entity violating this Chapter.