

## AN ORDINANCE

AN ORDINANCE TO REGULATE THE OPERATION OF JUNKYARDS IN GREENVILLE COUNTY.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Title. This ordinance shall be known as the "Junkyard Ordinance of Greenville County, South Carolina".

Section 2. Authority. This ordinance is adopted pursuant to the authority conferred upon the County of Greenville, South Carolina, by the Code of Laws of South Carolina (1976), as amended.

Section 3. Findings; Purpose. Greenville County Council finds that junkyards:

- (a) are a visual blight and are patently offensive to the aesthetic quality of the environment in Greenville County;
- (b) pose a hazard to the health, safety and welfare of the citizens of the communities in which they are located;
- (c) pose a fire hazard;
- (d) pose a threat of injury to children and other individuals who are attracted to the premises;
- (e) depreciate the value of surrounding properties.

Because of the negative impacts that junkyards have on the community, Greenville County Council hereby adopts this ordinance, the purpose of which is to provide standards for the development, use and maintenance of junkyards in Greenville County so as to protect the health, safety and general welfare of Greenville's citizens.

Section 4. Scope. In order to fulfill the purposes for which this ordinance is adopted, the provisions of this ordinance shall apply to all junkyards located in the unincorporated areas of Greenville County, regardless of when such junkyards were established.

Section 5. Definitions. As used herein, the following terms shall have the meanings given below:

(a) Person. The term "person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(b) Junk. The term "junk" shall mean old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, tires, waste, or junked, dismantled or wrecked motor vehicles, or parts thereof.

(c) Junkyard. The term "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 a motor vehicle graveyard.

(1) Motor Vehicle Graveyard. The phrase "motor vehicle graveyard" shall mean an 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.

The definitions of "junkyard" and "motor vehicle graveyard" shall not include garbage dumps, sanitary landfills, scrap metal processors, establishments or places of business which are located entirely within a completely enclosed structure, or establishments or places of business which exclusively perform motor vehicle repair work or towing/wrecker service and do not sell wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(d) Fence. The term "fence" shall mean a substantial, continuous structure forming a physical barrier which is so constructed that no more than twenty-five (25%) per cent of the vertical surface is open to permit the transmission of light, air and vision through such surface in a horizontal plane. All fences shall extend from the surface of the ground to a uniform height of not less than eight (8) feet.

(e) Vegetation. The term "vegetation" shall mean evergreen trees, shrubs or plants with a minimum height of three (3) feet

when planted, which reach a height at maturity of not less than eight (8) feet.

(f) Visual Screen. The phrase "visual screen" shall mean a static barrier which shields from view a specified object or objects. For the purposes of this ordinance, said object or objects refers to junk or junkyards.

Section 6. Screening. All junkyards shall be enclosed on all sides by a visual screen consisting of a fence or a combination of a fence and vegetation.

Section 7. Operation of Junkyard Business.

(a) All junkyard business shall be conducted within the screened area of the property.

(b) No junk shall be stacked, stored or maintained at a height greater than eight (8) feet measured from the surface of the ground.

Section 8. Time for Compliance.

(a) Each person owning or operating an existing junkyard shall comply with the provisions of this ordinance within sixty (60) days after the effective date hereof.

(b) No person shall establish a junkyard after the effective date of this ordinance without first complying with the provisions set forth herein.

Section 9. Variance Procedure. Greenville County Council may authorize a variance from the provisions of this ordinance in accordance with the following procedure:

(a) An applicant shall file a written request for a variance with the Clerk of County Council within ten (10) days after receiving written notification from the Greenville County Zoning Department that they are in violation of this ordinance. The request shall specify the nature of the variance being sought and the reasons for such request.

(b) Before action is taken on the variance request, County Council shall hold one or more public hearings at which any party

may appear in person or by agent or attorney. Notice shall be given at least fifteen (15) days in advance of a public hearing. The owner of the property for which the variance is requested or his agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at the Greenville County Square.

The Greenville County Zoning Department shall provide the applicant or his designated representative with an adequate number of Notice of Public Hearing signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least fifteen (15) days prior to such hearing. Only such signs as provided by the Zoning Department shall be used, and such signs shall be placed in a conspicuous place or places on the affected premises. Failure to comply with the posting requirements will result in removal of the application from the public hearing agenda. All signs must be removed within thirty (30) days after the public hearing.

(c) Subsequent to the public hearing, the variance request shall be referred to the Public Safety, Human Services and Administration Committee, which may recommend that a variance from the provisions of this ordinance be granted upon a finding that:

(1) The variance requested is the minimum variance that will make possible the legal use of the land.

(2) Owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.

(3) The variance requested will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to

the public welfare.

(d) The recommendation of the Public Safety, Human Services and Administration Committee shall be reported to County Council for final decision.

Section 10. Penalties for Non-Compliance. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, punishable by a fine not to exceed Two Hundred (\$200.00) Dollars or imprisonment for not more than thirty (30) days. Each day such violation continues shall constitute a separate offense.

Greenville County may also seek injunctive relief or may institute any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

Section 11. Separability and Validity. Should any section, paragraph, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 12. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 13. Effective Date. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 15th DAY OF December, 1987.

  
Chairman

  
County Administrator

ATTEST:

  
Clerk

## AN ORDINANCE

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1777, REGULATING THE OPERATION OF JUNKYARDS IN GREENVILLE, COUNTY SOUTH CAROLINA SO AS TO AMEND CERTAIN DEFINITIONS, TO ADD GENERAL PROVISIONS RELATED TO FENCING, ANCHORING, PARKING, AND PERMIT REQUIREMENTS, TO PROHIBIT JUNKYARDS ALONG CERTAIN SCENIC CORRIDORS, AND TO MAKE OTHER MISCELLANEOUS AMENDMENTS.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Findings. Greenville County Council adopted an ordinance in 1987 to regulate the operation of junkyards in Greenville County. While the implementation and administration of the ordinance have been effective, Greenville County Council finds that certain amendments are necessary and desirable in order to accomplish fully the original purposes of the ordinance to protect and promote the health, safety, and welfare of Greenville County's citizens.

Section 2. Purpose. Section 3 of Ordinance No. 1777 is hereby amended as follows:

Greenville County Council finds that junkyards:

- (a) are a visual blight and are patently offensive to the aesthetic quality of the environment in Greenville County;
- (b) pose a hazard to the health, safety and welfare of the citizens of Greenville County;
- (c) pose a fire hazard, and may cause soil and groundwater contamination;
- (d) pose a threat of injury to children or other individuals who may be attracted to the premises;
- (e) depreciate the value of surrounding properties and may inhibit future development of the area.

Because of the negative impacts that junkyards have on the community, Greenville County Council hereby adopts this ordinance, the purpose of which is to provide standards for the establishment, use, and maintenance of junkyards in Greenville County so as to protect the health, safety and general welfare of the citizens of Greenville County.

Section 3. Definitions. Section 5 of Ordinance No. 1777 is hereby amended as follows:

As used herein the following terms shall have the meanings given below:

(a) Person. The term "person" shall mean any individual , firm, partnership, association, corporation, company or organization of any kind.

(b) Junk. The term "junk" shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, and the following old, scrap, or used items: metal; rope; rags; batteries; paper; cardboard; plastic; rubber; pallets; appliances; motors; industrial or commercial fixtures; rubbish; debris; wrecked, dismantled or disabled motor vehicles or parts thereof.

(c) Junkyard. The term "junkyard" shall mean any property which is used in part or in whole for storing, keeping, buying or selling of items defined as "Junk" in Section 5(b). For the purpose of this ordinance, properly licensed sanitary landfills are exempt.

(d) Fence. The term "fence" shall mean an eight (8) foot tall chain link or wooden fence which forms a substantial physical barrier which is capable of withstanding the effects of the local climate and which completely surrounds the items defined as "Junk". Other fencing materials may be approved by the Zoning Manager.

(e) Evergreen Screening - the term "Evergreen Screening" shall mean evergreen trees or shrubs with a minimum height of not less than eight (8) feet when mature. Acceptable species include, but are not limited to, Ligustrum, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew. Other species may be approved by the Zoning Manager.

(f) Visual Screen. The term "visual screen" shall mean a static barrier which shields the junkyard from view. The visual

screen shall extend from the ground to a height of eight (8) feet and shall completely enclose the junkyard. Not more than twenty-five (25) percent of the vertical surface shall be open to allow the passage of air, but any such openings shall be designed to obscure visibility.

Section 4. General Provisions. Section 6 of Ordinance No. 1777 is hereby amended as follows:

(a) Fencing and Screening. All junkyards shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a chain link fence with vinyl, metal or wooden strips or slats woven into the fence fabric, a wooden privacy fence, or other type material which has been given approval by the Zoning Manager.

(b) Anchoring - All metal or wooden fence posts shall have at least one-third of their length below ground level and shall be set in hard packed clay or concrete. All metal fence posts shall be treated with an anti-corrosive coating. All wooden posts shall be pressure treated or creosote coated lumber with at least a four inch by four inch nominal cross section.

(c) Location - No junkyard shall be established within 500 feet of any existing church, school, cemetery or dwelling. No junkyard shall be established within 500 feet of the following scenic corridors:

1. U.S. Highway 25 north of Travelers Rest
2. U.S. Highway 276 west of the town of Cleveland
3. S.C., Highways 11, 290, 414, 418, 101 or 146
4. S.C. Highway 253 from Altamont Road to Highway 414
5. Interstate Highways 85, 185 and 385
6. S.C. Highway 14 north of Greer City Limits
7. Old U.S. Highway 25
8. Reedy Fork Road and Fork Shoals Road south of Donaldson Center.

Section 5. Operation. Section 7 of Ordinance No. 1777 is hereby amended as follows:

(a) All junkyard business shall be conducted entirely within the screened area of the property.

(b) No junk shall be stacked, stored or maintained at a height greater than eight (8) feet above the adjacent grade.

(c) Adequate off-street customer parking must be provided, and must be graveled or paved in an acceptable manner.

(d) All junkyards shall comply with Chapter 40 of the "Standard Fire Prevention Code" and any other pertinent requirements.

(e) Scrap Metal Processors, while considered to be junkyards by definition, shall be exempt from the permit requirements of Section 8 herein. In addition, the eight (8) foot stacking requirement of Section 7(b) shall not apply if the scrap metal processor is located substantially below the grade of the adjacent public road or is located more than 500 feet from any public road.

Section 6. Permit Requirements. Section 8 of Ordinance No. 1777 is hereby amended as follows:

All junkyards shall, within sixty (60) days after the effective date of this ordinance, obtain a "Junkyard Operation Permit" and a letter stating the junkyard complies with the requirements of this ordinance. Such permit and letter of compliance shall be valid until March 1 of the following calendar year. No fee shall be charged for 1993, but a written request for reinspection, accompanied by a Twenty (\$20.00) Dollar reinspection fee, must be submitted to the office of the Zoning Manager no later than January 15 of each successive year. The Zoning Manager, or his designee, shall then inspect the premises, notify the Junkyard operator of any corrections that need to be made, and issue the "Junkyard Operation Permit" and letter of compliance after completion of any required corrections.

No person shall establish, enlarge, or operate a junkyard after the effective date of this ordinance without first complying with the provisions set forth herein.

Section 7. Variance Procedure. Section 9 of Ordinance No. 1777 is hereby amended as follows:

Greenville County Council may authorize a variance from the provisions of this ordinance in accordance with the following procedure:

(a) An applicant shall file a written request for a variance with the Clerk of County Council within ten (10) days after receiving written notification from the Greenville County Building Standards Department that they are in violation of this ordinance. The request shall specify the nature of the variance being sought and the reasons for such request.

(b) Before action is taken on the variance request, County Council shall hold one or more public hearings at which any party may appear in person or by agent or attorney. Notice shall be given at least fifteen (15) days in advance of a public hearing. The owner of the property for which the variance is requested or his agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at the Greenville County Square.

The Greenville County Building Standards Department shall provide the applicant or his designated representative with an adequate number of Notice of Public Hearing signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least fifteen (15) days prior to such hearing. Only such signs as provided by the Building Standards Department shall be used, and such signs shall be placed in a conspicuous place or places on the affected premises. Failure to comply with the posting requirements will result in removal of the application from the public hearing agenda. All signs must be removed within thirty (30) days after the public hearing.

(c) Subsequent to the public hearing, the variance request shall be referred to the Public Safety, Human Services and Administration Committee, which may recommend that a variance

from the provisions of this ordinance be granted upon a finding that:

- (1) The variance requested is the minimum variance that will make possible the legal use of the land.
- (2) Owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.
- (3) The variance requested will be in harmony with the general purposes and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(d) The recommendation of the Public Safety, Human Services and Administration Committee shall be reported to County Council for final decision.

Section 8. Separability and Validity. Should any section, paragraph, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 9. Conflicting Ordinances. Where any provision of this ordinance conflicts with any ordinance or statute, the more restrictive requirement shall apply.

Section 10. Effective Date. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 15th DAY OF JUNE, 1993.

ATTEST:

Elizabeth M. Hanzey  
Elizabeth M. Hanzey  
Clerk to Council

C. Wade Cleveland  
C. Wade Cleveland, Chairman  
Greenville County Council

John L. Baker  
John L. Baker  
Interim County Administrator

AN ORDINANCE

NO. 2530

AN ORDINANCE TO AMEND ORDINANCE NO. 1777, OTHERWISE KNOWN AS THE GREENVILLE COUNTY JUNKYARD ORDINANCE, SO AS TO PROVIDE THAT ANY REQUEST FOR A VARIANCE FROM THE PROVISIONS OF THE JUNKYARD ORDINANCE SHALL BE MADE DIRECTLY TO THE GREENVILLE COUNTY BOARD OF ZONING APPEALS, RATHER THAN GREENVILLE COUNTY COUNCIL.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Amendment. Section 9 of Ordinance Number 1777, subsequently amended by Section 7 of Ordinance Number 2467, is hereby amended to read as follows:

"Section 9. Variance Procedure. The Board of Zoning Appeals may authorize, upon written appeal, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties. An applicant shall file a written request for a variance with the Director of the Building Standards Department, or his designee, within ten (10) days after such applicant has received written notification that a violation of this ordinance has been committed. The request shall specify the nature of the variance being sought and the reasons for such request.

Notice shall be given at least 15 days in advance of a public hearing. The owner of the property for which the variance is requested or his agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at Greenville County Square.

When an applicant requests a variance from the terms of this ordinance, the Building Standards Department shall provide the applicant or his designated representative with an adequate number of Notice of Public Hearing signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least 10 days prior to the date of the Board of Zoning Appeals hearing. Only such signs as provided by the Building Standards Department shall be used and such signs shall be placed in a conspicuous place or places on the affected premises. Failure to comply with the posting requirements will result in removal of the application from the public hearing agenda and forfeiture of the application

fee. All signs must be removed within 30 days after the public hearing.

A variance from the terms of this ordinance may be granted by the Board upon a finding that:

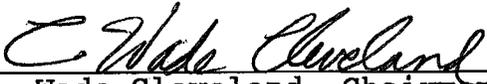
1. The variance requested is the minimum variance that will make possible the legal use of the land.
2. Owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.
3. The variance requested will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Section 2. Separability and Validity. Should any paragraph, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 3. Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

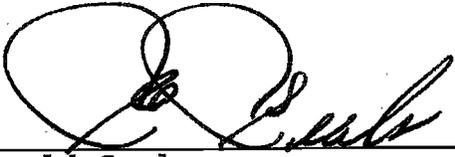
Section 4. Effective Date. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 6th DAY OF DECEMBER, 1993.

  
C. Wade Cleveland, Chairman  
Greenville County Council

ATTEST:

  
Elizabeth M. Hanzey  
Clerk to Council

  
Gerald Seals  
County Administrator