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April Long
County Clerk, Johnson County Texas
BY DEPUTY

JOHNSON COUNTY
COMMISSIONERS COURT

Christopher Boedeker
County Judge

Rick Bailey
Commissioner
Precinct 1

Kenny Howell
Commissioner
Precinct 2

Mike White
Commissioner
Precinct 3

Larry Woolley
Commissioner
Precinct 4

THE COMMISSIONERS COURT	§	**ORDER NO. 2024-118**
OF	§	**ADOPTED ON**
JOHNSON COUNTY, TEXAS	§	**November 12, 2024**

The Commissioners Court of Johnson County, Texas, having conducted a public hearing, for which notice of time, place, and general subject matter pertaining hereto having been posted in a public place in the County Courthouse for ten (10) days preceding the date of the public hearing and having been published in a newspaper of general circulation in Johnson County at least once a week for the three (3) weeks preceding the date the public hearing was held, on this the 12th day of November 2024 adopts the following ordinance:

THIRD AMENDED ORDINANCE LICENSING JUNKYARDS AND AUTOMOTIVE WRECKING AND SALVAGE YARDS LOCATED IN UNINCORPORATED AREAS OF JOHNSON COUNTY, TEXAS

1
PURPOSE

To protect the public health, safety, and welfare of the citizens of Johnson County, Texas, the Commissioners Court of Johnson County, Texas hereby adopts the following ordinance and fees affecting junkyards and automotive wrecking and salvage yards located in the unincorporated areas of Johnson County, Texas.

2
DEFINITIONS

The following definitions shall apply for the purposes of this ordinance:

A. "Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for the use in automotive repair or rebuilding.
B. "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.
C. "Junkyard" means a place where a business that owns junk, and is operated to store, buy, or sell junk, that keeps all or part of the junk outdoors until the business disposes of the junk.
D. "Recycling business" means a business primarily engaged in the business of:

1. converting metal or other material into raw material products that have:
    a. prepared grades; and
    b. an existing or potential economic value;
2. using raw material products described by Paragraph (1) in the production of new products; or
3. obtaining or storing metal or other material for a purpose described by Paragraph (1) or (2).

E. "Wrecked vehicle" means a discarded, junked, damaged, or worn-out automotive vehicle that is not in a condition to be lawfully operated on a public road.

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EXCEPTIONS TO LICENSING

The licensing requirements of this ordinance do not apply to:

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; or
C. a junkyard or automotive wrecking and salvage yard in operation before June 1,1987.

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LOCATION OF YARD

A. A junkyard or an automotive wrecking or salvage yard may not be located within fifty (50) feet of the right-of way of a public street or state highway, or within 50 feet of the nearest property line of a residence.
B. A person may not accumulate or stack materials associated with a junkyard or an automotive wrecking or salvage yard higher than eight (8) feet above ground level.
C. This section does not apply to a junkyard or an automotive wrecking and salvage yard used only for farm equipment.

5
SCREENING REQUIREMENTS

A. A person who operates a junkyard or an automotive wrecking and salvage yard in Johnson County shall screen the junkyard or automotive wrecking and salvage yard with a solid barrier fence 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, approved by the Commissioners Court, including:
    1. a fence;
    2. natural objects; or
    3. plants.
B. Upon written notice made by or at the direction of the Johnson County Judge or any Commissioner of Johnson County, a person or business operating a junkyard or an automotive wrecking and salvage yard shall within thirty (30) days of such notice submit to the County Judge a detailed plan for complying with the screening provisions of this ordinance. The County Judge shall as soon as possible place upon the agenda of the

Commissioners Court sufficient notice that the screening plans will be considered by Commissioners Court for approval.

C. The Commissioners Court may approve or disapprove the plans taking into consideration the expense of screening and the aesthetic affect to any public road or family residence. If the plan is approved by the Commissioners Court, the person or business operating a junkyard or an automotive wrecking and salvage yard will have 120 days from the date of approval to comply with the screening requirements of this ordinance. If the plans are disapproved by the Commissioners Court, the Commissioners Court may prescribe a screening plan not inconsistent with statutes or this ordinance. In the event that the Commissioners Court prescribes a screening plan, the person or business operating a junkyard or an automotive wrecking and salvage yard will have 120 days from the date that the screening plan of Commissioners Court is made known to such person or business to comply with this ordinance including the screening plan prescribed by Commissioners Court. If the person or business decides to not comply with the screening plan prescribed by the Commissioners Court, the person or business will have sixty (60) days to cease operations and clear the property of the junk or wrecked vehicles necessary to comply with this ordinance.

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EXCEPTIONS TO SCREENING

The screening requirements of this ordinance do not apply to:

A. an automobile wrecking and salvage yard as defined by, and subject to Chapter 397, Texas Transportation Code;
B. a junkyard as defined by Section 391.001 and subject to Subchapter E, Chapter 391;
C. a recycling business; or
D. a junkyard or an automotive wrecking and salvage yard entirely in a municipality and regulated by the municipality.

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LICENSE AND RENEWALS

A. A junkyard or an automotive wrecking and a salvage yard subject to this ordinance must be licensed by the Commissioners Court of Johnson County, Texas.
B. The license of a junkyard or an automotive wrecking and salvage yard is conditioned upon the operation of the junkyard or automotive wrecking and salvage yard only at the location approved by the Commissioners Court.
C. The Commissioners Court shall impose a fee of $25.00 for the issuance of a license to operate a junkyard. The Commissioners Court shall impose a fee of $25.00 for the issuance of a license to operate an automotive wrecking and salvage yard.
D. The license fee shall be deposited into the general fund of Johnson County, Texas.
E. Applications for a license may be obtained from the Public Works Department of Johnson County. All applications for licenses must be completely filled out. The location of the junkyard or automotive wrecking and salvage yard must be described by mailing address, by legal description, and by any other description sufficient to apprise the Commissioners Court of the exact location of the proposed junkyard or automotive wrecking and salvage

yard. Additionally, all applications must have a map of the site of the junkyard or automotive wrecking and salvage yard showing the existence of screening by natural objects, plants, or fences or other appropriate means to a height of at least six (6) feet alongside that portion of the junkyard or automotive wrecking and salvage yard that faces a public street or family residence.

F. After the Public Works Department has reviewed the application, the application will be forwarded to the County Judge who shall select a date for a public hearing to be held on the consideration of the application for license. The date of the public hearing must be set so as to give Johnson County sufficient time to send notice by certified mail to the property owners affected by the granting of a license under this ordinance. The notice shall be sent to the affected property owners at least two weeks before the public hearing on the license. For purposes of this ordinance, property owners affected by the granting of a license will be considered property owners residing within 1000 feet of the property on which the junkyard or automotive wrecking and salvage yard is located.

G. The Commissioners Court shall impose a fee of $25.00 for the renewal of each license issued under the authority of this Ordinance. Each license is valid for one (1) year.

H. Upon receiving an application to renew a license issued pursuant to this Ordinance, the Public Works Department shall inspect the licensed location to determine compliance with the licensing requirements. If the licensed location is in compliance with this Ordinance, the County Judge of Johnson County is authorized by the Commissioners Court to sign a renewal of the license which shall be valid for one (1) year.

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GROUNDS FOR DENIAL OF LICENSE OR RENEWAL

The following grounds are reasons for denial of the license or renewal of the license:

A. Material misstatements or misrepresentations in the application for license, the accompanying documents, or at the hearing before the Commissioners Court.

B. Location of a junkyard or automotive wrecking and salvage yard within 50 feet of the right-of-way of a public street or state highway or within 50 feet of the nearest property line of a residence.

C. Insufficient screening, which is screening that allows observation of the junkyard or automotive wrecking and salvage yard from alongside that portion of the junkyard or automotive wrecking and salvage yard that faces a public street, family residence, or church.

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GROUNDS FOR REVOCATION OF LICENSE

A. The owner or operator of a junkyard or automotive wrecking and salvage yard shall have 120 days from the date of notice that his business is not in compliance with the screening requirements of this ordinance to rectify the violation and comply with the screening requirements. Failure to rectify the screening violation and comply with the screening requirements, will subject the owner or operator of a junkyard or automotive wrecking and salvage yard to a hearing before the Commissioners Court at which time the license for said junkyard or automotive wrecking and salvage yard may be revoked for non-compliance with this ordinance.

B. The Commissioners Court may deny, suspend, or revoke a license if presented with clear and convincing evidence that a person or business operating or seeking to operate a junkyard or automotive wrecking and salvage yard has violated any provision of:
    1. this ordinance
    2. the laws of the State of Texas pertaining to the operation of a junkyard or automotive wrecking and salvage yard;
    3. the regulations of the Texas Department of Transportation relating to Motor Vehicle Salvage Dealers;
    4. the Texas Liter Abatement Act;
    5. any applicable federal law or federal regulation; or
    6. any state or federal law or regulation pertaining to the possession of, the receiving of, the storing of, the sale of, or the resale of any stolen vehicle or component part of any stolen vehicle.

C. If Commissioners Court denies the application for a license or suspends or revokes a license in accordance with this ordinance, the person or business operating a junkyard or automotive wrecking and salvage yard shall within sixty (60) days of such denial, suspension, or revocation cease its operations and clear the property of any junk or wrecked vehicles as necessary to comply with this ordinance.

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NOTICE OF HEARING

A. Prior to any hearing by the Commissioners Court to revoke or suspend a license for the operation of a junkyard or automotive wrecking and salvage yard, the operator of such yard shall be served with notice at least 72 hours prior to the time set for hearing.

Such notice shall be served by a Constable of Johnson County upon the operator or licensee or their agent, employee or representative.

Service of notice may be by personal service or by posting such notice on the door of the business, the residence of operator, licensee, or agent, or the address specified for the service of notice in the application for the license.

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OFFENSES

A. It shall be an offense and violation of this ordinance to operate a junkyard as defined in this ordinance without a valid license issued by the Public Works Department of Johnson County, Texas and approved by the Commissioners Court of Johnson County, Texas.
B. It shall be an offense and violation of this ordinance to operate an automotive wrecking and salvage yard as defined in this ordinance without a valid license issued by the Public Works Department of Johnson County, Texas and approved by the Commissioners Court of Johnson County, Texas.
C. It shall be an offense and violation of this ordinance to operate a junkyard as defined in this ordinance at a location not approved by the Commissioners Court of Johnson County, Texas.

D. It shall be an offense and violation of this ordinance to operate an automotive wrecking and salvage yard as defined in this ordinance at a location not approved by the Commissioners Court of Johnson County, Texas.

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CRIMINAL PENALTY

A. Any person or business operating a junkyard or automotive wrecking and salvage yard, or any person employed by such person or business, commits an offense if he or she intentionally or knowing violates any provision of this ordinance.
B. An offense under this ordinance is a misdemeanor punishable by a fine of not less than $100 and not more than $500.
C. Each day a violation continues is a separate offense.

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SEVERABILITY CLAUSE

If any part, portion, or provision of this ordinance is held or be invalid under the law, the remaining provisions of this ordinance shall remain in full force.

ADOPTED, ORDERED, AND ENTERED OF RECORD in the minutes of the Commissioners Court of Johnson County, Texas on this the 12th day of November 2024.

Christopher Boedeker, Johnson County Judge
Voted: ✓ yes, ___ no, ___ abstained

Rick Bailey, Comm. Pct. 1
Voted: ___ yes, ___ no, ___ abstained

Kenny Howell, Comm. Pct. 2
Voted: ✓ yes, ___ no, ___ abstained

Mike White, Comm. Pct. 3
Voted: ✓ yes, ___ no, ___ abstained

Larry Woolley, Comm. Pct. 4
Voted: ✓ yes, ___ no, ___ abstained

ATTEST: April Long, County Clerk

COMMISSIONERS COURT JOHNSON COUNTY, TEXAS