

CLEBURNE COUNTY COMMUNITY BEAUTIFICATION & ENHANCEMENT REGULATIONS – 2005

Cleburne County, Alabama, by and through the Cleburne County Commission, the governing body of Cleburne County, Alabama, pursuant to the authorization contained in 11-80-10, Code of Alabama 1975, as amended and if and as otherwise allowed by law, hereby promulgates and adopts the following regulations.

I. Short title

These regulations may be cited and referred to as the Cleburne County Community Beautification & Enhancement Regulations 2005 and shall be applicable to all unincorporated areas in the county, outside the police jurisdiction of any municipality, in the county, and inside the police jurisdiction of any municipality where a contractual agreement for joint jurisdiction regarding the application of this regulation is established.

II. Purpose of this regulation

The purpose of this regulation is to promote safety, convenience and enjoyment of travel on, and protection of, the public investment in the roads and highways of this county and for the restoration, preservation and enhancement of scenic beauty within and adjacent to publicly maintained roads, highways, byways and established scenic areas.

III. Definitions

For the purposes of these regulations, the following terms shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise:

A. AUTOMOBILE GRAVEYARD - Any establishment, place of business or personal property which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles, non-operational motor vehicles or motor vehicle parts.

B. COUNTY - Cleburne County, Alabama.

C. JUNKYARD - Any establishment, place of business or personal property which is maintained, operated or used for storing, keeping, buying or selling old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or junked, dismantled or wrecked automobiles,

manufactured homes, or parts thereof, or old scrapped or inoperable white goods or appliances, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material, or for the maintenance or operation of an automobile graveyard, or for the maintenance or operation of a scrap processor.

D. SCRAP PROCESSOR - Any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for ferrous or nonferrous metals that have served their original economic purpose, who is engaged in the business of performing the manufacturing process by which ferrous metals or nonferrous metals or other recyclable materials, are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

IV. License – Issuance, revocation and renewal; fees

The County Probate Judge shall have the sole authority to issue licenses for the establishment, maintenance and operation of junkyards, scrap processing areas, and automobile graveyards within the limits defined in these regulations, and may revoke said licenses at any time the aforementioned business fails to conform to the provisions set forth in this document. All licenses issued under this section shall have a set administrative fee of five dollars (\$5), be non-prorated, and shall expire on September 30 following the date of issue. Licenses may be renewed from year to year upon payment of the requisite administrative fee. The proceeds from such administrative fees shall be deposited in the County general fund and used for administering these regulations and the licenses issued pursuant to these regulations.

V. License – Conditions

No license shall be granted for the establishment, maintenance or operation of a junkyard, scrap processor or automobile graveyard within one thousand (1,000) feet of the nearest edge of right-of-way of any publicly maintained road or highway, except:

- A. Those, which are screened by natural objects, or fences as approved by the county
- B. Those, which are not visible from any publicly maintained road or highway.

VI. Existing junkyards, scrap processing areas, and automobile graveyards

Any junkyard, scrap processing areas, and automobile graveyard lawfully in existence on the date of the adoption of these regulations by the County Commission, October 1st, 2005, which is located within one thousand (1,000) feet of the edge of the right-of-way and visible from the main-traveled way of any publicly maintained road or highway, shall be screened. Except where it is determined by the County Commission, upon written application of owner or operator, that the topography of the land adjoining the publicly maintained road or highway will not permit screening such that the business's operational area is not visible from the main-traveled way of any publicly maintained road or highway, or that screening such, the above mentioned business is not visible from the main-traveled way of any public maintained street, road, alley or highway. The screening shall be located in areas outside the right-of-way and such that the business's operational area is not visible from the main-traveled way of any publicly maintained road or highway. The above-mentioned business that is lawfully in existence on the date of the adoption of these regulations, October 1st, 2005, that is duly and properly licensed as otherwise required by law, shall be allowed three (3) years from the date of the adoption of these regulations, to commence and complete screening as required in these regulations.

VII. Screening – Rules and Regulations

The County Commission shall have the authority to promulgate further rules and regulations governing the location, planting, construction and maintenance, including the materials used in screening the above mentioned businesses as required under the provisions of these regulations. To include but not limited to the following:

A. Location - Screening shall be placed at least two feet in from the established property line of the aforementioned business. Screening must be placed so as not to extend onto the property of another and may not block the view of any driveway or intersection.

B. Materials for use in screening:

1. Materials for use in screening of shall consist of approved plant and fencing materials or a combination of both.

2. Plant material consisting of the following approved type Burford Holly, Llex Cornuta 'Burfordi', or Bronze Elaeagnus, Elaeagnus pungens must obtain a growth of at least six feet within a five-year

period. Approved plant material must be compatible with the area soils so that a healthy life span can be obtained.

3. Fencing shall consist of commercial grade chain link fence at least six feet in height with privacy slats that have a non-reflective earth tone / natural colored surface. Supporting poles for the chain link fence must be placed according to commercial standard and must be of a permanent nature.

C. Maintenance of screening:

1. Persons owning, operating or maintaining any of the above mentioned businesses shall maintain the screening in a condition equal to the original installation of the screening.

2. Maintenance shall include: Replacement of plant material, which is dead, has lost foliage to the point of non-effective screening, or has been damaged.

3. Fence maintenance shall include the replacement of privacy slats, sections of fence, members or support structures when needed.

VIII. Penalties & Enforcement

Any person, business or legal entity that establishes, maintains or operates any junkyard, scrap processing area, or automobile graveyard contrary to the provisions of this regulation shall be deemed in violation of this regulation and be punishable by a fixed fine of \$500 for each offense, or by imprisonment, not to exceed sixty days, or both, at the discretion of the court trying the same, and each day shall constitute a separate offense.

IX. Construction of regulations

Nothing in these regulations shall be construed to abrogate or affect the provisions of any lawful statute, act, ordinance, regulation or resolution which are more restrictive than the provisions of these regulations and nothing in these regulations shall be deemed to supersede or alter the authority of the State of Alabama, and any of its agencies and departments, to regulate junkyards or issue permits relating to junkyards. (See Highway Beautification Act – Junkyard Control, '23-1-23, *et seq.*, Code of Alabama 1975, as amended.)

X. Severability

The provisions of these regulations are intended to be severable. If any section, provision, part or clause shall be held illegal or invalid by any court of competent jurisdiction, the remaining sections, provisions, parts and clauses hereof shall continue in effect as if such illegal or invalid section, provision, part or clause had not been included herein.

XI. Captions and Headings

The captions and headings in these regulations are for convenience and reference only, and in no way define, describe, extend or limit the scope or intent of these regulations or the intent of any provision hereof.

XIII. Revisions and Repeal

The County Commission reserves the right to, from time to time, revise these regulations, repeal these regulations and promulgate new or different regulations.

I, Steve Swafford, County Executive Officer of Cleburne County, Alabama, do hereby certify that the above and foregoing is a true and correct copy of regulations adopted by the Cleburne County Commission at its meeting held on the 12th day of September, 2005.

Done this 12th day of September, 2005.

Steve Swafford
County Executive Officer
Of Cleburne County, Alabama