

## ORDINANCE NO. 227

NOT  
PASSED

### AN ORDINANCE AMENDING MOUNT CARMEL MUNICIPAL CODE TITLE 14, "PLANNING AND ZONING", CHAPTER 4 "DEFINITIONS" AND CHAPTER 9 "PROVISIONS GOVERNING USE DISTRICTS".

WHEREAS, the Town of Mount Carmel, Tennessee Municipal Planning Commission and the Town Building Inspector hears numerous complaints about abandoned and junk vehicles; and

WHEREAS, the Town of Mount Carmel, Tennessee Municipal Planning Commission has recommended a refinement in the definitions of "automobile wrecking yard", "Inoperative motor vehicle", "junk", and "junkyard" as stated in the Municipal Code; and

WHEREAS, possession of these type vehicles should be restricted to areas of the town appropriate for industrial zones; and

WHEREAS, the public health and welfare of the citizens of the Town of Mount Carmel, Tennessee, require it;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN of the Town of Mount Carmel, Tennessee, as follows:**

**SECTION I.** That the Mount Carmel, Tennessee, Municipal Code section 14-401 "Use of Terms", shall have added thereto the following sub-sections inserted in appropriate alphabetic order and each sub-section thereafter shall be renumbered accordingly:

Automobile Wrecking Yard: A premise used for the outside storage or sale of three or more inoperative motor vehicles, or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

Inoperative Motor Vehicle: Any vehicle, car, truck, van, bus, recreational vehicle, motorcycle, which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery and a valid state license plate and registration issued to a person in possession of the property in which the vehicle is located, or which, for any reason, is not operative and capable of being legally driven on the roads and highways of the State of Tennessee under its own power.

Junk: Any secondhand, worn, or discarded articles, trash, something of little meaning or significance, articles that have outlived their usefulness in their original form regardless of the type material the item is made of, but shall not be limited to old iron, aluminum, wire, cordage, paper, plastic, rubber, fiberglass, wood, or other waste items that may or may not be used again in some form.

Junkyard: An open area where wasted, used or secondhand materials are bought, sold, exchanged, stored, processed, handled or displayed. Materials shall include but are not limited to any secondhand, worn, or discarded articles, trash, something of little meaning or significance, articles that have outlived their usefulness in their original form regardless of the type material the item is made of, but shall not be limited to old iron, aluminum, wire, cordage, paper, rubber, fiberglass, wood, or other waste items that may or may not be used again in some form.

**SECTION II.** That the Mount Carmel, Tennessee Municipal Code section 14-914 "Industrial District M-1", shall have added thereto following the existing subsections the subsections which follow:

4. Automobile wrecking and junkyards provided that:

All motor vehicles stored or kept in such yards shall be kept so that they will not catch or hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which rats, mice or other vermin may be harbored, reared or propagated. Because of the tendency for automobile wrecking and junk yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed fence, screen, or wall, excepting driveway areas a maximum of 24 feet wide, from six (6) to twelve (12) feet in height (to be determined by the inspector based on topography), to contain and conceal business operations. The open area between the road or street and such fence, screen or wall shall be maintained in good condition. Off street parking must be provided within the enclosed area.

Application for automobile wrecking or junkyard Permit: No person shall own or maintain an automobile wrecking or junkyard within the municipal corporation until he has secured a permit from the Mount Carmel Building Inspector. A detailed site plan, a schedule for construction and any other information deemed necessary shall be submitted to said Building Inspector prior to the issuance of such permit.

**SECTION III.        LEGAL STATUS PROVISIONS.**

- A.    Conflict With Other Ordinances.        In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.
- B.    Validity.    If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.
- C.    Effective Date. This ordinance shall become effective upon passage, the public welfare requiring it.

\_\_\_\_\_  
**GARY LAWSON, Mayor**

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
**NANCY CARTER, Recorder**

  
\_\_\_\_\_  
**LAW OFFICES OF MICHAEL A. FAULK**

NOTICE OF PUBLIC HEARING PUBLISHED ON: \_\_\_\_\_

NAME OF PUBLICATION: \_\_\_\_\_

PUBLIC HEARING HELD ON: \_\_\_\_\_

| FIRST READING      | AYES | NAYS | OTHER |
|--------------------|------|------|-------|
| PAUL HALE          |      |      |       |
| HENRY BAILEY       |      |      |       |
| EUGENE CHRISTIAN   |      |      |       |
| GEORGE PIERCE      |      |      |       |
| GARY LAWSON, MAYOR |      |      |       |
| THOMAS WHEELER     |      |      |       |
| WANDA WORLEY       |      |      |       |
| TOTALS             |      |      |       |

PASSED FIRST READING: \_\_\_\_\_

| SECOND READING     | AYES | NAYS | OTHER |
|--------------------|------|------|-------|
| PAUL HALE          |      |      |       |
| HENRY BAILEY       |      |      |       |
| EUGENE CHRISTIAN   |      |      |       |
| GEORGE PIERCE      |      |      |       |
| GARY LAWSON, MAYOR |      |      |       |
| THOMAS WHEELER     |      |      |       |
| WANDA WORLEY       |      |      |       |
| TOTALS             |      |      |       |

PASSED SECOND READING: \_\_\_\_\_

PUBLISHED ON:

DATE:

NEWSPAPER:

## MEMORANDUM

To: Mount Carmel Planning Commission

From: Planning Staff

Date: September 10, 2001

Subject: Inoperative motor vehicle and junk standards to be included in the zoning regulations

The following definitions shall be added to Article III of the Mount Carmel zoning regulations, and the definitions shall be renumbered accordingly:

Automobile Wrecking Yard: A premise used for the outside storage or sale of three or more inoperative motor vehicles, or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

Inoperative Motor Vehicle: Any vehicle, car, truck, van, bus, recreational vehicle, motorcycle which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery and a valid state license plate and registration issued to a person in possession of the property in which the vehicle is located. or which, for any reason, is not operative and capable of being legally driven on the roads and highways of the State of Tennessee under its own power.

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The following standards for automobile wrecking and junk yards shall be added to Article VI, Section M of the Mount Carmel zoning regulations:

4. Automobile wrecking and junk yards provided that:

All motor vehicles stored or kept in such yards shall be kept so that they will not catch or hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which rats, mice or other vermin may be harbored, reared or propagated.

Because of the tendency for automobile wrecking and junk yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed fence, screen, or wall, excepting driveway areas a maximum of 24 feet wide, from six (6) to twelve (12) feet in height (to be determined by the inspector based on topography), to contain and conceal business operations. The open area between the road or street and such fence, screen or wall shall be maintained in good condition. Off street parking must be provided within the enclosed area.

Application for automobile wrecking or junkyard permit: No person shall own or maintain an automobile wrecking or junkyard within Mount Carmel until he has secured a permit from the Mount Carmel building inspector. A detailed site plan, a schedule for construction and any other information deemed necessary shall be submitted to said building commissioner prior to the issuance of such permit.