

ORDINANCE NO. 12162010

AN ORDINANCE OF THE CITY OF THRALL, TEXAS, ADOPTING FENCING/SCREENING REQUIREMENTS FOR JUNKYARDS AND AUTOMOTIVE WRECKING AND SALVAGE YARDS WITHIN THE CITY; ADOPTING A PENALTY CLAUSE; ADOPTING A REPEALER CLAUSE; ADOPTING A SAVINGS CLAUSE.

BE IT ORDAINED BY THE CITY OF THRALL:

Section 1.0 Definitions

1.1 "Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more wrecked vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.

1.2 "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by previous owner of the material. The term does not include a wrecked vehicle.

1.3 "Junkyard" means a place where a business that owns junk, and is operated to store, buy, or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.

1.4 "Recycling business" means a business primarily engaged in the business of:

(A) converting metal or other material into raw material products that have:

(i) prepared grades; and

(ii) an existing or potential economic value;

(B) using raw material products described in Paragraph (A) in the production of new products; or

(C) obtaining or storing metal or other material for a purpose described by (A) or (B).

1.5 "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.

Section 2.0 Fencing/Screening Requirements Within the City Limits of Thrall

2.1 Junkyards and Automotive Wrecking and Salvage Yards are subject to the following requirements:

All outdoor storage shall be conducted entirely within a solid fence at least eight foot(8') in height with lockable gates. The fence should be of good quality, attractive appearance, and using good construction methods. The fence should around all four sides of the facility and block all views of the facility. The fence or wall on any property line is expressly prohibited. Junk or wrecked vehicles shall not be piled against the exterior of the fence. Junk or wrecked vehicles shall not be stacked higher than the height of the fence, unless otherwise totally screened. Screening shall be provided around the perimeter of the property. Screening should be of uniform color and material. Screening color should be of earth or neutral colors.

2.2 If the requirements set out in the ordinance are not complied with, the property shall be declared a nuisance.

2.3 This ordinance is designed to provide improved livability between different or dissimilar land uses by defining policy and standards regarding the placement, retention, or replacement of areas designated as screen borders or buffer areas. This legislation is further designed and intended to promote the health, safety, and welfare of the public by requiring screen to accomplish the following:

- 1) Reduce the transmission of noise, dust, and glare;
- 2) Lessen perceived visual pollution;

- 3) Create a greater sense of privacy;
- 4) Improve esthetics, by effectively landscaping a non-residential use.

2.4 This ordinance does not apply to a Recycling Business as defined by Section 1.4.

2.5 Maintenance

All fences constructed within the city shall be shall be maintained in a vertical position, and although functional, not create an unsightly condition that substantially detracts from the appearance of the neighborhood.

- 1) All fences must remain in good working order, and may not have any missing board for more than a five-day period.
- 2) Fences are not allowed to obstruct the vision of motorists on the public street.
- 3) Fences must be upright, and maintain less than a 20% angle in any direction, or will be considered in violation.
- 4) Fencing materials not allowed within the City limits include: plywood, sheet metal, corrugated steel, fiberglass panel, or electric fences.
- 5) Barbed wire may be used only in agricultural or commercial uses. In commercial use, it may only be used on the top portion of fences for security purposes.
- 6) Razor wire will not be allowed.
- 7) For purpose of enforcement, these requirements apply to the exterior fence and do not apply to material necessary of containment of animals inside fences.

Section 3.0 Variances

Requests for variances to this ordinance will be considered by the City Council.

Section 4.0 - Permits

A permit must be obtained if building a new fence under this ordinance, or placing more than 25% of an existing fence. Permits for fences to be constructed may be obtained through the City of Thrall.

Section 5.0 Penalty

- (a) A person commits an offense if the person violates this ordinance.
- (b) An offense under this ordinance is a misdemeanor punishable by a fine of not less than \$400 or more than \$2000.
- (c) Each day a violation continues is a separate offense.

Section 6.0 Repealer Clause

Any ordinances, parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

Section 7.0 Savings Clause

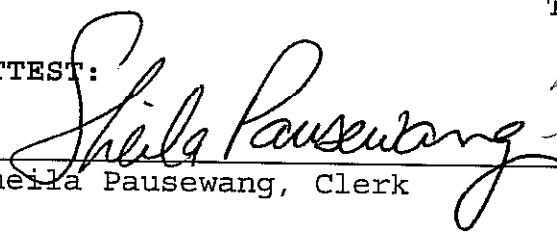
If any article, paragraph or part of a paragraph of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not invalidate or impair the validity, force or effect of any other article, paragraph or part of a paragraph of this Ordinance which shall remain in full force and effect.

PASSED, APPROVED and ADOPTED on this the 16 day of December, 2010.



Troy Marx, Mayor

ATTEST:



Sheila Pausewang, Clerk

APPROVED AS TO FORM:



Ted W. Hejl, City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Sheila Pausewang, being the Clerk of the City of Thrall, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. ~~2010-1216~~¹⁰²²¹⁶2010, passed and approved by the City Council of the City of Thrall, Texas, on the 16 day of December, 2010, and such Ordinance was duly introduced, passed, approved and adopted at meetings open to the public and notices of the meetings, giving the dates, places, and subject matter thereof, were posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this the 16 day of December, 2010.



Sheila Pausewang
Clerk