



# COMMISSIONERS COURT REGULATION

No. 12.111.082290

DATE APPROVED: AUGUST 22, 1990

EFFECTIVE DATE: AUGUST 22, 1990

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Commissioners Court Order Adopting Regulations for  
Licensing Junkyards and Automotive Wrecking  
and Salvage Yards Pursuant to  
Art. 2372dd-1, V.A.T.S.

WHEREAS, the Legislature has enacted the Article 2372dd-1 of the Texas Revised Civil Statutes Annotated; and

WHEREAS, that Article authorizes county commissioners courts of this state to adopt ordinances that require a junkyard or automotive wrecking and salvage yard to be licensed by the county; and

WHEREAS, the Commissioners Court of Bexar County, Texas finds that licensing junkyards and automotive wrecking and salvage yards will allow the County to impose standards for same which will protect the health, safety, and welfare of the general public; and

WHEREAS, the Commissioners Court of Bexar County, Texas, has considered the matter and deems it appropriate to adopt regulations for licensing junkyards and automotive wrecking and salvage yards pursuant to Article 2372dd-1;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS:

Article I            Definitions

1.01                In this Order:

- (a) "Automotive wrecking and salvage yard" means any person or business that stores three or more wrecked vehicles outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.
- (b) "Department" means Bexar County Department of Public Works.
- (c) "Junk" means copper, brass, iron, steel, rope,

rags, batteries, tires, or other material (other than a wrecked vehicle) that has been discarded or sold at a nominal price by a previous owner of the material.

(d) "Junkyard" means a business enterprise that owns and is operated to store, buy, or sell junk, all or part of which is kept outdoors until disposed of.

(e) "Wrecked vehicle" means a discarded, abandoned, junked, wrecked, or worn-out automotive vehicle, including an automobile, truck, tractor-trailer, or bus, that is not in a condition to be lawfully operated on a public road.

Article II Authority

2.01 The Commissioners Court of Bexar County, Texas is authorized to adopt these Regulations by Article 2372dd-1, effective January 1, 1988.

Article III Administration

3.01 The Commissioners Court hereby designates Department to inspect junkyards and automotive wrecking and salvage yards and to issue licenses therefor pursuant to the above authority.

Article IV Area Covered by Regulations

4.01 These Regulations apply only to the parts of the county outside the corporate limits of a city.

Article V License Required

5.01 It shall be unlawful for any person to own or operate a junkyard or automotive wrecking and salvage yard without a valid license issued therefor by Department in accordance with the provisions of these Regulations.

5.02 A license issued under these Regulations shall be displayed at all times in an open and conspicuous place in the junkyard or automotive wrecking and salvage yard for which it was issued.

5.03 A license under this order is valid for one (1) year of issue.

Article VI Conditions for Issuance or Renewal of License

6.01 A junkyard or automotive wrecking and salvage yard must comply with the laws of the State of Texas,

including, but not limited to, the screening requirements in Article 2372dd-1 § 3, to wit: it must be screened "by natural objects, plantings, fences, or other appropriate means so that the screen is at least six feet in height alongside that portion of the junkyard or automotive wrecking and salvage yard that faces a public road or family residence."

6.02 In the event a junkyard or automotive wrecking and salvage yard is exempt from the screening requirement of Article 2372dd-1 § 3 and does not have a screen which conforms to that requirement, the junkyard or automotive wrecking and salvage yard must be located a distance of no less than 300 feet from the public right of way and from any residence, church, or school.

6.03 A junkyard or automotive wrecking and salvage yard licensed under this Order may be inspected without notice by Department during County business hours to insure continued compliance with the conditions of the license. Refusal to permit Department agents or employees to inspect the licensed premises when requested may result immediate revocation or suspension of the license.

Article VII Revocation or Suspension of License

7.01 In the event a licensed junkyard or automotive wrecking and salvage yard ceases to comply with any of the requirements herein, the license therefor will automatically be suspended upon receipt of notice of non-compliance. If the violation is corrected within 30 days, the suspension will be lifted. If not, the license may be revoked.

Article VIII Appeal from Denial or Revocation of License

8.01 Upon denial or revocation of a license to own or operate a junkyard or automotive wrecking and salvage yard, Applicant shall within ten (10) working days submit to the County Judge a written request for a hearing on the denial or revocation.

8.02 The Commissioners Court will hear the appeal. Notification of a hearing date shall be sent within thirty (30) days of receipt by the County Judge of a hearing request.

8.03 At the hearing, Commissioners Court shall determine whether a license to own or operate a junkyard or automotive wrecking and salvage yard should be issued or reinstated under this Order. The Applicant has the burden of proving by clear and

convincing evidence that the enterprise meets all the requirements of this Order and that such business is not or would not be a detriment to public health, safety and welfare.

8.04 If Commissioners Court determines that a license to own or operate a junkyard or automotive wrecking and salvage yard should be issued or reinstated, Commissioners Court will direct the issuance or reinstatement of the license to the Applicant.

8.05 If Commissioners Court determines that no license should be issued or reinstated, Applicant may pursue appropriate remedies in the District Court of Bexar County.

Article IX Application for License

9.01 Application for a license may be made by submitting to Department a completed application form and a check or money order in the amount of \$25.00, payable to Bexar County Clerk. Application forms may be obtained from Department.

Article X Injunction

10.01 Any person is entitled to appropriate injunctive relief to prevent a violation of these Regulations from continuing or occurring.

Article XI Criminal Penalty

11.01 The operation of a junkyard or automotive wrecking and salvage yard without a license as required by these Regulations is a Class C misdemeanor punishable by a fine not to exceed Two Hundred Dollars (\$200.00)

11.02 A separate offense occurs on each day on which all elements of the offense exist.

Article XII Severability

12.01 If any provision of these Regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or application of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.

Article XIII Effective Date

13.01 This Order is effective August 22, 1990.