

CODE OF ALLEGANY COUNTY MARYLAND

CHAPTER 176 SALVAGE YARDS

§176-1. Legislative purpose.

- A. Purpose. To provide measures for permitting, licensing and regulating commercial or industrial salvage yards and the enforcement thereof, including wrecking yards, recycling centers and the like used for storing, dismantling or recycling of scrap or discarded materials.
- B. Authority. This chapter is authorized under the provisions of Article 25, Section 122A, of the Annotated Code of Maryland, 1957 Edition, as amended.
- C. Jurisdiction. This chapter shall apply to the unincorporated areas of Allegany County.
- D. Applicability. Every person, firm or corporation conducting Salvage Yard operations, or seeking to establish a Salvage Yard, as below defined, outside of incorporated municipalities in Allegany County, shall be required to obtain a permit and or license from the office of Land Development Services to occupy lands for such business, and to erect any structures appurtenant and necessary to conduct such business or enterprise. These regulations are not intended, nor should they be construed as, an attempt by the County Commissioners to regulate as to location any Salvage Yard as defined in § 176-4.A., that was legally established prior to the enactment of the Zoning Regulations. It is, however, the intention of these regulations to regulate the operation of such businesses or enterprises whether established before or after the enactment of said Zoning.

§ 176-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUFFER STRIP - A vegetated area designed to separate specified uses. Vegetation may include grasses, flowers and/or woody perennial plants.

ENCLOSED STRUCTURE - An existing building with a continuous envelope defining interior space, excepting only openings designed for doors or windows, which is intended to secure said interior space for residential or commercial use.

CODES INSPECTOR - An employee of Allegany County whose duties include inspection and application of enforcement measures necessary to carry out the terms of this chapter under the direction of the Division Chief.

JUNK - Junk is defined as post consumer materials such as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, or any other old or scrap or discarded material, or vehicles or other conveyances that are inoperable, dismantled, partially dismantled or deteriorated. Building materials stored on-site for an active or pending construction project are not considered "Junk" under this definition.

RESPONSIBLE PARTY - An operator, landowner, tenant or any other person lawfully in possession of any real property upon which is located any Junk or any person who is the current or most recent owner of any personal property meeting the definition of Junk.

SALVAGE YARD - Any land or building licensed and used for abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap, discarded materials or Junk for the purposes of abandonment, demolition, dismantling, storage, recycling or salvaging.

SCREENING - Includes fencing, walls, buildings or other opaque barrier constructed of rigid frame and cover material rated for exterior use, effectively braced and anchored, and compliant with the construction techniques and materials set forth by the County's Building Code. Structures or barriers will completely and effectively block the public's view of Junk and salvage operations. For the purposes of this definition, cloth membranes and similar non rigid materials are not considered to be acceptable screening materials.

§ 176-3. Permit requirements; procedure.

- A. Every person, firm or corporation establishing, or seeking to establish, any new Salvage Yard, as above defined, outside of incorporated municipalities in Allegany County, shall first be required to obtain a permit from the office of Land Development Services to occupy lands for such business, and to erect any structures appurtenant and necessary to conduct such business or enterprise.
- B. After due process and investigation by the office of Land Development Services, the County may issue a permit to the Responsible Party to authorize arrangement of the subject property to conduct Salvage Yard activities in conformance with the Land Use Regulations of the County. In the La Vale Zoning District, such investigation and approval will be the responsibility of the La Vale Zoning Board.

§ 176-4. Development Standards.

The following Development Standards are in addition to, and not instead of, the requirements set forth by the Zoning Regulations of Allegany County, Maryland. In the event of conflict, these Standards shall prevail.

- A. Location. The location of any Salvage Yard shall be in compliance with the Zoning Regulations of Allegany County as adopted by the County Commissioners on December 12, 1996, as amended, with the exception of the LaVale Zoning District. Development Standards for Salvage Yard operations within the LaVale Zoning District shall be governed by the LaVale Zoning Ordinance and enforced by the La Vale Zoning Board.
- B. Lot size. All newly established Salvage Yards shall be at least three (3) acre in size.
- C. Buffers. All scrap vehicles and Junk associated with the Salvage Yard must be at least fifteen (15) feet from the inner edge of the screening device. For all newly established Salvage Yards, the operator shall maintain a fifty (50') foot vegetated buffer for side and rear yard areas beyond the screening device. The Board of Zoning Appeals may vary the buffer requirements due to unusual site characteristics, provided that the site is adequately screened from public view.
- D. Office. All newly established Salvage Yards shall contain an on-premise office building not less than 101 s.f., or provide on-premise office space of no less than 101 s.f. within an Enclosed Structure, for the purposes of conducting the Salvage Yard business transactions.

- E. Screening. All newly established Salvage Yards shall be screened from public view on all sides by fence, walls, building other barrier. Screening must be setback at least fifty (50) feet from the center line of any public road or 25' beyond the dedicated right-of-way. Screening shall be kept in repair and neat finish. The Board of Zoning Appeals may vary the size and setback requirements due to unusual site characteristics, provided that the site is adequately screened from public view. Advertisement is prohibited on screening devices.
- F. Access. Access to the Salvage Yard must be secured by mechanical means, such as a gate, door or removable section of screening.

§ 176-5. Licensing requirements.

- A. Every person, firm or corporation operating, establishing or conducting, or seeking to operate, establish or conduct any Salvage Yard, as above defined, outside of incorporated municipalities in Allegany County, shall be required to obtain an annual license for the operation of such business or enterprise authorized by the County Commissioners of Allegany County. Applications for said license shall be accepted, processed and issued at the office of Land Development Services. Applications must be complete to be accepted and include;
 - (1) Land Owner's Name, legal address and phone number.
 - (2) Salvage Yard Operator's legal address and phone number.
 - (3) Legal address of Business and phone number.
 - (4) Copy of valid County permit or Salvage Yard License
 - (5) Valid County Business License, issued in the Operator's name by the Clerk of the Circuit Court of Allegany County, Maryland.
 - (6) Valid Tax I.D. Number, issued in the Operator's name by the Maryland State Comptroller's Office.
- B. The application for the annual Salvage Yard Licenses shall be submitted to the Land Development Services office prior to December 10th. Applications submitted after December 10th deadline shall be subject to a Late Filing and Processing Fee prior to License issuance.
- C. Upon acceptance of a complete application and all other pertinent documents, the office of Land Development Services will process the application as follows;
 - (1) The Codes Inspector shall conduct a site visit and evaluate the sites conformance with these Regulations. The Inspector's findings will be documented in writing and forwarded to the Division Chief. When the site is deemed in compliance with these Regulations, the Codes Inspector will recommend license issuance to the Division Chief.
 - (2) In conjunction with a satisfactory inspection, and upon confirmation that applicable Board of Zoning Appeals approval(s) and conditions, County zoning certification(s) and all other necessary permits have been issued, the Division Chief will recommend Salvage Yard License issuance to the County Commissioners.
 - (3) After investigation and approval by the office of Land Development Services, and after due consideration of the site, the County Commissioners shall direct the office of Land Development Services to issue a license, if such license is not considered to be

detrimental to the public interest. In the LaVale Zoning District, such investigation and approval will be the responsibility of the LaVale Zoning Board.

- D. Upon receiving written notification from the County Commissioners, the office of Land Development shall issue a Salvage Yard License upon the applicant's payment of the annual Salvage Yard License Fee. This fee shall be established by the County Commissioners through Resolution, and may be modified time to time. Any license issued prior to the adoption of this Regulation will remain valid until January 1, 2004.
- E. It shall be the responsibility of the Codes Inspector to make at least one (1) semi-annual inspection of licensed Salvage Yards prior to the expiration of the Salvage Yard licenses.
- F. The Codes Inspector shall file a written report of these annual inspections prior to July 10 to the County Commissioners. This report shall include a recommendation for approval or denial of each licensee's site for the upcoming year.
- G. Fees to partially cover the cost of considering License applications, examining site plans, conducting inspections and issuing Salvage Yard Licenses shall be collected at the time of License issuance in accordance with such schedule of charges as may be adopted by the County Commissioners. The County Commissioners shall adopt a schedule of charges by resolution, and may amended such schedule from time to time.

§ 176-6. Suspension of License, Revocation and Re-Instatement.

- A. Any Responsible Party, operating under a valid License, that does not abate a violation within thirty (30) days of proper notice shall have the License to operate the Salvage Yard suspended.
 - (1) No Salvage Yard activities, other than abatement measures, shall occur during the suspension period.
 - (2) The suspension shall remain in effect until the violations are abated and the operator pays the Re-Instatement Fee.
- B. In the event abatement does not occur during the original term of the suspension period, the violation shall result in the revocation of the Salvage Yard License for the balance of the Licensing term.
- C. In the event three License suspensions actions occur in any given Licensing year, The County Commissioners reserve the right to revoke the License for the balance of the Licensing term.

§ 176-7. Operation and maintenance.

Any Salvage Yard as defined herein for which a permit or license shall be issued by the County Commissioners under the provisions of these regulations shall be operated, conducted and maintained under the following conditions:

- A. With the exception of the Industrial Zoning District, no business or operations shall be conducted by any Salvage Yard other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, including Saturdays, and there shall be no business or operations conducted on Sundays.

- B. No operator or owner of a Salvage Yard, as above defined, shall permit or cause any burning of tires, batteries, insulated wire or other substance on his premises. However, the Allegany County Health Department may evaluate special requests on a case-by- case basis for a short-term burning permit. Such special requests must demonstrate extenuating circumstances why materials must be burned by the operator. This shall be regulated by the State of Maryland through the Health Department or Department of the Environment.
- C. With the exception of the Industrial Zoning District, no operator or owner of a Salvage Yard shall permit any Junk or materials to be piled within his Salvage Yard higher than the top of the screening and visible from public view. No Junk or other material of any kind shall be piled or stored outside the fence or screening device.
- D. No Salvage Yard, including those which were in existence prior to September 25, 1981, shall store material or carry out any part of the salvage operation within a publicly dedicated right-of-way, or on other public property. This shall be regulated by the County Sheriff and the Maryland State Police in accordance with the Maryland Vehicle Law, TR, Title 25, Subtitle 2.
- E. With the exception of the Industrial Zoning District, all dismantling shall be done in a suitable building erected on the premises for that purpose; or if there be no building suitable on the premises, the dismantling shall be screened from public view and shall be done in such a manner as not to create undue noise or disturbance to persons residing on or using land or premises in the vicinity of the Salvage Yard.
- F. Proper measures shall be taken by all licensees to control dust originating on the premises on which said Salvage Yard business is operated or conducted. This shall be regulated by the Allegany County Health Department.
- G. The owner of every Salvage Yard covered by these regulations shall be responsible for maintaining his premises rat- and vermin-free. Complaints of a public health nature will be investigated by the Allegany County Health Department upon referral by the county or any citizen.
- H. Noise levels.

(1) An owner/operator of a Salvage Yard shall not cause or permit noise levels which exceed those specified in the following table:

Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories

Day/Night	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

(2) These standards shall also be regulated by the Allegany County Health Department or the Maryland Department of the Environment.

§ 176-8. Enforcement; violations and penalties.

- A. The Codes Inspector shall notify the Responsible Party to any violation of this Regulation

by written notice, and shall give a 30-day period for compliance. The Codes Inspector shall have the authority to enter upon and inspect any licensed Salvage Yard other than secured Enclosed Structures when the County has probable cause to believe a violation to these provisions exists. This authority includes the right to make a pictorial record of any Junk and to measure the extent of any violation. The County Sheriff shall assist with this inspection upon request.

- B. Any Responsible Party given proper notice who does not comply within the 30-day period given shall be served with a civil citation pursuant to authority granted by Article 25B, Section 13(c) of the Annotated Code of Maryland. The following violations are deemed to be civil infractions:
 - (1) CLASS A: A Licensed Salvage Yard that is in violation to any provisions of these Regulations.
 - (2) CLASS B: Operating a Salvage Yard under a Suspended License
 - (3) CLASS C: Operating a Salvage Yard without a License or under a Revoked License.
- C. All civil citations shall be processed in accordance with Article 25B, Section 13(c) of the Annotated Code of Maryland. Each day that a violation exists is considered a separate offense. Repeat violations for the same offense can result in a fine of up to one thousand dollars (\$1,000).
- D. A schedule of fines for civil infractions shall be established by the Allegany County Commissioners, from time to time by resolution. All such fines when paid shall become the property of Allegany County.
- E. Except for those acts declared to be civil infractions, all other violations of this chapter or any rule or regulation adopted pursuant thereto, shall constitute a misdemeanor and shall be punished by imprisonment for not more than thirty (30) days or by a fine of not less than fifty dollars (\$50) but not more than one thousand dollars(\$1000), or both, and court costs, at the discretion of the court as provided herein. If any violation be continued, each day's violation shall be deemed a separate offense.
- F. The County or any citizen may institute injunction, mandamus, or other appropriate actions, or proceedings at law or equity for the enforcement of violations or to correct violations; and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§ 176-9. Exemption.

Any county, municipal, state or federally sponsored site, building, or facility for the collection, storage or recycling of discarded materials is exempted from the provisions of this chapter.

History:

Repealed and re-enacted by the Board of Commissioners of Allegany County by Code Home Rule Bill No. 3-03, adopted on May 8th, 2003, effective June 22nd, 2003.

Supercedes Ordinance adopted by the Board of Commissioners of Allegany County 5/20/1992.

The previous Ordinance superseded former Chapter 176, Salvage Yards, adopted 9/25/1981. The previous Ordinance provided that it shall take effect 5/20/1992.

General Reference:

LaVale Zoning District - See Chapter 58.

Malicious Burning - See Chapter 106.

Land Development - See Chapter 141, Part 4, Zoning.

Junk Abatement - See Chapter 192.

Editor's Notes:

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