

DIVISION 5. AUTOMOBILE GRAVEYARDS*

***State law references:** Authority of county to impose license tax on and otherwise regulate automobile graveyards, Code of Virginia, § 15.1-28.

Sec. 20-221. Definitions.

For the purposes of this division:

Automobile graveyard. Any lot or place which is exposed to the weather and upon which five (5) or more motor vehicles of any kind, which vehicles are either incapable of being operated and or which it would not be economically practical to make operative, or which for a period of 60 days or longer have been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle are placed, located or found.

(Code 1974, § 13-2; Ord. of 7-20-04(3) ; Ord. of 9-21-04)

State law references: Similar provisions, Code of Virginia, § 33.1-348.

Sec. 20-222. Violations of division.

A violation of any provision of this division shall constitute a Class 1 misdemeanor.

(Ord. of 7-20-04(3))

Cross references: Penalty for Class 1 misdemeanor, § 1-11.

Sec. 20-223. Permit required; standards for issuance of such permits; renewal.

(a) It shall be unlawful for any person to establish, locate, expand, or operate an automobile graveyard within the county unless he has a permit so to do issued by the county administrator or his designee. No such permit shall be issued except upon a determination by the county administrator or his designee that such automobile graveyard shall be in compliance with the provisions of this section.

(b) Any automobile graveyard, established or expanded after the effective date of this ordinance, any part of which is visible from a public road or highway, or from any residence, business or other occupied building not located on the same parcel and within five hundred (500) feet of said auto graveyard, shall be screened from view by the use of a solid screen, a minimum of eight (8) feet in height, constructed of wood, corrugated metal or plastic, brick, concrete block or concrete, or a continuous vegetative hedge. Any trees or shrubbery used as screening must form a continuous hedge which creates a screen through which said auto graveyard is not visible, and must maintain a solid appearance at all times of the year. Trees or shrubbery used as screening must be a minimum of six (6) feet in height when planted, be of a variety that will reach a minimum height of eight (8) feet at maturity, and be spaced in such a manner that they will form a continuous vegetative screen at maturity.

(c) Any such screen constructed of solid materials shall be kept in good repair at all times, and if painted at the time of installation shall be kept neatly painted. Any trees or shrubbery used as screening must be maintained in a healthy, growing condition and must be replaced as necessary.

(d) Screening as required by this section shall not be used for bill posting or other advertising purpose, except for the advertisement of the business of the owner thereof, in conformance with the Franklin County Code.

(e) Automobile graveyards shall, as far as practicable, be kept clear and clean of all rubbish or waste matter.

(f) The contents of an automobile graveyard shall not be placed or deposited to a height greater than the height of the screening.

(g) An applicant for an automobile graveyard permit shall submit, on a form to be provided by the county, all information requested, including but not limited to; the name and address of the applicant, the physical location of the property, the tax map and parcel number, the zoning district (if applicable), the size of the area where vehicles are currently stored, a site plan sketch showing the parcel of land the automobile graveyard is located on and depicting that portion of the property to be used for the automobile graveyard.

(h) Each such permit shall be effective for a term not to exceed one year and shall be renewed annually thereafter, subject to a determination by the county administrator or his designee that such automobile graveyard shall continue to be in compliance with the provisions hereof, and subject to the payment of the tax required by section 20-224 of this Code.

(i) The county administrator is hereby designated the agent of the governing body for purposes of administering and enforcing the provisions of this section. As such, in addition to all other powers set forth herein, the county administrator or his designee shall have full and complete authority to terminate, abate and correct any and all violations of this section by injunction or otherwise.

(Code 1974, § 13-2; Ord. of 7-20-04(3))

Sec. 20-224. Tax imposed.

There is hereby imposed an annual license tax, in the amount of ten dollars (\$10.00) per vehicle not to exceed one hundred dollars (\$100.00) for the privilege of operating an automobile graveyard in the county and no person shall commence or continue to operate an automobile graveyard without paying tax. Said tax shall be payable on the first business day of January of each year.

(Code 1974, § 13-2; Ord. of 7-20-04(3))