

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

## COMMISSION MEMBERS

Mike Smith, District I

Alex Vassey, District III

Gary Gaulin, Vice-Chairman, District V

Pat Williams, At-Large

David Nix, District II

Frankie Pearson, Chairman, District IV

Mike Johnson, At-Large

## AGENDA

5:00 pm, Monday, June 20, 2022

Council Chambers - Oconee County 415 S Pine St, Walhalla SC 29691

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of minutes from June 6, 2022
5. Public Comment for Non-Agenda Items (4 minutes per person)
6. Commission Member Comments
7. Staff Comments
8. Commercial Junkyards
  - a. Public comment
  - b. Discussion/ vote
9. Adjourn

*If you are not able to attend in person and you have a comment, you may submit it by contacting the Planning Department at [planninginfo@oconeesc.com](mailto:planninginfo@oconeesc.com) or 864-638-4218, so that we may receive your comment and read it into the record. Meetings available on YouTube: "YourOconee"*

# OCONEE COUNTY PLANNING COMMISSION

415 South Pine Street - Walhalla, SC



TEL (864) 638-4218 FAX (864) 638-4168

## Minutes

5:00 pm- Monday, June 06, 2022

Council Chambers - Oconee County Administrative Complex

### Members

Gary Gaulin

Frankie Pearson

Mike Johnson (absent)

Pat Williams

Mike Smith

David Nix

Alex Vassey

### Staff Present

James Coley, Planning Director

### Media Present – Lauren Pierce, The Journal

1. Call to order – Mr. Pearson called meeting to order at 5:00 PM.
2. Invocation was led by Mr. Nix.
3. Pledge of Allegiance was led by Mr. Vassey.
4. Approval of minutes from May 16, 2022 – Mr. Williams made a motion to approve the minutes; seconded by Mr. Nix. Approved unanimously 5/0 Mr. Johnson abstained.
5. Public comment (non-agenda items): None
6. Commission member comments:
  - a. Mr. Williams would like development to be at the front of everyone's mind.
7. Staff comments: Mr. Coley
  - a. Training on June 22
  - b. Agricultural Advisory Board speaker next Monday June 13
  - c. documentation on legal residences and non-legal residential properties, taxed at 4% vs 6%. Mr. Coley will continue to provide additional information
  - d. Mr. Coley provided information regarding an additional minor subdivision that has come in.
8. Subcommittee updates (Curb cuts, Subdivisions)
  - a. Public comment: Mr. Tom Markovich talked about subdivisions, specifically planning commission having input and approval of subdivisions, and public hearings/ notices. Mr. Markovich also made comments on curb cuts and on the SCDOT being a part of the review process earlier. Discussion followed

- b. Curb Cut update: Mr. Gaulin gave an update on working with SCDOT to be involved in the process earlier.
  - c. Subdivisions – Mr. Williams discussed a sewer overlay and a public hearing requirement for (major) subdivisions. Discussion followed. Mr. Williams asked for direction on continuing this work, and the commission was in agreement
13. Soil and Water District
- a. Mr. Coley will ensure County Ordinance is followed
14. Junkyard
- a. Public Comment- Mr. Travis Nix made comments and recommendations
  - b. Mr. Coley agreed to send research on other ordinances to the commission
15. Private Road Right-of-Way
- a. Mr. Johnson gave a presentation on private road right-of-ways
  - b. Mr. Markovich made comments on the presentation
  - c. Motion Mr. Johnson, second by Mr. Nix to make a recommendation to the transportation committee for 26.2.b.2 and 26.2.c.2 be removed from the code of ordinance and a presentation. Vote 6/0
16. Adjourn – The meeting was unanimously adjourned at 7:15pm.

Residential Improved Parcels				
Tax Type	Number	Percentage	Value	Percentage
Legal Residence	23,073	57.8%	\$ 184,709,309.00	59.2%
Not Legal Residence	16,846	42.2%	\$ 127,368,980.00	40.8%
Total	39,919	100.0%	\$ 312,078,289.00	100.0%

Junk yards:

State of SC:

<https://www.scstatehouse.gov/code/t57c027.php>

**SECTION 57-27-40.** Junkyards prohibited within 1,000 feet of certain highways; exceptions.

No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any interstate or Federal aid primary highway in the State highway system, except the following:

(a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the systems, or otherwise removed from sight.

**SECTION 57-27-50.** Screening of nonconforming junkyards; placement of junk over or beyond screening; penalties.

Any junkyard lawfully in existence on March 24, 1966, which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway on the interstate or federal aid primary system and any junkyard lawfully in existence along any highway which may be hereafter designated as an interstate or federal aid primary highway and which does not conform to the requirements for exception under Section 57-27-40, shall be screened if feasible by the department at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way so as not to be visible from the main-traveled way of such highways. After a junkyard has been screened by the department, no junkyard owner or operator shall permit the placement of junk so that it may be seen above or beyond the screen, or otherwise become visible. Junkyard owners or operators violating the provisions of this section shall be subject to the penalties provided in Section 57-27-80; provided, however, that no junkyard owner or operator shall be charged under this section unless he has been notified in writing by the department of the alleged violation and allowed thirty days to comply with the requirements of this section.

[https://library.municode.com/sc/jasper\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_APXAZO\\_ART18JURE\\_18\\_2GEPR](https://library.municode.com/sc/jasper_county/codes/code_of_ordinances?nodeId=COOR_APXAZO_ART18JURE_18_2GEPR)

jasper county, sc appendix A – ZONING, article 18 – JUNKYARD REGULATIONS

18:2

i. The term "fence" shall mean an eight-foot tall chain link, wooden fence, or fencing of other material which has been given approval by the DSR, which forms a substantial physical barrier which completely surrounds the junkyard, including all items defined as "junk" in [article 18](#) of the Jasper County Zoning Ordinance and is capable of withstanding the effects of the local climate.

ii. The term "evergreen screening" shall mean evergreen trees or shrubs with a minimum height of five feet at time of installation, and not less than eight feet when mature; spacing shall be based upon the species used so that at maturity the body of the branches of the tree or shrub shall not be more than one foot from the body of the adjacent planting. Acceptable species include, but are not limited to, Ligustium, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Juniper, Holly and Yew.

iii. Landscaping is required outside of the fence when evergreen screening is not used. One evergreen shrub shall be installed for every five linear feet of fence on the side of the fence facing a neighboring property or public right-of-way. The minimum shrub shall be three to five gallons in size and shall be nursery stock with well-developed root systems. All planted areas shall be properly maintained and shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development.

- **18:4. - Permit requirements.**

All junkyards shall, within 60 days after the effective date of this ordinance, obtain a "Junkyard Operation Permit" and a letter stating the junkyard complies with the requirements of this ordinance. Such permit and letter of compliance shall be valid until March 1 of the following calendar year. A written request for reinspection, accompanied by a re-inspection fee as provided in the Jasper County Fee Schedule, must be submitted to the office of the DSR no later than January 15 of each successive year. The DSR, or his designee, shall then inspect the premises, notify the Junkyard operator of any corrections that need to be made, and issue the "Junkyard Operation Permit" and letter of compliance after completion of any required corrections.

No person shall establish, enlarge, or operate a junkyard after the effective date of this ordinance without first complying with the provisions set forth herein.

[https://www.greenvillecounty.org/gen/c/pdf/junkyard\\_ordinance.pdf](https://www.greenvillecounty.org/gen/c/pdf/junkyard_ordinance.pdf)

12/15/1987 ordinance 1777

**Section 10. Penalties for Non-Compliance.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, punishable by a fine not to exceed Two Hundred (\$200.00) Dollars or imprisonment for not more than thirty (30) days. Each day such violation continues shall constitute a separate offense. Greenville County may also seek injunctive relief or may institute any other appropriate action in courts of competent jurisdiction to enforce the provisions of this ordinance.

June 15, 1993 Ordinance 2467 to amend ordinance 1777

\*Section 6 of Ordinance No. 1777 is hereby amended as follows:

(a) Fencing and Screening. All junkyards shall be enclosed on all sides by a chain link fence with evergreen screening of an approved type, a chain link fence with vinyl, metal or wooden strips or slats woven into the fence fabric, a wooden privacy fence, or other type material which has been given approval by the Zoning Manager.

**LAURENS COUNTY** [https://laurenscounty.us/wp-content/uploads/2018/05/LCPC\\_Mtg\\_05-15-2018\\_read\\_ahead.pdf](https://laurenscounty.us/wp-content/uploads/2018/05/LCPC_Mtg_05-15-2018_read_ahead.pdf)

Screening – All junkyards shall be enclosed on all sides by a visual screen consisting of a fence with visual screening or a combination of a fence and approved evergreen screening vegetation. All grandfathered junkyards as of the initial date of registering with Laurens County will have one (1) year from the date of enactment of this ordinance to comply with the provisions contained herein.

- 1.) Evergreen The term “Evergreen Screening” shall mean evergreen trees or shrubs with a minimum height of not less than eight (8) feet when mature.
- 2.) Visual - The term “Visual Screen” shall mean a static barrier which shields the junkyard from view. The visual screen shall extend from the ground to a height of six (6) feet. Not more than twenty-five (25) percent of the vertical surface shall be open to allow the passage of air, but any such openings shall be designed to obscure visibility.
- c.) Fencing or Screening. All junkyards shall be enclosed on all sides by a fence with evergreen screening of an approved type or approved natural buffers already present; a chain link fence with vinyl, metal or wooden strips or slats woven into the fence fabric; a wooden privacy fence or other type material which has been given approval by the Building Official. Visual Screening shall apply to the front of the property facing a public paved road.

#### **SECTION 4. GRANDFATHERED JUNKYARD PROCEDURES.**

- a.) All junkyards that are in operation and existence at time of the effective date of this ordinance; and, those that wish to continue their non-conforming use status of this Ordinance need to be enclosed with have visual screening and/or evergreen plantings that screen the operations of the junkyard from front property lines. The determination of existence shall be based upon the issuance of a permit as set forth herein.
- b.) All grandfathered commercial junkyards shall obtain a Permit and a letter acknowledging their existence from the Building Official Department.
- c.) Any addition, change of ownership, enlargement, or expansion of a junkyard shall require a permit and be permitted in accordance with this division as a new junkyard.
- d.) Any non-conforming junkyard will be in accordance with the standards and criteria for effective screening set forth in these regulations. For non-conforming junkyards, the owner/operator responsible will have one (1) year from the date of enactment of this ordinance to have an approved screening in place at front of the property.
- e.) The evergreen vegetation shall be planted between the property line and the outbound side of the fence. The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight feet

when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight feet (8') along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard. Acceptable species include, but are not limited to, Fragrant Tea Olive Fortune's Tea Olive, Chinese Fringe Flower, Eastern Red Cedar, Japanese Cedar, Arborvitae ("Green Giant), Southern Magnolia, and upright varieties of Juniper, American Holly and / or other species that may be approved by the Building Official. (See Exhibit 1).

f.) Plans for the screening device shall be approved by the Building Official before it is erected or put into place.

**SECTION 8 NOTICE OF VIOLATION.** It shall be the duty of the Building Official, or its designee to serve, or cause to be served, a notice of violation upon the owner or occupant of any property, who has committed a violation of this Ordinance. Such notice shall demand abatement of the violation within sixty (60) days of service. If after sixty (60) days' notice the violation has not been abated, the Building Official shall personally serve the owner or occupant with a citation.

**SECTION 9 ENFORCEMENT OF NOTICE.** It shall be the duty of the Building Official to enforce the provisions of this ordinance. If a person served with notice of a violation does not abate the violation within sixty (60) days after service, the County may file an action to compel the owner or occupier to abate the violation, or it may proceed with its own resources or by contracting with another to abate such violation, keeping account of the expenses of the abatement, and such expense shall be charged and paid by the owner or occupant of the property.

**SECTION 10 LIEN IMPOSED.** The charge for compelling the owner or occupier to abate the violation or for the County's abatement of the violation shall constitute a lien upon the property. The Building Official shall send, or cause to be sent, a bill for such charges to the owner or occupier of the property. The Building Official shall also file a statement of the lien against the owner of the property in the office of the County Clerk of Court. Such lien shall be indexed in the mortgage books, as maintained from time to time for the County, and the statement shall contain the following: a legal description of the property; a statement of the violation of this Ordinance; the date of the County's action for abatement; Page 12 of 15 the expenses and costs incurred, including attorney fees, for the abatement proceedings; and a statement that the costs and expenses ascertained shall bear interest at the statutory legal rate.

**Spartanburg county:**

<https://www.spartanburgcounty.org/DocumentCenter/View/13682/Performance-Zoning-Ordinance>

doesn't address pre-existing/grandfathered/noncompliant in 4.10

#### 4.10.20 STANDARDS

c. In addition to the setback requirements in Article 2 of this Ordinance, no Salvage Yard shall be established within 1000 feet of the following Scenic Corridors: South Carolina Highway #9, South Carolina Highway #56, South Carolina Highway #110 (Battleground Road), South Carolina Highway #80 (J. Verne Smith Parkway). Salvage Yards shall be prohibited on or within 1,000 feet of South Carolina Highway #11 (Cherokee Foothills Scenic Highway). No person shall establish, operate, or maintain a Salvage Yard activity, any portion of which is within 1000 feet of the nearest edge of the right-of-way of Interstate 85 and Interstate 26, unless screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the aforementioned interstates, or otherwise obscured from sight. If the Zoning Administrator determines that the abovementioned screening requirements will not produce a result that shields the Salvage Yard activity from view of the interstates set forth herein, the Salvage Yard activity shall be compelled to engage in land grading or the erection of additional screening to the minimum extent required to achieve the desired screening.

g. New Salvage Yards shall be situated on a continuous parcel of at least five acres, excluding rights-of-way, that are undivided by road rights-of-way or public dedication. The requirement for a continuous parcel of at least five acres is a part of the description for this activity and cannot be considered for a variance from the Board of Zoning Appeals.

#### 4.10.30 Licensing, Inspection, and Annual Fees

1. A license shall be required to open and/or operate a Salvage Yard and shall be subject to annual renewal due January 1st. The license fee shall be set per the Fee Schedule adopted by Resolution of County Council.

2. For an owner who fails to renew the annual license by the deadline, there shall be a monthly late fee equal to half of the above base rate.

5. Failure to comply with the requirements of this Ordinance may result in the revocation of license to operate a Salvage Yard. After the annual fee is 60 days delinquent, the owner shall be considered in violation of this Ordinance for the lapsed license.

b. Annual Inspection; Violation

1. All Salvage Yards registered in Spartanburg County shall undergo an annual inspection to ensure compliance with this Ordinance.
2. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.
3. A Salvage Yard license may be revoked by the Spartanburg County Environmental Enforcement Department Director for a violation of this Ordinance or other applicable regulations governing the operation of such uses based on inspection of the premises.

**BAMBERG COUNTY**

<https://www.bambergcountysc.gov/Data/Sites/1/media/departments/building-and-planning/zoning-ordinance.pdf>

(e) Determination of bufferyard requirements. To determine the bufferyard required between two (2) adjacent parcels, the following procedure shall be followed:

Identify the proposed land use.

Identify the use of land adjacent to the proposed use.

Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to the table of bufferyard requirements and illustrations contained in this section which specify the bufferyard options between a proposed use and the existing adjacent use. Where an existing use includes undeveloped land, the bufferyard requirements of this section shall apply only to that segment of the property line separating the two (2) uses, a distance of one hundred (100) feet from the existing use.

§ 5-133. Automotive wrecking, appliances, building materials salvage and junkyards.

Owing to the environmental consequences and potential impact of automotive wrecking, salvage, open yard storage of used appliances and junkyards may be located in the RUD or IND Districts under the following conditions:

- (1) Such uses shall be located no closer than five hundred (500) feet to any adjacent use but no closer than three thousand (3,000) feet to a residential use, church, school, historical place or public park.
- (2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
- (3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water, or other causes.
- (4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
- (5) All materials and activities not within fully enclosed buildings shall be enclosed by appropriate screening on all sides visible from the road or street serving the facility and an opaque cyclone fence on the remaining unexposed boundaries.
- (6) No such use shall front on or be visible from a major thoroughfare as designated on the official major thoroughfares map.

**Any salvage or junkyard existing on the effective date of this chapter shall have twelve (12) months within which to comply fully with subsections (2) through (5) above. Failure to do so is a misdemeanor punishable by a fine in the amount of \$200.00, for each day the property remains in violation of the ordinance without any appreciable action to bring the property into compliance.**

**CHEROKEE COUNTY, SC** [https://cherokeecountysc.gov/wp-content/uploads/2020/10/Cherokee-County-SC-Code-thru-supp\\_-1.pdf](https://cherokeecountysc.gov/wp-content/uploads/2020/10/Cherokee-County-SC-Code-thru-supp_-1.pdf)

Screening:

Sec. 7-141. Fencing and screening.

All junkyards shall be enclosed on all sides by one (1) of the following that shield the junkyards from view:

- (1) A chain link fence with evergreen screening of an approved type; or



(2) Where evergreen screening is not possible, a chain link fence with vinyl strips or slats woven into the fence fabric may be used upon approval by the article administrator; or

(3) A wooden or masonry privacy fence; or

(4) Other type material which has been given approval by the ordinance administrator. (Ord. No. 2008-20, 4-6-09)

General requirements:

(g) All junkyards shall be maintained to protect the public from health nuisances, aesthetic distractions, and safety hazards. The Cherokee County Building Codes Department or Health Department may inspect each junkyard to determine that the junkyard does not create a nuisance, aesthetic distractions or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator or maintainer shall submit satisfactory evidence to the health department and building codes department that the violation has been eliminated. Failure to comply with this provision shall result in revocation of permit as well as other penalties and remedies for violation of this article. (Ord. No. 2008-20, 4-6-09)

7-143. operation of new junk yard (after 11/5/2007)

- (1) New junkyards shall be situated on a continuous parcel of at least five (5) acres excluding rights-of-way that are undivided by road right-of ways or public dedication.
- (2) Have a minimum front lot line of one hundred (100) feet on a public right-of-way frontage.
- (3) Have a minimum setback to the fence from front, side and rear property lines excluding road rights-of-way of at least fifty (50) feet.
- (4) No junkyard shall be established closer than one thousand (1,000) feet to a church, school, daycare center, nursing home, health care facility, hospital, public building, public or private recreation facility, a concentration of ten (10) or more contiguous residences, or closer than five hundred (500) feet from any single residence. An on-site residence at the junkyard by the owner or its agent is permitted. No junkyard shall be established closer than one thousand (1,000) feet of any S.C. Highway, U.S. Highway and Interstate 85.
- (5) The junkyard shall be entirely surrounded by an opaque fence at least six (6) feet in height or by either a woven or welded wire (twelve-gauge minimum) or chain link fence a minimum of six (6) feet in height and with an opaque evergreen screen with a minimum height of not less than eight (8) feet when mature
- (6) . The evergreen vegetation shall be planted between the property line and the outbound side of the fence. The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight (8) feet when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight (8) feet along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard. Acceptable species include, but are not limited to, Ligustrum, Euonymous, Leyland Cypress, White Pine, Cedar, Arborvitae, Hemlock, and upright varieties of Junipers, Holly and Yew

#### **Sec. 7-146. Non-conforming junk/salvage yards.**

It is anticipated that some junkyards lawfully established prior to the effective date of the "junkyard ordinance," may be "grandfathered" to continue as a non-conforming use and be maintained and operated subject to the requirements stated in this article.

b. A non-conforming junkyard which is enlarged, extended, changed in use or location shall not continue as a non-conforming junkyard, but shall, for the purpose of these regulations, be treated as a new junkyard. All provisions of this article shall apply.

(2) Control measures.

a. **Existing junk yards** that wish to continue their non-conforming use status **after the effective date of this article** need to provide evidence that **any part of the junk yard that fronts on a public road or highway will be screened from the public right-of-way to ensure it is completely shielded from the roadway.** The frontage of the property must be enclosed within a building, fence, screen planting or other device that screens the operations of the junk yard from the public right-of-way. Upon approval of such plans, the junk yard shall be considered a legal conditional use and shall be subject to conditions, permits, reviews and all procedures set forth in section 7-141, 7-142, and 7-144.

b. Any **non-conforming junkyard** will be screened in accordance with the standards and criteria for effective screening set forth in these regulations. For nonconforming junkyards, the owner/operator responsible will have two (2) years to have an approved screening in place along the property frontage facing the public right-of-way

c. **The evergreen vegetation shall be planted between the property line and the outbound side of the fence.** The distance spacing of the evergreen vegetation from the fence and the property line should allow for maintenance of the mature vegetation from inside the property line. Evergreen vegetation that serves as screening shall be of an approved type that can reach a minimum height of eight (8) feet when mature from the date planted and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken screen (without gaps or open spaces) will exist to a height of at least eight (8) feet along the length of the fence surrounding the junkyard. The evergreen screen shall be maintained as a continuous, unbroken screen for the period the property is used as a junkyard.

## ANDERSON COUNTY

<https://www.andersoncountysc.org/wp-content/uploads/2021/02/Chapter-70-Update-7-10-18.pdf>

*Junk yard* means any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap metal, or other junk and including storage of vehicles and machinery and/or dismantling of such vehicles or machinery.

5:15.5. Screening. A combination of a wall or fence and dense evergreen hedge or other type of evergreen foliage at least six feet in height shall be provided along the side and rear lot lines where any commercial use is adjacent to a residential district.

[https://library.municode.com/sc/anderson\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH42LAEN\\_ARTIIIRECO\\_DIV6JUOPST](https://library.municode.com/sc/anderson_county/codes/code_of_ordinances?nodeId=COOR_CH42LAEN_ARTIIIRECO_DIV6JUOPST)

chapter 42 – law enforcement

division 6 – JUNKYARDS AND OPEN STORAGE

### **Sec. 42-179. - Applicability.**

No junkyard or open storage area shall be established, erected, placed, located or expanded in size or in scope of operation in the unincorporated areas of the county without first meeting the minimum requirements of this division. The application of this division shall extend to new junkyards and open storage areas in the county, as well as the expansion of existing ones.

### **Sec. 42-182. - Location.**

Junkyards and open storage areas shall be permitted to be located no closer than 1,000 feet from the nearest edge of the right-of-way of any state or federal system highway. Junkyards and open storage areas shall be permitted to be located no closer than 1,000 feet from the nearest edge of the right-of-way of any county, private or other road. Junkyards and open storage areas must be located or screened so as not to be visible from the main traveled way. Junkyards and open storage areas shall be permitted to be located no closer than 1,000 feet from the nearest residence.

(Ord. No. 150, § II-1, 12-4-84; Ord. No. 211, § 3, 10-24-86; Ord. No. 289, § II-1, 9-19-89)

### **Sec. 42-183. - Size.**

Junkyards and open storage areas shall be limited in size to a maximum of ten acres.

### **Sec. 42-184. - Screening.**

(a) Junkyards and open storage areas which are visible from the main traveled way must be blocked from public view. This shall be made possible by enclosing all such junkyards and open storage areas with a continuous visual screen provided and maintained by the owner of such property along the property line. The screen shall be a wall or fence or a combination of fence and shrubbery at least eight feet in height. A nonseasonal coniferous wall may be planted and maintained, if at maturity these trees will form a barrier which would be defined as static. However, where topography is such that the required screen will not achieve the stated purposes of this section, then a screening plan shall be prepared and submitted to the regulatory compliance officer.

(b) Sanitary landfills need not be screened to satisfy requirements of Title 23 U.S.C., but landscaping should be required when the fill has been completed and operations have ceased, unless the landfill area is to be used for immediate development purposes. A sanitary landfill, for the purposes of this division, is a method of disposing of refuse on land without creating a nuisance or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary. Materials stored or kept in the open shall not be permanently stacked higher than the required screen. Storage between the screen and the main traveled way is expressly prohibited.

(Ord. No. 150, § II-3, 12-4-84)

#### **Sec. 42-187. - Continuation requirements.**

Nonconforming junkyards and open storage areas—those not meeting the minimum requirements of this division and subsequently operating without a permit as required in [section 42-190](#)—are hereby declared to be in violation of this division. However, to avoid undue hardship on the owners and/or operators, the lawful use of any land or buildings at the time of enactment of the ordinance from which this division derives may be continued even though such use or uses do not conform with the provisions of this division, provided:

(1) Such nonconforming uses are not reestablished after discontinuance or abandonment for a period of 90 days.

(2) Such nonconforming uses are not enlarged or altered in any way which increases their nonconformity.

(Ord. No. 150, § III-1, 12-4-84; Ord. No. 243, § III-1, 2-16-88)

#### **Sec. 42-190. - Licenses.**

Nonconforming junkyards located on individual lots, parcels or sites in the county and actually in existence at the effective date of the ordinance from which this division derives and which are to continue to be operated as ongoing enterprises shall secure a nonconforming junkyard license, issued by the litter control office.

#### **BUNCOMBE COUNTY NC**

<https://www.buncombecounty.org/common/planning/zoning-ordinance.pdf>

Junkyard means a parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold. This definition does not include motor vehicles impoundment lot or tow yard.

#### **Sec. 78-667. Buffering and parking lot landscaping.**

(a) Buffer strip. A buffer strip shall be established along the side and rear lot lines of any nonresidential use adjoining a residential use. Said buffer shall not extend beyond the established setback line along any street. Said buffer strip shall not be less than 20 feet in width for uses where the lot with the nonresidential use is one acre or greater. In cases where the nonresidential lot requiring the buffering is less than one acre, the buffer strip shall be at least 15 feet wide.

(b) Methods of buffering. The required buffers shall be placed according to one or a combination of the following methods, as approved by the board of adjustment or zoning administrator as fitting for the use and surrounding areas:

(1) At least two rows of evergreen trees, which shall be approved as to type by the board of adjustment, which at the time of planting shall be at least five feet in height, and which at maturity shall be at least ten feet in height. In each row the trees shall be spaced no more than eight feet apart (from base of tree to base of tree) at time of planting, with trees in adjacent rows offset (staggered) four feet. The rows shall be no more than eight feet apart in a 20-foot buffer strip and seven feet apart in a 15-foot buffer strip and centered within the buffer strip.

(2) A solid visual barrier fence eight feet in height may be accepted as an alternative buffer by the board of adjustment or zoning administrator.

(3) Earth mounding may be used in conjunction with planting or fencing to satisfy height requirements, but slopes shall not exceed one foot in height to two feet horizontal. In the event that the height requirements provided herein do not provide a visual

screen from the adjoining property, the board of adjustment or zoning administrator may require additional earth mounding, or other type of buffering, to attain the desired screening effect. This buffering requirement may be modified by the zoning administrator where adequate buffering exists in the form of natural vegetation and/or terrain.

(c) Maintenance of buffering. The owner of the property on which the buffer is located shall be responsible for the maintenance of said buffering. Trees shall be carefully planted and maintained and evergreen trees shall be maintained so that dense branching begins at ground level and continues to the top of the plant. Unhealthy or dead plants shall be promptly removed and replaced within one planting season. Each fence required by this section or by the board of adjustment shall be maintained in good repair, including periodic painting or refinishing where required. Failure to maintain any required vegetation, earth mounding, and fences in good condition shall constitute a violation of this section.

(3) Junkyards. Standards for junkyards shall be as follows:

a. Junkyards shall be surrounded by a fence at least eight feet in height. Vegetation shall be planted on at least one side of the fence and contiguous to the fence. The vegetation shall be of a type that will reach a minimum height of six feet at maturity and shall be planted at intervals evenly spaced and in close proximity to each other so that a continuous, unbroken hedgerow will exist to a height of at least six feet along the length of the fence surrounding the junkyard when the vegetation reaches maturity. Each owner, operator, or maintainer of a junkyard shall maintain the vegetation and fencing. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

b. The fence shall have at least one and not more than two gates for purposes of ingress and egress. The gates shall be closed and securely locked at all times, except during business hours.

c. Junkyards shall also be subject to compliance with chapter 26, article III, of this Code, as may be amended.

[https://library.municode.com/nc/buncombe\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH26EN\\_ARTIIIJU](https://library.municode.com/nc/buncombe_county/codes/code_of_ordinances?nodeId=COOR_CH26EN_ARTIIIJU)

#### chapter 26, article III – Junkyards

- **Sec. 26-142. - Registration and permitting of preexisting junkyards.**

(a) All owners, operators, or maintainers of automobile graveyards or junkyards existing on February 12, 1991, shall register same with the county no later than May 1, 1999. All existing automobile graveyards or junkyards that have not been registered by May 1, 1999 shall be in violation of the provisions of this article.

(b) Registration shall be accomplished by acquiring a permit and paying the currently required permit fee. The ordinance administrator shall provide the permit form. A junkyard plan prepared by the owner or operator shall be submitted as part of the junkyard registration. The plan shall indicate setbacks, location of public rights-of-way, all proposed structures, all structures within 300 feet of the junkyard, driveways, entrances, fencing, screening, types of fencing, types of screening, dimensions of junkyard, gross acreage, owner's name, address, preparer of plan's name and address. Submission of information shall establish preexisting conditions. All permit requirements of [section 26-141](#) shall be met. Plan may be drawn at a scale of either one inch = 50 feet, one inch = 100 feet, one inch = 200 feet, one inch = 400 feet or freehand with corners identified by the owner of the junkyard site and referenced on the plan. Three copies shall be submitted, one of which shall be on reproducible material.

(Ord. No. 19768, art. 10, 2-12-91; Ord. No. 99-2-12, § 8, 2-16-99)

- **Sec. 26-143. - Nonconforming existing junkyards.**

(a) All junkyards existing on February 12, 1991, and registered in accordance with [section 26-142](#), shall be granted a compliance period of 12 months from the effective date of registration to conform to article provisions. Thereafter the nonconforming junkyard shall be in violation of this article.

(b) Any owner or operator of an existing junkyard that has previously planted evergreen seedlings as a screen shall be allowed appropriate additional time for such seedlings or small trees to reach a minimum height of six feet. The enforcement officer shall monitor such facility at least annually to determine whether any diseased or dead trees shall be replaced or replanted by the owner.

(Ord. No. 19768, art. 11, 2-12-91)

**Sec. 26-156. - General standards.**

(a) **Preexisting junkyards.** The following criteria shall be applicable to preexisting junkyards which are registered within 180 days of the effective date of the ordinance from which this article derives. No portion of any junkyard shall be operated, maintained or expanded, except those junkyards meeting any of the following conditions:

- (1) Those which are screened by natural land features or vegetation, berms, plantings, opaque fences or other appropriate means which sufficiently preserves the policy and intent of this article so as not to be visible from the main-traveled way of any state-maintained public road at any season of the year.
- (2) Those which are further than 1,000 feet from the main-traveled way of a state-maintained public road.
- (3) Those which are either not visible from adjoining properties because of screening with natural land features or vegetation, berms, plantings, opaque fences or other appropriate means or are screened and/or fenced in accordance with [section 26-157](#).
- (4) However, if the topography and terrain of adjacent lands is such that screening would be ineffective or useless, the enforcement officer may waive all or parts of the fencing and screening requirements, but shall require fencing and screening insofar as is practical and feasible, at all points where such fencing and/or screening shall be necessary to screen or partially screen the view of persons from public roads, schools, or residential areas adjacent to or near the junkyard.

**Sec. 26-157. - Fencing and screening.**

All preexisting and new junkyards established in accordance with this article may be operated, subject to the following fencing and screening conditions:

(1) **Preexisting.** Junkyards in existence on February 12, 1991, including any junkyard along any road or highway which may be hereafter designated as a public road, shall comply with this article by obtaining a permit, as provided in [section 26-142](#) and meeting the requirements for preexisting junkyards as set forth in [section 26-156\(a\)\(1\)](#), [\(a\)\(2\)](#) or [\(a\)\(3\)](#), or meeting one of the following conditions:

- a. Remove junk and equipment that may be located within 15 feet of the property lines to an area further than 15 feet from the property lines. Install an all season vegetation screening between junk materials and property lines.
- b. Screen and fence the junkyard in accordance with the screening and fencing provisions of subsection (b) of this section; provided, however, if topography renders fencing and screening useless and ineffective, the enforcement officer may waive all or part of the fencing and screening requirements, as provided in [section 26-156\(a\)\(4\)](#).

**Haywood county NC**

**§ 114.10 NON-CONFORMING PRE-EXISTING JUNKYARDS, SERVICE STATIONS, GARAGES, USED CAR LOTS, WRECKER SERVICES, AND MOTOR VEHICLE STORAGE AREAS.**

(A) **All existing junkyards** at the effective date of this chapter, registered in accordance with the preceding section, **shall be granted a compliance period of 12 months from the effective date of registration to conform to the chapter**. All existing junkyards that have not registered within Junkyards and Other Facilities 9 this period shall be in violation of this chapter. The Enforcement Officer shall monitor such facility at least annually.



(B) The following criteria shall be applicable to pre-existing junkyards which are registered within 180 days of November 1, 1997, the original effective date of this chapter and service stations, garages, used car lots, wrecker services, or motor vehicle storage areas that are registered within 30 days of May 1, 2000 and no portion of any such junkyard, service station, garage, used car lot, wrecker service, or motor vehicle storage area shall be operated, maintained or expanded, except those meeting at least one of the following conditions:

(1) Those which are screened by natural land features or vegetation, berms, plantings, fences or other appropriate means which sufficiently preserves the policy and intent of this chapter, or are screened and/or fenced in accordance with § 114.07; or

(2) Those which are located where the topography and terrain of adjacent lands is such that screening would be ineffective or useless. In these instances, the Enforcement Officer may waive all or part of the fencing or screening requirements, but shall require fencing and screening insofar as is practical and feasible, at all points where such fencing and/or screening shall be necessary to screen or partially screen the view of the property or a health nuisance or safety hazard vehicle as defined by this chapter.

(C) Automobile graveyards are prohibited.  
(Ord. passed 10-06-97; Am. Ord. passed 05-01-00)

#### § 114.05 ADDITIONAL STANDARDS.

All junkyards, service stations, garages, used car lots, wrecker services, and motor vehicle storage areas which are established from and after the effective date of this chapter (November 1, 1997), or that have been issued a current valid permit to establish, operate or maintain a junkyard, as provided in § 114.10 hereof shall meet the following additional standards:

(1) **JUNKYARDS** that store more than ten junk motor vehicles, for more than thirty days, shall meet the fencing and screening requirements of § 114.07 and registration and permit requirements of § 114.09.

#### § 114.07 FENCING AND SCREENING REQUIREMENTS.

All new and pre-existing facilities, land parcels, or activities regulated in accordance with this chapter shall be operated subject to the following fencing and screening conditions:

(A) New land parcels created, activities commenced or facilities established after the effective date of this chapter shall comply with the chapter by registering, obtaining a permit, meeting the requirements of § 114.04 (A) and meeting the following fencing and screening requirements of this section:

(1) The facility, parcel, or activity shall be entirely surrounded by:

- (a) an opaque fence at least six feet in height; or
- (b) by either a woven or welded wire (14 gauge minimum) fence at least six feet in height; or
- (c) chain link fence a minimum of six feet in height.

With respect to (b) and (c) above, there shall be vegetation that is at least three feet high and no more than six feet apart when planted. The vegetation shall be planted at the time the facility begins operation, or at the next appropriate planting time. The fence and vegetation shall surround the minimum area necessary for the facility to not be visible from a point at the same elevation as the facility. The vegetation shall be planted on the outbound side of the fence, contiguous to, and not more than eight feet from the fence. The vegetation shall be maintained as a continuous, unbroken hedgerow for the period the property is used as a regulated facility. Each owner, operator, or maintainer of a facility shall utilize good horticultural techniques such as pruning, mulching and proper fertilization, so that the vegetation will have maximum density and foliage. Dead or diseased vegetation shall be replaced at the next appropriate planting time.

(2) All operations, equipment, junk and/or junk motor vehicles shall be kept within the confines of the fence or enclosed building at all times.

(B) Pre-existing activities regulated and operating with a proper business license or valid tax number from the North Carolina Department of Revenue on the effective date of this chapter (November 1, 1997) shall comply with this chapter by obtaining a permit as provided in § 114.09 and meeting the requirements for pre-existing service stations, garages, used car lots, wrecker services, junkyard, or motor vehicle storage areas, as set forth in § 114.04, General Standards, subsections B(1) or B(2), or meeting one of the following conditions:

(1) Remove all junk, vehicles or equipment that may be located within 15 feet of a public or private road surface to an area further than 15 feet from the road surface; and install a fence with an all-season vegetation screening between junk materials and property lines; or

## **ARTICLE III. JUNKYARDS<sup>1</sup>**

### **Sec. 10-71. Findings.**

The county finds that junkyards:

- (1) Provide a necessary service to the county residents;
- (2) Contribute to the economy and tax base of the county;
- (3) Pose a potential hazard to the health, safety, and general welfare of the citizens of the county;
- (4) Depreciate the value of surrounding property;
- (5) Are a breeding ground for mosquitoes or other insects, snakes, rats and other pests;
- (6) Pose a potential threat of injury to children and other individuals who may be attracted to the premises;
- (7) Are a visual blight and are depreciative to the aesthetic quality of the environment of the county.

(Ord. No. 297, § 1, 10-1-2001)

### **Sec. 10-72. Purpose.**

- (a) The purpose of this article is to provide for the regulation of existing and proposed junkyards under the development standards ordinance. Such uses may only be established and operated in the county if they do not constitute a hazard to the health and welfare of the people, inclusive of attracting vermin, or causing disease, public nuisance, fire hazard, or blight or adversely affecting environmental conditions.
- (b) S.C. Code 1976, § 6-29-710 gives to counties the authority to adopt regulations. In order to accomplish these purposes, the county council enacts the following regulations with respect to junkyards.
- (c) It shall be unlawful for any person, corporation or other business entity to maintain a junkyard except pursuant to the provisions of this article.

(Ord. No. 297, § 2, 10-1-2001)

### **Sec. 10-73. Definitions.**

As used in this article, the following terms shall have the meanings given below:

*Commercial junk* shall mean items for resale or more than five junked vehicles stored on a tract of land.

*Fence* shall mean a substantial, continuous barrier aesthetically constructed and extending from the surface of the ground to a uniform height of not less than six feet. The finished side of the fence shall face the public and

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<sup>1</sup>Editor's note(s)—Ord. No. 297, adopted Oct. 1, 2001, repealed the former Art. III and enacted a new article as set out herein. The former Art. III, §§ 10-71-10-75, pertained to similar subject matter and derived from Ord. No. 164, §§ 1—4, 6, adopted Nov. 5, 1990.

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be constructed of treated lumber, stockade, masonry, chain link or other approved material. Fabric fences shall be not allowed.

*Junk* shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or tires, waste, junked, dismantled or wrecked motor vehicles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous metal. The term junk shall include, but not be limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment, machinery being salvaged for parts, appliances, motors, industrial or commercial fixtures, or parts thereof.

*Junked or abandoned vehicle* shall mean any vehicle without a current and valid license plate which is not moved or subject to physical repair or restoration for a period in excess of 90 days. An inoperable wrecked vehicle with a current license plate shall also be considered a junked vehicle.

*Junkyard* shall mean any location, including a residential area, establishment, or place of business that is maintained, operated, or used for storing junk. The term shall not include county operated or approved and permitted sanitary landfills. Yard sales of 48 hours' duration or less shall be exempt from the provisions of this article.

*Local street* shall mean a minor local street is one designed primarily to access abutting properties. This street normally terminates in a cul-de-sac, loop or other turnaround, with no more than two access points.

*Lot of record* shall mean a lot or parcel of land, the plat or deed of which has been recorded prior to the adoption of this article.

*Major local street* shall mean a major local street is one designed primarily to access abutting properties. This street is characterized as one having two or more access points, and receiving traffic from minor local streets.

*Nonconforming* shall mean signs, structures, uses of land and characteristics of uses that are prohibited under the terms of this article, but were lawful on the date of the article's enactment.

*Nonresidential use* shall mean a principal use of land for other than residential purposes, i.e. commercial, industrial, institutional.

*Public building* shall mean any building owned, leased or held by the United States, the state, the county or any city, any special purpose district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purpose.

*Re-inspection fee* shall mean the fee assessed when a property fails the initial inspection and must be re-inspected at a later date.

*Right-of-way (ROW)* shall denote the limits of public road property. On county roads when there is no deeded right-of-way along a road or highway, the right-of-way shall be considered to be 25 feet from the centerline on each side.

*Scenic highway/scenic byway* shall mean a road or highway under federal, state or county jurisdiction that has been so designated through legislation ordinance other official declaration because of its scenic, historic, recreational, cultural, archeological, or natural qualities. An official declaration is an action taken by an individual, board, committee, or political subdivision acting with the granted authority on behalf of the federal, state or county government.

*Setback* shall refer to the required distance between a structure or building line and the nearest property line or right-of-way.

*Temporary storage* shall be defined as not exceeding 90 days, subject to state law, from the date possession or custody of the vehicle is obtained except when possession is pursuant to a court order.

*Vegetation* shall mean the following recommended shrubs/trees for hedge planting with planting distance, in feet, between plants and from fence:



Shrubs—Five feet apart	Trees—Seven feet apart
Red Tip Photinia	Eastern Red Cedar
Wax Leaf Ligustrum	Leyland Cypress
Burford Holly	Virginia Pine
Nellie R. Stevens Holly	Southern Magnolia
Carolina Cherry	White Pine
Wax Myrtle	Hemlock
American Holly	

Plants must be a minimum height of three feet when planted and reach a height at maturity of not less than eight feet.

*Wrecker, towing and impoundment service* shall mean an establishment or place of business that provides towing or temporary storage services for currently licensed and currently registered vehicles that have been wrecked or repossessed, or whose possession is by virtue of court order, a copy of which is in the possession of the proprietor of such service or affixed to the vehicle.

(Ord. No. 297, § 3, 10-1-2001; Ord. No. 492, 8-17-2015)

#### **Sec. 10-74. Regulation of commercial junkyards.**

- (a) Every commercial junkyard shall be situated on suitable terrain so that the fence and vegetation hides the view of all junk from public roads and private property. Every junkyard must be enclosed on all sides by a fence not less than six feet in height. The fence and vegetation required herein shall be constructed and planted such that the junkyard is protected from children or other trespassers and is hidden from view. The vegetation shall be located on outside of the fence and shall be as near the fence as practical. The vegetation shall be planted evenly spaced with each plant in close proximity to the other so that an unbroken, continuous hedgerow shall exist at maturity. Any vegetation that dies shall be replaced within 60 days.
- (b) Each junkyard fence shall be set back:
  - (1) Two hundred fifty feet from all U.S. or S.C. highway rights-of-way.
  - (2) One hundred twenty-five feet from the center of all county roads.
  - (3) One hundred feet from all property lines.
  - (4) One hundred feet from all waterways.
  - (5) One thousand feet from all designated scenic highways (SC state law requirement).
  - (6) One thousand feet from any federally designated heritage corridor.
- (c) No junkyard shall be located within 1,000 feet of a church, school, daycare center, nursing home, health care facility, hospital, public building or public recreation facility.
- (d) Access to a junkyard shall not be allowed from a minor local street. The terms minor and major are defined in the county development standards ordinance.
- (e) Every junkyard operator shall conduct all business within the fenced area of their property. The buffer area, if any, located between the property line of the adjoining property and the junkyard shall be maintained in a clean manner and shall not be used for loading or unloading junk.

(Ord. No. 297, § 4, 10-1-2001)

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**Sec. 10-75. Existing nonconforming commercial junkyards in existence prior to the enactment of junkyard regulations on November 5, 1990.**

- (a) Any existing nonconforming commercial junkyard holding a valid retail license for operation at its present location from the state department of revenue issued before November 5, 1990 shall be permitted the following deviations from this article:
  - (1) Beyond 150 feet from the right-of-way of a road, any boundary line may be enclosed with vegetation only pursuant to the requirements of the definition of "vegetation" in section 10-73.
  - (2) Shall be exempt from access restrictions in section 10-74(d).
  - (3) The fence and/or vegetation required herein shall be located not less than 20 feet from the right-of-way of a public road, and not less than 50 feet from a waterway, and as near the boundary line as practical on all other boundaries.
  - (4) No operator shall place, store or maintain junk less than five feet from the property line of a developed residential area, school, church, cemetery, or public property or within 20 feet of the right-of-way of a public road, or within 50 feet of a waterway.
- (b) No existing junkyard may expand without a proper permit. Any expansion shall conform to all provisions of this article and shall not be permitted the deviations listed above in section 10-75(a).
- (c) Notwithstanding the provisions for administration contained in section 10-77, this article is not intended to impose additional restrictions on the nonconforming portion of junkyards existing prior to November 5, 1990.
- (d) All applicable requirements to pre-November 5, 1990 junkyards must be met within 180 days of the effective date.

(Ord. No. 297, § 5, 10-1-2001)

**Sec. 10-76. Standards for residential uses and commercial businesses which do not meet the definition of a junkyard in this article.**

- (a) It shall be unlawful for any person, corporation or business entity to have upon its premises items of junk or abandoned vehicles unless:
  - (1) Each vehicle is covered with a car cover (tarps are not allowed) or stored in a totally enclosed building.
  - (2) All junk is to be out of view of all roads and adjacent properties.
- (b) All requirements of this article must be met within 180 days of the effective date.
- (c) This article shall not apply to any business storing five or fewer vehicles subject to valid garageman's liens as provided by state statute.
- (d) This article shall not apply to farm equipment located on property having an agriculture tax exemption.

(Ord. No. 297, § 6, 10-1-2001)

**Sec. 10-77. Provisions for administration.**

- (a) Permitting and licensing procedures. No person shall maintain a commercial junkyard except and unless the owner or operator shall have:

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- (1) A retail license from the state department of revenue.
  - (2) A permit from SCDHEC for any septic tank upon the premises.
  - (3) A certificate of compliance and approved site plan from the county planning department pursuant to the county development standards ordinance.
  - (4) A street number authorized by the county E911 office.
  - (5) A valid junkyard permit from the county planning department.
- (b) Fees for required permits shall be established and published by the county council.
  - (c) The enforcement of this article shall be the responsibility of the code enforcement officer (employed by the county building codes department) in full cooperation with the county sheriff's department.
  - (d) Any applicant shall have the right to appeal a decision of the code enforcement officer to the county board of zoning appeals.
  - (e) Penalties for noncompliance. Any person, firm or corporation violating any provision of this article, after receiving written notice from the county code enforcement officer or his agent to correct such violation, shall be issued a uniform ordinance summons to appear before the county magistrate court if the violation is not corrected within 30 calendar days. The uniform ordinance summons must cite only one violation per summons and must contain, at a minimum, the following information:
    - (1) The name and address of the person or entity charged;
    - (2) The name and title of the issuing officer;
    - (3) The time, date and location of the hearing;
    - (4) A description of the ordinance the person or entity is charged with violating;
    - (5) The procedure to post bond; and
    - (6) Any other notice or warning otherwise required by law.

The uniform ordinance summons must be consecutively numbered. The ordinance summons shall be audited as part of the annual independent audit required in S.C. Code 1976, § 4-9-150, and a separate copy of each audit shall be furnished to the county administrator. Service of a uniform ordinance summons vests all magistrates' courts with jurisdiction to hear and dispose of the charge for which the uniform ordinance summons was issued and served.

The code enforcement officer who serves a uniform ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate. Acceptance of a uniform ordinance summons shall be deemed to constitute a person's recognizance to comply with the terms of the summons. The uniform ordinance summons may not be used to perform a custodial arrest.

Any person who fails to appear before the court as required by a uniform ordinance summons, without first having posted such bond, as may be required, or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, may be fined not more than \$200.00 or imprisoned for not more than 30 days. Any law enforcement agency processing an arrest made pursuant to this subparagraph must furnish such information to the state law enforcement division as required by S.C. Code 1976, § 23-3-10 et seq.

(Ord. No. 297, § 7, 10-1-2001)

State law reference(s)—Authority of counties to adopt by ordinance the use of an ordinance summons for enforcement of county ordinances, S.C. Code 1976, § 56-7-80.