

**COUNCIL BILL NO. 1976**

**INTRODUCED BY \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**A N O R D I N A N C E**

**OF THE CITY OF DUBOIS AMENDING CHAPTER 248 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS TO ADD A DEFINITION FOR AN AUTOMOBILE REPAIR FACILITY AND TO AMEND THE TIME AND DISTANCE REQUIREMENTS LEFT BLANK IN SECTION 248-3 ENTITLED "POSTING OF JUNKYARD LICENSES; OPERATING PROCEDURES"; SECTION 248-4 ENTITLED "STORAGE REQUIREMENTS FOR JUNK" AND SECTION 248-8 ENTITLED "FENCING AND SCREENING; MAINTENANCE".**

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the City of DuBois, in Council assembled, and it is hereby enacted and ordained by authority of the same, as follows:

**Section 1.** § 248-1 entitled "**Definitions**", subparagraph A. shall be amended to add the following definition:

AUTOMOBILE REPAIR FACILITY – A business involved in the active repair of disabled vehicles providing long-term storage of disabled motor vehicles for a period of 60 days or more causing the same to be subject to the provisions of § 248-4 of Chapter 248.

**Section 2.** Subparagraph C. of § 248-3 entitled "**Posting of junkyard licenses; operating procedures.**" shall be amended to insert the operating times left blank in the previous Ordinance as follows:

C. Junkyards and businesses licensed under this chapter may not operate on Sunday, nor between the hours of 10:00 p.m. and 7:00 a.m., except to remove any wrecked automobile from any public highway.

**Section 3.** § 248-4 entitled "**Storage requirements for junk.**" shall be amended as follows:

All junk in junkyards licensed under this chapter shall be stored as herein provided:

- A. All junk shall be set back at least 15 feet from any adjoining premises and at least 15 feet from the nearest right-of-way of any public street, road or highway.
- B. All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows with at least 15 feet between double rows; other junk shall be stored in piles or tiers, which shall be separated by aisles or cleared areas of no less than 10 feet.
- C. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than eight feet from the ground.
- D. All gasoline and oil shall be drained from junked motor vehicles within 48 hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than 100 gallons in the aggregate, in proper containers, may be stored above ground.
- E. Paper, rags, plastics and similar materials for salvage shall be stored indoors.

**Section 4.** § 248-8 entitled "**Fencing and screening; maintenance.**" shall be modified to read as follows:

Every junk dealer licensed under this chapter shall enclose and maintain his junkyard as herein provided:

- A. Every junkyard premises shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of § 248-4A, shall be at least eight feet in height and shall be of wood or wire with maximum lineal openings of four inches. Entrance gates shall be of similar material, well-constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.
- B. The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and not permitted to go to seed.
- C. All junkyard premises shall be maintained in such manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or

sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

**Section 5.** All other provisions of Chapter 248 of the Code of Ordinances entitled "Junkyards" not in conflict herewith are re-affirmed and re-ratified as if the same were set forth at length herein.

**Section 6.** All other ordinances or parts of Ordinances or Resolutions in conflict herewith be and the same are herewith repealed.

**Section 7.** The within Ordinance shall become effective upon final enactment hereof.

ATTEST:

\_\_\_\_\_  
Acting City Manager

By \_\_\_\_\_  
Edward Walsh  
Mayor and President of Council

PASSED BY COUNCIL:

\_\_\_\_\_ APPROVED: \_\_\_\_\_