



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE -- (419) 592-4010

October 3, 1979

Hogrefe Auto Parts
690 E. Riverview
Napoleon, OH 43545

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Robert G. Heft

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Lawrence Haase
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David Strobel
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City Manager
Alan E. Tandy

Law Director
Keith Muehlfeld

Dear Sirs:

With reference to the September 28 letter from Law Director, Keith Muehlfeld, you have asked several questions. An attempt to answer them follows:

1. Can you operate a used car lot on your property along 424?

A used car lot is a permitted use in the "Planned Business" zoning classification, if you obtain a Special Use Permit. The Special Use Permit would require review by the Planning Commission and approval of the City Council. It should be pointed out, that your current use of the area south of the railroad tracks for a junk yard is clearly not an allowable use.

A Special Use Permit is not likely to be granted if you plan to continue to use the area for junk vehicles. Attached is a copy of the junk yard ordinance, which defines what would be and what would not be considered junk. You should be particularly aware of the language "wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts."

2. Can "operable" trailers be stored either on the Saneholtz property or on the property south of the railroad tracks?

The "Planned Business" zoning classification does not allow storage of trailers or sale or display of that type of material. The Saneholtz property is zoned "Industrial" and it might be possible to store trailers with a Special Use Permit on that property. Currently,

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however, the material on that property would be considered as junk under our ordinance and it is therefore not allowable.

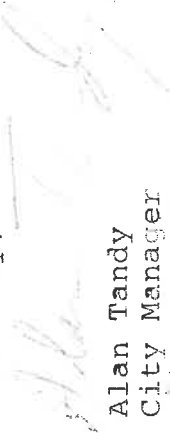
3. Can a crossover be placed from Canal St. to Highway 424?

If a large enough culvert was included to allow for drainage it might be possible. The City Engineer would have to approve the plans for such a structure. The City has, however, no funds available to participate in the cost of that at this time.

The resolution to your problem is still to erect a security fence behind the railroad tracks and to remove the storage from the area visible from the highway. Such a fence would serve the dual purpose of providing you with security and eliminating the various legal violations which you will soon be prosecuted for.

If you have any further questions, don't hesitate to contact me.

Sincerely,



Alan Tandy
City Manager

AT:dd

Section

- 113.01 Definitions
- 113.02 Licenses
- 113.03 Screening from public view

- 113.99 Penalty

Cross-reference:

Junk or abandoned vehicles, see § 92.11

§ 113.01 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "JUNK" or "SALVAGE YARD." Includes all of the following operations:

(1) "JUNK." Old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled, or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous materials.

(2) "JUNK YARD." An establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and includes garbage dumps and sanitary landfills. For the purposes of this section, the term "JUNK YARD" shall also include scrap metal processing facilities which are located within 1000 feet of the nearest edge of the right-of-way of a highway, street, or alley.

(3) "AUTOMOBILE GRAVEYARD." Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(4) "FENCE." A barrier at least 8 feet in height, constructed of non-transparent material, and maintained so as to obscure the junk from the ordinary view of persons passing upon streets, alleys, and highways in the city.

(5) "SCRAP METAL PROCESSING FACILITY." An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes. (Ord. 1000, passed 4-15-71)

§ 113.02 LICENSES.

Any person operating a junk yard, which shall include all operations defined in § 113.01 shall obtain a license to maintain a junk yard adjacent to city streets, alleys, or highways, from the city clerk. All yards established prior to the passage of this chapter shall be issued a license upon payment of a fee of \$25 and, within one year thereafter, shall erect or have erected a suitable fence or screening as defined in § 113.03. All junk yards established after April 15, 1971 shall have such screening or fence prior to issuance of a license. (Ord. 1000, passed 4-15-71)

§ 113.03 SCREENING FROM PUBLIC VIEW.

All junk and salvage yards within 500 feet of a street or highway within the city, shall be screened from view as follows:

- (A) By an opaque fence 8 feet high constructed of standard fencing materials, the fence to be neat and maintained in a neat condition, or
- (B) By a live screening of plants, trees, and hedges 8 feet in height.
- (C) If such yard is screened by the contour of the land or by buildings, then no fencing will be necessary.
- (D) If it is not practical or economically feasible by reason of topography, as determined by the manager, to obscure the view of a junk yard established on or before April 15, 1971, from any street, alley, or highway, the manager shall require suitable plantings, or a practical and appropriate barrier not less than 6 feet nor more than 10 feet in height, to partially obscure the view of such junk yard from such streets, alleys, or highways. (Ord. 1000, passed 4-15-71)

§ 113.99 VIOLATIONS; PENALTY.

(A) Whenever a junk yard is being operated in violation of this chapter, the city attorney may apply in the name of the city to the common pleas court alleging the violation and asking for an injunction against its operation. Action under this section shall not be a bar to any other penalty.

(B) Whoever violates this chapter shall be fined not less than \$25 nor more than \$1,000 and the costs of prosecution. (Ord. 1000, passed 4-5-71)