

December 30, 1977

Mr. Robert Hogrefe
State Route 424 East
R. F. D. #1
Napoleon, Ohio 43545

Dear Mr. Hogrefe:

In April, 1971, City Council passed an Ordinance to license and control the operation of junkyards in the City of Napoleon. It part, this Ordinance provides that all salvage materials and/or junk within 500 feet of a public highway shall be screened from view by suitable fence or screening material eight feet high. If such fencing or screening is not feasible, other appropriate barriers may be used to obscure the view of junk from public highways.

I am informed that sometime late in 1972 or early 1973, the City requested that your father, then the operator, comply with this Ordinance and that in response to this request your father sent a letter to the City, dated February 14, 1973, wherein he outlined a proposal of what he intended to do in order to comply with the Ordinance. This proposal of his was accepted by the City as satisfactory compliance.

I am now informed that recently some salvage material and/or junk at your junkyard is clearly visible from the highway creating a considerable eyesore. Such a condition is not in keeping with Item 4 of

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your father's proposal where he stated: "I will keep all salvage materials and/or junk behind the fence or buildings which are described above."

The City Manager informs me that you have been notified of this condition, but that you have made no effort to comply with Item 4 of your father's proposal. The purpose of this letter is to simply request your compliance with the proposal made to the City in your father's letter dated February 14, 1973. Unless something is done to correct this condition within thirty days of the date of this letter, the City is prepared to take whatever legal action is necessary to obtain compliance.

Very truly yours,

LAW DIRECTOR

KPM:cas

Received 2-14-73
11:30 AM

February 14, 1973

City Council
City of Napoleon
Napoleon, Ohio 43545

Gentlemen:

In answer to the request for compliance with the ordinance relating to fencing in the salvage yard within the City of Napoleon, Ohio, this is to inform Council I have started to arrange fencing and cleaning of the frontage but because of the volume of work and weather, I request that Council give me sufficient time to comply with the ordinance.

I propose to do the following as shown partially on the attached map.

1. I will line up trailers with sides in good condition just to the west of my house which is labeled "a", in a square and there will be a skirt around the bottom of the trailers.
2. I will then connect building "c" and "d" with gates or fences which will be of a material which cannot be seen through.
3. I will construct a fence according to the ordinance around the yard as shown by the dotted line.
4. I will keep all salvage materials and/or junk behind the fence or buildings which are described above.

I want an extension of time to accomplish these purposes until the next license time.

The land to the east of the old brick house does not belong to me so the fence will not extend any further than my property line.


Henry Hogrefe

ORDINANCE NO. 1000

AN ORDINANCE TO LICENSE AND CONTROL
THE OPERATION OF JUNKYARDS

BE IT ORDAINED by the Council of the City of Napoleon, Ohio:

SECTION 1. From and after the date of this ordinance, any person operating a junk yard which shall include all operations defined in Section 2, shall obtain a license from the Clerk of the City of Napoleon, Ohio, to maintain a junk yard adjacent to city streets, alleys or highways, all yards established prior to the passage of this ordinance shall be issued a license upon payment of a fee of \$25.00 and within one year thereafter shall erect or have erected a suitable fence or screening as defined in Section 3. All junk yards established after the date of this ordinance shall have such screening or fence prior to issuance of a license.

SECTION 2. From and after the date of this ordinance, all junk, salvage yards as hereinbefore defined within 500 feet of a street or highway within the city of Napoleon, Ohio, shall be screened from view as follows:

- a. By an opaque fence 8 feet high constructed of standard fencing materials, such 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 the date of passage of this ordinance, from any street, alley or highway; the manager shall require suitable plantings, or a practical and appropriate barrier not less than six feet nor more than ten feet in height, to partially obscure the view of such junk yard from such streets, alleys or highways.

SECTION 3. A junk or salvage yard is herewith defined as follows and includes all of the following operations:

- a. "Junk" means 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.
- b. "Junk yard" means 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 one thousand feet of the nearest edge of the right of way of a highway, street or alley.
- c. "Automobile graveyard" means 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.
- d. "Fence" means a barrier at least eight 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 of Napoleon, Ohio.
- e. "Scrap metal processing facility" means 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.

Inspection

Whenever a junk yard is being operated in violation of this

ordinance, 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.

Penalty

Whoever violates this ordinance shall be fined not less than \$25.00 nor more than \$1,000.00 and the costs of prosecution.

SECTION 4. This ordinance shall take effect at the earliest period allowed by law.

PASSED April 5th, 1971

CITY OF NAPOLCOM

Thomas J. Murphy
Mayor

ATTEST: *Rose W. Schwenk*
Clerk-Treasurer
City of Napolcom

