

ORDINANCE NO. 3

AN ORDINANCE REGULATING THE PARKING AND STORING OF JUNK CARS WITHIN THE TOWN OF EUREKA AND REGULATING THE ESTABLISHMENT AND MAINTENANCE OF AUTOMOBILE GRAVEYARDS WITHIN SAID TOWN

The Town Board of the Town of Eureka does hereby ordain:

Section 1 - DEFINITIONS

- 1.1 Junk car means any motor vehicle which for a period of 45 days or more is not in operable condition or is partially dismantled, or which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling, or salvage of any kind or which for a period of 30 days or more is not properly licensed for operation within the State of Minnesota, except seasonal service vehicles, where license is required for part of year only.

- 1.2 Automobile Graveyard is any site, lot, field or tract of land upon which five or more junk cars are kept, and shall include any building, structure or enclosure used or tended for use as part of the equipment of such automobile graveyard.

Section 2 - PERMIT REQUIRED

- 2.1 No person, firm, or corporation shall erect, establish, or maintain an automobile graveyard within the limits of the Town of Eureka, Dakota County, Minnesota without first obtaining a permit from the Town Board or its authorized representative.

- 2.2 Before the Town Board or its representative shall issue a permit for a graveyard for cars, a public hearing shall be held and all abutting property owners shall be notified by mail by the applicant nine days prior to said public hearing. Notice of public hearing shall be published, as law requires. The applicant shall, file an affidavit of mailing with the Clerk.

Section 3 - LOCATION OF JUNK CARS

- 3.1 No person, firm or corporation shall locate junk cars within the boundaries of the Town of Eureka, except in an automobile graveyard for which a permit has been granted under the provisions of this Ordinance.

Section 4 - APPLICATIONS

- 4.1 No permit for an automobile graveyard shall be issued by the Town Board unless and until the person requesting same shall first make application to the Town Clerk and shall submit therewith all information and data hereinafter specified. The application shall be in writing, signed by the applicant and shall include the following:
- (a) Name and address of applicant.
 - (b) Location and legal description of premises to be used for graveyard.
 - (c) Complete plan of the graveyard in conformity with Section 6 of this Ordinance.
 - (d) Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the graveyard.
 - (e) All information as the Town Board may request to enable the Board to determine if the proposed graveyard will comply with legal requirements and will insure the protection of the best interests of the Town and citizens as to Health, Welfare, and Public Safety.
- 4.2 The application, and all accompanying plans and specifications shall be filed in triplicate. The Town Board shall make such investigation of the applicant, the plans, the site, and any other related subjects as it may deem necessary and proper.

Section 5 - FEE

- 5.1 A permit fee of \$100.00 shall be paid by the applicant at the time the permit is granted and issued. A renewal fee of \$100.00 shall be paid annually.

- 5.2 A Bond of \$5,000.00 or such larger amount as the Townboard deems necessary shall be posted at the time the permit fee is paid. This Bond shall run concurrent with each permit granted in order to cover any costs to Township for clean-up, in the event of discontinuation of any graveyard operation.

Section 6 - REQUIREMENTS

- 6.1 The automobile graveyard shall conform to the following requirements:
- (a) All applicable provision of the Town of Eureka Zoning Ordinance.
 - (b) The automobile graveyard shall be a minimum of three acres.
 - (c) The site shall be well - drained and properly graded to insure good drainage of surface and storm waters, and to insure freedom from stagnant pools of water.
 - (d) Junk cars shall be kept only in enclosed buildings or in automobile graveyards which are adequately screened. Adequate screening requires a solid board fence at least six feet high surrounding the automobile graveyards. The fence shall be constructed of 3/4 No. 3 Ponderosas Lumber or its equivalent; and shall be kept painted, in good repair and well maintained.
 - (e) The applicant shall provide a "Buffer Zone" of not less than 100 feet from the center of any abutting public road and not less than 30 feet in width on all other sides; which buffer zone shall surround the perimeter of the automobile graveyard and shall be landscaped with the planting of appropriate grass and/or sod and shrubbery which shall be maintained and kept by the owners and/or operators of the said automobile graveyard in a neat and presentable appearance.
 - (f) Any additional special requirements as may be required by the Town Board to insure the protection of the best interest of the Town and the general health, welfare, and public safety.
 - (g) Prior to discontinuing a graveyard, the applicant shall remove all junk cars and parts thereof and remove all evidence of such graveyard.

Section 7 - FIRES

- 7.1 No open fires shall be permitted within the graveyard except in a designated burner, and no burning of automobiles or accessories shall be permitted without the permission of the Fire Marshall.

Section 8 - ANNUAL PERMIT

- 8.1 On or before January 10, 1967 and on or before January 10 of each year thereafter, the operator of any automobile graveyard shall obtain a permit and pay an annual license fee to the Town of Eureka.
- 8.2 All automobile graveyards established prior to the adoption of this ordinance shall be subject to the provisions thereof from and after January 1, 1967.

Section 9 - REVOCATION

- 9.1 Failure to comply with all provisions of this Ordinance or with all provisions of any special nature imposed upon automobile graveyards or by the permit issued therefore, shall constitute a violation of this Ordinance and be cause for revocation of any permit previously issued or the refusal to renew any permit.
- 9.2 Upon notification of any failure to comply with any and all regulations of this Ordinance to operator and/or owner, said operator and/or owner shall have 30 days to perform in accordance, or be in jeopardy of having permit revoked.

Section 10 - DUTIES AT TERMINATION OF PERMIT

- 10.1 At the expiration of any license period or at the termination and revocation of any permit, all junk cars, parts or other materials shall be removed and within 60 days of the termination of the license or revocation of the permit the premises shall be cleaned up and restored to good order.

Section 11 - PENALTIES

- 11.1 Any person or persons, firm, or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed \$100.00, or by imprisonment f or not to exceed ninety (90) days for each offense.

Each ten (10) days that the violation is permitted to exist shall constitute a separate offense.

Section 12 - SEVERABILITY

12.1 Every provision of this Ordinance shall be severable from every other part or provision thereof, and if one provision is held to be invalid by the court, such invalidity shall not affect any part or provision thereof.

Section 13 - EFFECTIVE DATE

13.1 This Ordinance shall take effect and force from and after its passage and publication.

Passed by the Town Board of Eureka Township, Minnesota, this 30th day of August, 1966.

BOARD OF SUPERVISORS
TOWN BOARD OF THE TOWN OF EUREKA
W. H. CURRY
MARTIN MOHN
NOEL T. HOLT

ATTEST:

S.O. STEEN
Town Clerk