

TRANSPORTATION CODE

TITLE 6. ROADWAYS

SUBTITLE H. HIGHWAY BEAUTIFICATION

CHAPTER 397. AUTOMOBILE WRECKING AND SALVAGE YARDS IN CERTAIN
COUNTIES

Sec. 397.001. APPLICABILITY OF CHAPTER. This chapter applies only to an automotive wrecking and salvage yard that:

(1) is in a county with a population of 3.3 million or more;

(2) is not located within a municipality in that county; and

(3) is established on or after September 1, 1983.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 669, Sec. 137, eff. Sept. 1, 2001.

Sec. 397.002. DEFINITIONS. In this chapter:

(1) "Automotive wrecking and salvage yard" means a lot or tract of land on which three or more abandoned, discarded, junked, wrecked, or worn-out automotive vehicles are kept for the purpose of dismantling or wrecking to extract parts, components, and accessories for use in an automotive repair or rebuilding business or for sale.

(2) "Person" means an individual, corporation, or association.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.003. FENCE REQUIRED. (a) An automotive wrecking and salvage yard shall be completely surrounded by a fence as provided by Subsection (b).

(b) A side of the yard that is generally parallel to and within 100 feet of a right-of-way of a public street shall be bounded by a fence at least eight feet in height. Other sides of the yard shall be bounded by a fence at least six feet in height.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.004. CONSTRUCTION AND MAINTENANCE OF FENCE. (a) A

fence required by Section 397.003 shall be constructed and maintained so that the outer surface is continuous and without spaces.

(b) The fence shall be constructed of wood, masonry, corrugated sheet metal, chain link, or a combination of those materials. Any one side of the fence may be constructed of only one of those materials.

(c) A chain link fence must be galvanized and have wood or metal slats or strips that run through all links of the fence. A properly constructed and maintained chain link fence with slats or strips complies with Subsection (a).

(d) The fence must extend downward to within three inches of the ground and must test plumb and square at all times.

(e) The fence shall be constructed in compliance with all applicable provisions of the building code of a municipality in which the fence is constructed.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.005. WALL OR DOOR AS PART OF FENCE. A fence required by Section 397.003 may consist in whole or in part of a wall and door of a completely enclosed building on the premises if the wall or door is constructed and maintained as required by this chapter for a fence.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.006. GATE REQUIRED. (a) Each opening in a fence that is necessary to permit reasonable access to an automotive wrecking and salvage yard shall be equipped with a gate. The gate shall be constructed and maintained in accordance with the requirements of this chapter for a fence.

(b) A gate shall be closed and securely locked at all times except during normal daytime business hours.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.007. DISPLAY OR WORK OUTSIDE FENCE PROHIBITED. An owner or operator of an automotive wrecking and salvage yard or that person's agent or employee may not display, store, or work on a

junked or wrecked automotive vehicle or a part, accessory, or junk from the vehicle outside or above the fence required by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.008. ACCESS FOR OFFICIALS. All automotive vehicles, parts, and other materials located on an automotive wrecking and salvage yard shall be arranged to allow reasonable access to and inspection of the yard by an authorized fire, health, police, or building official.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.009. REMOVAL OF GASOLINE. Gasoline in a fuel tank of a junked, wrecked, or abandoned automotive vehicle shall be completely removed before the vehicle is placed on an automotive wrecking and salvage yard.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.010. DRAINAGE. Each portion of a lot or tract used in the operation of an automotive wrecking and salvage yard must have appropriate drainage.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.011. LOCATION OF YARD. (a) Except as otherwise provided by this subsection and Subsection (b), an automotive wrecking and salvage yard may not be established within 600 feet of an existing church, school, or residence. A yard may be established within 600 feet of a residence if the same person owns the residence and the yard.

(b) An automotive wrecking and salvage yard that is established on or after September 1, 1983, and before September 1, 2013, may not be established within 300 feet of an existing church, school, or residence except that a yard may be established within 300 feet of a residence if the same person owns the residence and the yard.

(c) Distance is measured under this section beginning at the wall of the church, school, or residence that is closest to the yard

and ending at the fence required by this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 232 (H.B. 248), Sec. 1, eff. September 1, 2013.

Sec. 397.012. PENALTY. (a) A person commits an offense if the person operates an automotive wrecking and salvage yard in violation of this chapter.

(b) An offense under this section is a Class C misdemeanor.

(c) Each day a violation continues is a separate offense.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.0125. CIVIL PENALTY. (a) In addition to the penalty provided by Section 397.012, a person who operates an automotive wrecking and salvage yard in violation of this chapter is liable for a civil penalty of not less than \$500 or more than \$1,000 for each violation. A separate penalty may be imposed for each day a continuing violation occurs.

(b) The district or county attorney for the county, or the municipal attorney of the municipality, in which the violation is alleged to have occurred may bring suit to collect the penalty.

(c) A penalty collected under this section by a district or county attorney shall be deposited in the county treasury. A penalty collected under this section by a municipal attorney shall be deposited in the municipal treasury.

Added by Acts 2009, 81st Leg., R.S., Ch. 562 (S.B. 1992), Sec. 1, eff. September 1, 2009.

Sec. 397.013. REVOCATION OF LICENSE. The appropriate municipal authority may revoke or refuse to issue or renew a person's municipal license to operate an automotive wrecking and salvage yard if the authority finds the person violated a provision of this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 397.014. INJUNCTION. (a) A person, county, or

municipality is entitled to an injunction to prohibit a violation or threatened violation of this chapter.

(b) The venue for the injunction proceeding is in the county to which this chapter applies in which any part of the automotive wrecking and salvage yard is located.

Added by Acts 2005, 79th Leg., Ch. 13 (S.B. 280), Sec. 2, eff. May 3, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 562 (S.B. 1992), Sec. 2, eff. September 1, 2009.