

1 HB619
2 118358-2
3 By Representatives Boyd, Wood, Brown and Hurst
4 RFD: County and Municipal Government
5 First Read: 23-FEB-10

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8 SYNOPSIS: Under existing law, a municipality may
9 license junkyards that are not regulated by the
10 state within its police jurisdiction to the same
11 extent as within its corporate limits.

12 This bill would require a municipality to
13 conduct a public forum and adopt a resolution
14 before licensing a junkyard in the police
15 jurisdiction and would require approval by the
16 county and the municipality.

17 The county would regulate any junkyard
18 licensed in the police jurisdiction of the
19 municipality after licensure.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT
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25 To amend Section 11-80-10 of the Code of Alabama
26 1975, relating to the licensing and regulation of junkyards by
27 counties and municipalities outside of the corporate limits of

1 municipalities; to require a public forum and joint resolution
2 before licensing a junkyard in the police jurisdiction of a
3 municipality; and to provide for a county to regulate
4 junkyards in the police jurisdiction of the municipality after
5 licensure.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 11-80-10 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§11-80-10.

10 "(a) As used in this section, the following words
11 and phrases shall have the following meanings unless the
12 context clearly indicates otherwise:

13 "(1) JUNKYARD. An establishment or place of business
14 which is maintained, operated, or used for storing, keeping,
15 buying, or selling old or scrap copper, brass, rope, rags,
16 batteries, paper trash, rubber debris, waste or junked,
17 dismantled or wrecked automobiles, or parts thereof, iron,
18 steel, and other old or scrap ferrous or nonferrous material
19 or for the maintenance or operation of an automobile
20 graveyard.

21 "(2) SCRAP PROCESSOR. Any person who is engaged,
22 from a fixed location or otherwise, in the business of paying
23 compensation for ferrous or nonferrous metals that have served
24 their original economic purpose, who is engaged in the
25 business of performing the manufacturing process by which
26 ferrous metals or nonferrous metals, or other recyclable
27 materials, are converted into raw material products consisting

1 of prepared grades and having an existing or potential
2 economic value.

3 "(b) Any Following a public forum and the adoption
4 of a joint, unanimous resolution by the county commission and
5 the municipality, any incorporated municipality may license a
6 junkyard located within its police jurisdiction to the same
7 extent as if the junkyard was located within its corporate
8 limits ~~and any. Thereafter, the county, by the adoption of a~~
9 resolution of the commission, shall enforce the licensing
10 criteria in the police jurisdiction of the municipality. Any
11 county may license junkyards located outside the police
12 jurisdiction of any municipality in the county to the same
13 extent.

14 "(c) Any incorporated municipality and any county
15 shall have the authority, by adoption of local ordinance or
16 regulation, to establish criteria to issue or revoke licenses
17 as provided herein.

18 "(d) Nothing in this section shall be deemed to
19 supersede or alter the authority of the State of Alabama, and
20 any of its agencies and departments, to regulate junkyards or
21 issue permits relating to junkyards."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.