

RESOLUTION NO. 1088

A RESOLUTION ESTABLISHING A LIMITED AND TEMPORARY MORATORIUM
UPON SALVAGE YARDS

SECTION 1-1 PURPOSE AND INTENT.

The provisions of this regulation is to insure that public health will be protected and the contamination and pollution of the water resources in the unincorporated area of Atchison County will be prevented.

SECTION 1-2 AREA OF APPLICABILITY.

This regulation shall apply to all unincorporated land located in Atchison County.

SECTION 1-3 TERM.

This regulation shall impose a limited and temporary moratorium upon salvage yards to be established and/or to begin operation until the adoption of a Sanitary Code Resolution but in no event later than October 1, 1991 whichever occurs first.

SECTION 1-4. DEFINITIONS.

The words, terms, and phrases listed below, for the purposes of this regulation are defined as follows:

SECTION 1-4.1. SALVAGE YARD.

Shall mean an establishment which is maintained, operated, or used for:

- A. Storage and/or resale of used merchandise; or
- B. The disassembly of wrecked or used automobiles for the reuse and/or sale of automobile parts; or
- C. The storage and/or sale of various kinds of metal and/or used building materials; or
- D. Storage and/or collection of waste tires by persons other than those engaged in retail sale of new tires.

SECTION 1-4.2 TIRE.

Tire means a continuous or solid pneumatic rubber covering encircling the wheel of a vehicle.

SECTION 1-4.3 WASTE TIRE

Waste tire means a whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

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SECTION 1-3 TERM.

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SECTION 1-4.2 TIRE.

Tire means a continuous or solid pneumatic rubber covering encircling the wheel of a vehicle.

SECTION 1-4.3 VEHICLE.

Vehicle means a machine propelled by power other than human power that is designed to travel along the ground by use of wheels, tracks, or sleds, or other devices, and that transport persons or property or pulls machinery and shall include without limitation an automobile, truck, trailer, mobile home, motorcycle, tractor, buggy or wagon.

SECTION 1-4.4 PERSON.

Shall mean any person, firm, partnership, association, corporation, company, agency of Atchison County or Boards of Education, club, group or organization of any kind.

SECTION 1-5.1 SALVAGE YARD.

It shall be unlawful for any person to begin operation and/or establish a salvage yard during the moratorium without first obtaining a permit therefor from the Atchison County Health Department. Any person desiring a permit required by this Section shall make application therefor to the Atchison County Health Department giving such information as required by such form.

SECTION 1-5.2 PERMIT ISSUANCE.

The Atchison County Health Department shall issue the permit only after the health department determines that the site for said salvage yard will not unduly interfere with the public health and will not contaminate or pollute the water resources of the county.

SECTION 1.6 PENALTIES

It shall be unlawful for any person to violate any of the sections or provisions of this Resolution; and any such violation shall be deemed to be a misdemeanor and punishable by a fine not to exceed two hundred dollars (\$200.00) for each offense, and each day's violation shall constitute a separate offense.

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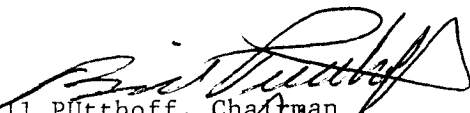
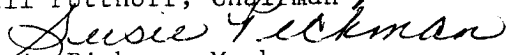
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Passed this 5th day of June, 1991

Atchison County Commission
Atchison, Kansas


Bill Putthoff, Chairman

Susie Pickman, Member

Connie Wilson, Member

Attest: 
Pauline M. Lee, County Clerk