COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the County Executive

AN ACT to repeal the County law regarding licensing of junk dealers and junkyards.

By repealing
Montgomery County Code
Chapter 28, Junk Dealers and Junkyards

The County Council for Montgomery County, Maryland, approves the following Act:
Sec. 1. Chapter 28 is repealed as follows:

[28-1. Definitions.]

For the purposes of this chapter, the following words and terms shall have
the meanings respectively ascribed to them in this section:

Junk dealer. Any person who collects, dismantles, stores, buys or otherwise
handles old paper, rags or other combustible materials, glass, old metal, old
machinery or old motor vehicles for the purpose of salvage or sale; provided, that
the term "junk dealer" shall not apply to any person who collects or stores such
material solely for use in connection with manufacturing processes conducted by
such person.

Junkyard. Each place of business where at such activities are conducted.]

[28-2. Licenses.]

No junk dealer may operate within the County without a license from the
Department of Environmental Protection. Such licenses are issued annually and
expire on the July 30 following their issuance. The annual license fee for each
license is $100.00, and a separate license is required for each junkyard operated by
a junk dealer.]

[28-3. Yard enclosures generally.]

Every junkyard now in existence or hereafter established within the
metropolitan district of the county shall be screened by a substantial enclosure not
less than six (6) feet in height, constructed of wood, cinder block, brick or a
combination thereof. Such enclosure shall at all times be painted or otherwise
maintained in a good, clean condition and be kept free from signs, posters, bills and
all other advertising matter except advertising matter indicating the name of the
junkyard. All junkyards now in existence or hereafter established outside of the
26 metropolitan district of the county shall be enclosed as provided above or by a six-
27 foot woven wire fence.]
28 [28-4. Junk not to be piled higher than fence, etc.
29 No junk dealer shall permit any junk to be piled within his junkyard higher
30 than the top of the fence or enclosure surrounding the same, and no junk or
31 materials of any kind shall be kept outside the fence or enclosure.]
32 [28-5. Gates and driveways.
33 All means of ingress and egress to and from junkyards through the fence or
34 enclosure required by this chapter shall have suitable gates or doors thereon which
35 shall be closed at all times except during normal business hours. All driveways
36 leading from the right-of-way line to the fence or enclosure shall be constructed of
37 hard surface and properly graded and drained.]
38 [28-6. Burning tires, etc., prohibited.
39 No junk dealer shall permit or cause any burning of tires, batteries or other
40 substances on his premises which cause obnoxious odors or excessive smoke.]
41 [28-7. Drainage requirements.
42 All junkyards shall be constructed, graded and drained so as to prevent the
43 accumulation of water standing in puddles, depressions or ditches.]
44 [28-8. Rodent and mosquito control.
45 The Director of the Department of Environmental Protection has the
46 authority, under applicable laws and regulations, to require junk dealers to take
47 preventive measures against rodents and mosquitoes.]
48 [28-9. Inspection of premises by police, fire marshal, etc.
49 All junk dealers must permit police officers, the Fire Marshal and employees
50 of the Department of Environmental Protection and the Department of Health and
51 Human Services to inspect and examine their premises and stored materials at any
materials at any reasonable time for the purpose of enforcing the provisions of this
Chapter. The Department of Environmental Protection must inspect all junkyards at
least once a year.]

[28-10. Violations and penalty.

Any violation of any provisions of this chapter shall be punished as a class B
violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a
violation continues to exist shall constitute a separate offense. In addition to the
penalties prescribed by this section, the director of the department of environmental
protection shall have the authority to revoke or suspend the license of any junk
dealer violating any of the provisions of this chapter.]

Approved:

Thomas E. Perez, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action

Linda M. Lauer, Clerk of the Council