

PART II - CODE
Chapter 16 - LICENSES AND BUSINESS REGULATIONS
ARTICLE VII. - USED AUTOMOTIVE PARTS RECYCLERS AND METAL RECYCLING ENTITIES
DIVISION 1. USED AUTOMOTIVE PARTS RECYCLERS

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Sec. 16-186. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Metal Shredder Residue (MSR), also known as *Shredder Residue (SR)*, is the material leftover after shredding metal for recycling and magnetic separation (this primarily contains recoverable metals like aluminum, copper, stainless steel and wire) has occurred.

Best management practices means a technique or series of structural and non-structural techniques which, when used in a storm water pollution prevention plan, as required by federal law, is proven to be effective in controlling industrial related runoff.

Chief of police means the chief of police for the city and such persons as he may designate to perform his duties under this article.

City means the City of San Antonio, Bexar County, Texas.

Department means the department of development services.

Director means the director of the development services department.

Fluff means the non-metallic materials remaining after metals have been shredded and the metal and other reusable components have been separated.

Hazardous material means any ~~hazardous or toxic~~ substance, material, chemical, or by-product that poses a substantial present or potential risk or hazard or is capable of causing harm to human health, life, property, or the environment, including chemicals or substances that pose physical and/or health hazards (such as flammability/ignitability, reactivity, toxicity and/or corrosiveness), regardless of whether such material is handled and/or stored for use as waste, such as, but not limited to: or waste which is or becomes regulated by any governmental authority of the state or the United States government, including without limitation, any material or substance which:

- (1) ~~Is defined or listed as a "hazardous material," "toxic pollutant," "hazardous waste," "hazardous substance," or "hazardous pollutant" under applicable federal, state, or local law or administrative code promulgated thereunder; —~~Flammable solids, liquids and/or gases (e.g. Propane, gasoline-contaminated scrap metal); or
- (2) ~~Contains hydrocarbons of any kind, nature or description, including, but not limited to, gasoline, oil, and similar petroleum products, other than reclaimed asphalt pavement; Explosives, unstable reactive solids, liquids, and/or gases (e.g. out-of-date or degraded chemical containers, damaged fuel cells); or~~
- (3) ~~Contains asbestos;~~ Toxic materials (e.g. lead-based paints or lead-acid batteries, coolant-containing ethylene glycol); or

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- (4) ~~Contains polychlorinated biphenyls ("PCBs"); or~~ Corrosive materials (e.g. Acidic cleaning agents, sulfuric acid from vehicle batteries).

~~(5) Contains radioactive materials.~~

Metal recycling entity means a business that is operated from a fixed location and is predominately engaged in the following and excludes used automotive parts recycling businesses.

- (1) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;
- (2) The use of raw material products described under subsection (1) in the manufacture of producer or consumer goods; or
- (3) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by subsection (1) or (2).

Motor vehicle means: ~~any motor driven or propelled vehicle required to be registered under the laws of this state; a trailer or semitrailer, other than manufactured housing, that has a gross weight that exceeds four thousand (4,000) pounds; a house trailer; an all-terrain vehicle, as defined by V.T.C.A., Transportation Code § 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course. Any metals comprising a motor vehicle are not regulated materials as defined in this article.~~

- (1) any motor driven or propelled vehicle required to be registered under the laws of this state;
- (2) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
- (3) a travel trailer;
- (4) an all-terrain vehicle or a recreational off-highway vehicle, as defined by Transportation Code, §502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
- (5) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state.

Refer to State of Texas Administrative Code Title 16, Part 4, Chapter 87-10 Definitions

Non-repairable motor vehicle means ~~a motor vehicle that:~~

- ~~(1) Is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal, or~~

~~(2) Comes into this state under a title or other ownership document that indicates that the vehicle is non-repairable, junked, or for parts or dismantling only.~~

(1) that is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal;

(2) that comes into this state under a comparable ownership document that indicates that the vehicle is nonrepairable;

(3) that a salvage vehicle dealer has reported to the Texas Department of Motor Vehicles under Transportation Code §501.1003;

(4) for which an owner has surrendered evidence of ownership for the purpose of dismantling, scrapping, or destroying the motor vehicle; or

(5) that is sold for export only under Transportation Code §501.099.

Refer to State of Texas Administrative Code Title 16, Part 4, Chapter 87-10 Definitions

Normal allocation means all the parts of a motor vehicle constituting its ordinary assemblage.

Person means an individual, corporation, partnership or any other group acting as a unit.

Regulated material means: ~~aluminum material, bronze material, copper or brass material, or regulated metal.~~

(1) aluminum material;

(2) bronze material;

(3) copper or brass material;

(4) lead material; or

(5) regulated metal.

Refer to State of Texas Occupation Code Title 12 1956

Regulated metal means: ~~manhole covers; guardrails; metal cylinders designed to contain compressed air, oxygen, gases or liquids; beer kegs made from metal other than aluminum; historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum; unused rebar; street signs; drain gates; safes; communication, transmission, and service wire or cable; condensing or evaporator coils for central heating or air conditioning units; utility structures, including the fixtures and hardware; aluminum or stainless steel containers designed to hold propane for fueling forklifts; metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; catalytic converters not attached to a vehicle; fire hydrants; metal bleachers or other seating facilities used in recreational areas or sporting arenas; any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad; insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation; backflow valves; and metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.~~

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- (1) manhole covers;
 - (2) guardrails;
 - (3) metal cylinders designed to contain compressed air, oxygen, gases or liquids;
 - (4) malt beverage kegs made from metal other than aluminum;
 - (5) historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum;
 - (6) unused rebar;
 - (7) street signs;
 - (8) drain gates;
 - (9) safes;
 - (10) communication, transmission, and service wire or cable;
 - (11) condensing or evaporator coils for central heating or air conditioning units;
 - (12) utility structures, including the fixtures and hardware;
 - (13) aluminum or stainless steel containers designed to hold propane for fueling forklifts;
 - (14) metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; (O) catalytic converters not attached to a vehicle;
 - (15) fire hydrants;
 - (16) metal bleachers or other seating facilities used in recreational areas or sporting arenas;
 - (17) any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad;
 - (18) insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation;
 - (19) backflow valves;
 - (20) metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals
 - (21) commercial grade lead batteries or lead-acid batteries

Refer to State of Texas Occupation Code Title 12 1956

Salvage motor vehicle means:

- (1) A motor vehicle that:
 - a. Has damage to or is missing a major component part to the extent that the cost of repairs, including parts and labor other than the cost of materials and labor for repainting the motor vehicle and excluding sales tax on the total cost of repairs,

exceeds the actual cash value of the motor vehicle immediately before the damage,
or

- b. Is damaged and that comes into this state under an out-of-state salvage motor vehicle certificate of title or similar out-of-state ownership document that states on its face "accident damage," "flood damage," "inoperable," "rebuildable," "salvageable," or similar notion; and
- (2) Does not include:
- a. A non-repairable motor vehicle;
 - b. An out-of-state motor vehicle with a "rebuilt," "prior salvage," "salvaged," or similar notation; or
 - c. A motor vehicle for which an insurance company has paid a claim for:
 - 1. The cost of repairing hail damage, or
 - 2. Theft, unless the motor vehicle was damaged during the theft and before recovery to the extent described by subparagraph (1)a.

Used automotive parts recycler means a person licensed under this division to operate a used automotive parts recycling business.

Used automotive parts recycling means the dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or nonrepairable motor vehicles, including the resale of those vehicles.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-187. Zoning requirement.

- (a) ~~Proper~~ Appropriate zoning or legal, nonconforming use registration is required for the establishment or expansion of a use as required by Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, including Article III: Zoning and Article IV: Procedures.

(1) Used auto parts recycling businesses are allowed to expand within the boundaries of the parcel on which the use is lawfully located. This expansion allows for major repairs, additions, and new buildings, provided all appropriate permits are obtained. Expansion is not permitted onto adjacent parcels, even if they are under common ownership, without zoning approval from city council.

(2) Any owner or operator found to have illegally expanded will be subject to enforcement action and may have their registration of nonconforming rights terminated in accordance with Sec. 35-706(a).

- (b) In granting any required specific use authorization, the city council may impose conditions that the applicant must comply with prior to issuance of a license and a certificate of occupancy by the director of development services for the use of land or buildings on the property pursuant to the approval. City council imposed conditions shall not be construed as

conditions precedent to the granting of specific use authorization. ~~But~~ City Council imposed conditions shall be construed as conditions precedent to the granting of a license and certificate of occupancy.

(1) No new used auto parts recycling business shall be permitted within one thousand (1,000) feet of an existing metal recycling entity or used auto parts recycling business unless an "S" Specific Use Authorization is granted by City Council, in accordance with Section 35-423. The method of measurement shall be measured from property line to property line.

~~(e) It is unlawful to own or operate a used automotive parts recycling business without the appropriate zoning classification.~~

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-188. License required.

- (a) A person shall not own or operate a used automotive parts recycling business within the city without a valid city issued used automotive parts recycler license.
- (b) A person owning or operating a used automotive parts recycling business shall not accept regulated material, as defined above, outside a motor vehicle's normal allocation, without a city issued metal recycling entity license.

(c) The Director may revoke the certificate of occupancy pursuant to Chapter 10 of the city code for operating without a license.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-189. Application for license.

- (a) All applications for licenses to operate a used automotive parts recycling business must be made in writing to the director on a form prescribed by the director and shall, among other things, contain:
 - (1) The name, residence, and business address of the applicant (this information shall be listed for each member of the partnership ~~and~~ or an authorized representative ~~for each officer~~ of a corporation);
 - (2) The name and nature of the proposed operation; and
 - (3) The present zoning, address, and legal description of the premises for which application is being applied.
- (b) All applications must contain the following statement:

"The license applied for shall be subject to all provisions of the codes and ordinances of the city relating to used automotive parts recycling as well as all state and federal regulations relating to such operations."

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- (c) All applications must be signed and sworn to by the party applying for the license (by a general partner of a partnership and by an officer of a corporation) before a notary public or other official authorized to administer oaths.
- (d) The application must include:
- (1) A copy of the ~~national~~ [State of Texas](#) pollutant discharge elimination system discharge permit or notice of coverage for that location if required;
 - (2) A copy of the approved Texas Commission on Environmental Quality (TCEQ) storm water multi-sector permit for that location;
 - (3) A San Antonio Water System (SAWS) letter of compliance regarding compliance with the Texas Pollutant Discharge Elimination System for that location dated within the last ~~fifteen (15)~~ [eighteen \(18\)](#) months; and
 - (4) A copy of the State of Texas registration as a used automotive parts recycler.
- (e) The director may require code enforcement officers to physically ascertain that supportive documents of all permits are kept on file at the used automotive parts recycling business. In such cases, the application shall not be approved until the officers have ascertained the documents' existence and validity. Enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies.
- (Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-189.01 Fire prevention plan.

All used automotive parts recycling businesses shall prepare a fire prevention plan to obtain a business license. This shall be submitted to the Development Services Department to be approved by the San Antonio Fire Department. As each facility may address fire prevention differently, only the following minimum standards must be addressed:

- (1) fire department access;
- (2) egress;
- (3) water systems;
- (4) fire notification system

In the event of a fire at a licensed MRE site where emergency services respond to a working fire, the current fire prevention plan shall be reviewed, updated and submitted to the director by an approved third party, when required by the fire official.

Sec. 16-190. License fees.

The annual used automotive parts recycler license fee is five hundred seventy-five dollars (\$575.00) paid to the city with the license application. The fee will be refunded in the event the license is refused. The license shall cover the period from the first day of January through the last day of December of each year. Only the first year's license may be prorated for each month or

fraction thereof. The fee for issuing a duplicate license for one that is lost, destroyed or mutilated shall be ten dollars (\$10.00).

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-191. Issuance, renewal or denial of licenses.

- (a) Annual licenses shall be issued by the director upon receipt of the prescribed fee and the completed application, or a thirty (30) day temporary license (at the discretion of the Director) to be finalized, provided that:
- (1) The applicant, including partners or officers in the case of a partnership or a corporation, has not been convicted or found liable within the previous five (5) years of ~~two (2)~~ three (3) or more ~~violations~~ convictions or findings of liability of this division; ~~and~~
 - (2) Upon receipt of (3) three or more convictions or findings of liability, the director shall require a meeting with the owner about whether the use of the MRE has become a nuisance. Refusal by an owner to attend this meeting shall result in license denial.
 - (3) After inspection, the premises are in compliance with this division and other applicable city ordinances and codes.
- (b) In the event a license is denied, the applicant may appeal this decision to the city council.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-192. Revocation of licenses.

- (a) The director may temporarily suspend business operations or revoke a license if the license holder has accrued ~~two (2) convictions~~ three (3) or more citations accepted by the municipal court over three (3) separate occasions at a permitted property over a rolling twelve (12) month period, whether the citations are issued to the owner or owner's representative. ~~for violating this division within a 12-month period, or three (3) convictions within an 18-month period.~~
- (b) Failure to correct multiple issues identified in a monthly inspection report under the following provisions is grounds for the director to revoke the metal recycling entity's license: Sections 16-210.2, Fencing; 16-210.3, Manner of storage; waste containment; weed and brush maintenance; fire safety path; 16-210.4, Motor vehicle crushing equipment or industrial devices; 16-210.6, Rodent and vector control; Sec. 10-12 Certificate of Occupancy; Sec. 35-709 Expansion of Nonconforming Use.
- Exception: Subsection 16-210.3(f).
- (c) Section 16-210.13, Stock to be open for examination, requires that the stock or inventory of any metal recycling entity shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with section 16-210.13 is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.

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- (d) Section 16-210.15, Acceptance of property suspected stolen; peace officer requested holds; violation, provides that a failure to comply is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity. Section 16-210.15 applies solely to division 2.
 - (e) Revocation by the director, if such should occur, may take place only after opportunity is afforded the dealer to confer with the director.
 - (1) The business shall temporarily cease operations until such time as a meeting with the director is held and final determination is reached. The director shall meet within three (3) business days of the owner's request for a meeting.
 - (f) In the event a license is revoked, the license holder may appeal this decision to the city council.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-193. Appeal process for license denial or revocation.

(a) *License denial.*

- (1) The director shall issue the applicant a written notice of a used automotive parts recycler license application denial by certified mail, return receipt requested. The denial notice shall inform the applicant of the right of appeal and of the time limit for the written notice of appeal.
- (2) The applicant shall have the right of an appeal to the city council if requested in writing and delivered to the ~~city clerk~~ director within thirty (30) days after the applicant's receipt of the director's written notice of dealer's license denial. If currently licensed, an appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by city council, any stay of proceedings is lifted.
- (3) The city council may uphold, reverse, or modify the director's decision or action. Failure to appeal to the city council within the prescribed period shall render the director's decision or action final.

(b) *License revocation.*

- (1) The director shall issue the used automotive parts recycler written notice of license revocation by certified mail, return receipt requested. The license revocation notice shall inform the used automotive parts recycler of the right of appeal and of the time limitation for the written notice of appeal.
- (2) The used automotive parts recycler has the right of an appeal to the city council if requested in writing and delivered to the ~~city clerk~~ director within thirty (30) days after the receipt of the director's written notice of used automotive parts recycler's license revocation. An appeal from the order of the director shall stay all proceedings unless the

director certifies, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by city council, any stay of proceedings is lifted.

- (3) The city council may uphold, reverse, or modify the director's decision or action. Failure to file an appeal to the city council within the prescribed period shall render the director's decision or action final. Revocation of a license may not exceed one (1) year.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-194. Variances.

The board of adjustment is authorized to grant, pursuant to the procedures set forth in Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, a variance from the provisions of sections 16-195 and 16-196, but only due to unique circumstances on the premises or adjacent thereto (such as topography), not created by the used automotive parts recycler and not merely financial, and which are not a part of general conditions in the area. The board of adjustment, however, may not grant variances to subsection 16-196(g) nor to conditions imposed by city council, nor to requirements set by state or federal regulations.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-195. Fencing.

- (a) All used automotive parts recycling businesses must be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence ~~constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the metal recycling entity to an adjacent property. The wall or screen fence must be constructed with appropriate screen drains so as not to inhibit necessary water drainage.~~ to include the following:
- (1) Constructed as an adequate barrier to limit the migration of rodents and other vectors from the used automotive parts recycling businesses to an adjacent property.
 - (2) The wall or screen fence must be constructed with appropriate screen drains so as not to inhibit necessary water drainage.
 - (3) Existing, licensed businesses under the December 13, 2012, ordinance may install and/or maintain corrugated or similar metal fencing material.
 - (4) Entry and exit gates are not required to be screened.
- (b) All walls or screen fences shall be maintained in a neat, solid, and safe condition. No wall or screen fence shall be kept in a listing, damaged, or decaying condition.
- (1) Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees must be repaired.
 - (2) Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or metal panel, including caps, or similar materials shall be repaired or replaced.

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- (bc) The wall or screen fence must be constructed such that the interior of the metal recycling entity is not visible from the exterior. Buildings, salvage or non-repairable oversized vehicles as defined in Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, and any piles of crushed vehicles or salvage materials in compliance with the International Fire Code, as amended by the city, are excluded from this requirement. The wall or screen fence for metal recycling entities located within one hundred (100) feet of a property with a residence thereon must be constructed or modified so that it is eight (8) feet in height. The wall or screen fence for all other existing metal recycling entities must be six (6) feet in height. All metal recycling entities established after the effective date of this ordinance change are required to maintain fences at least eight (8) feet in height. All solid screen fences allowed to be constructed in excess of eight (8) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.
- (1) All new fences shall be constructed of wood; stone; rock; concrete block; pre-cast concrete panels; masonry brick; brick; or commercially available metal panel (capped and painted to reduce reflectivity and/or heat from the exterior only), or other material(s) which are similar in durability.
- (A) Barbed wire, razor wire, and all other similar materials are regulated pursuant to Sec. 35-514(a)(6)(C).
- (ed) Those sections of a used auto parts recycling business ~~metal recycling entity~~ which are contiguous with another UAPR ~~metal recycling entity~~ or ~~any I-2 zoning district~~ other metal recycling entity (MRE) are exempt from subsection ~~(b)~~ (a), if those sections otherwise have an adequate barrier as required by subsection (a), to inhibit the migration of rodents and other vectors between the metal recycling entities or ~~other contiguous I-2 zoning districts~~ used auto parts recyclers.
- ~~(d) Any section of wall or screen fence located within one hundred (100) feet of a property with a residence thereon measured from property line to property line shall be constructed or modified so that it extends at least three (3) inches into the ground or base surface (impervious cover). Building up the surrounding ground to cover at least the lower three (3) inches of the section of wall or screen fence shall be considered compliance with this requirement. Should water drainage be substantially affected, the procedure in section 16-210.1 shall be followed.~~
- ~~(e) All walls or screen fences shall be maintained in a neat, solid, substantial, and safe condition. No wall or screen fence shall be kept in a listing, damaged, or decaying condition.~~
- (fe) Gates for access to the metal recycling entity's premises at each street or alley line must not have combined openings exceeding thirty (30) percent of the alley or street frontage. All gates for access must not swing outward and must be kept closed when the metal recycling entity is not open for business. This will not apply to access points on a railroad right-of-way.
- (gf) The fencing requirements in this subsection do not apply to metal recycling entities whose business is conducted solely within a completely enclosed structure or structures.
- (hg) In the event of a conflict between the fencing requirements of this division and the requirements of Chapter 35, Unified Development Code of the City Code of San Antonio,

Texas, the most stringent requirements of this article shall supersede ~~applies~~. (Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-196. Manner of storage; waste containment; weed and brush maintenance; fire safety path.

- (a) Salvage materials on the premises of a used automotive parts recycling business shall be arranged so that a reasonable inspection of, or access to, all parts of the premises can be had at any time by the proper fire, health, police, code enforcement, and building authorities which inspections used automotive parts recyclers shall permit during business hours or any reasonable period afterwards. All junked, wrecked or inoperable vehicle bodies located outside of a building shall be so stacked only with the use of metal racks or other safe, ~~metal~~ supports so that the vehicle frames ~~all bodies~~ are at least six (6) inches above the ground and such that the lowest part of the vehicle is not touching the ground or base surface and are arranged to provide ease of inspection, control of insects and rodents, and to facilitate water drainage, containment, and waste control. Neither the vehicle bodies, vehicle parts, nor other salvage materials and any scrap, used or obsolete ferrous or nonferrous metal, including regulated material shall be stored or stacked higher than the height of the used automotive parts recycling business wall or screen fence except as noted in subsection 16-195(b).

Exception: Stacking mandates shall not include those vehicles in initial intake/holding areas being processed prior to public access. Intake/holding areas must be fenced or otherwise sectioned off from the main yard and shall not exceed a size of five (5) total acreage per certificate of occupancy. Vehicle processing includes removal of various contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste, including, but not limited to, oil, gas, Freon, mercury and biohazardous materials as required by state and federal law. An unprocessed vehicle must be labeled as such and may not be in process for greater than fourteen (14) days.

- (b) No salvage materials shall be placed in any manner outside of the used automotive parts recycling business surrounding screen fence or wall.
- (c) Areas where recycling operations exist shall be kept clean of any weeds and/or brush over four (4) inches tall. All other area of the p~~Premises~~ shall be kept clean of any weeds and/or brush over twelve (12) inches tall ~~where salvage materials are kept and/or~~ within one hundred fifty (150) feet from the curb line of adjacent to residential uses, businesses, streets or the edge of the streets or road surface where no curb exists.
- (d) Upon the used auto parts recycling businesses possession of all salvage materials, contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste—including Freon—shall be removed from the salvage materials and contained, stored, and disposed in compliance with all applicable state and federal regulations. Disposal of accumulated contaminated liquids and materials shall be accomplished by a duly licensed contractor. The metal recycling entity shall maintain on premises all completed manifests evidencing legal disposal for a period of three (3) years from the date of disposal. A Code Enforcement Officer shall review the manifests, bills of sale, or other proof of legal disposal at least once every three (3) months.

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- (e) All hazardous solid waste, hazardous liquid, regardless of character to or category, shall be so contained as to prevent negative impacts on human health or the environment. All storage of hazardous liquid or hazardous solid waste shall be subject to applicable local, state and federal regulations. In no event shall any metal recycling entity maintain a volume and weight of stored liquid or hazardous solid waste inventory in excess of the lesser of the maximum exempt amounts allowed by the fire code as adopted within the City Code or state and federal regulations for a small quantity generator. All hazardous liquid or hazardous solid waste shall be stored only in above ground containers in accordance with applicable federal, state and local laws and administrative regulations. It is unlawful for any hazardous liquid or hazardous solid waste to be held in a container that leaks, is in any other manner not in compliance with state and federal regulations, or in any manner fails to completely contain the material in question.
- ~~(f) All solid waste, regardless of character or category, shall be so contained as to cause or allow no release or spill of the material in question.~~
- (g) All metal recycling entities, as defined by this division, shall have a fire safety path. No salvage materials, vehicles, brush, low hanging limbs (less than 14'), or items obstructing the pathway, shall be placed within ten (10) feet of the surrounding wall or screen fence. The fire chief shall oversee fire safety path specifications and compliance for each metal recycling entity and may alter the required number of feet in accordance with the location, use, size, and other characteristics of an individual metal recycling entity. All penalties and appellate procedures of chapter 11 of this Code shall apply to this subsection.
- (g) In accordance with Chapter 11 of the City Code, outdoor storage shall comply with the following:
- (1) Materials shall be stored in unit piles as low in height and small in area as is consistent with good practice for the materials stored. The maximum height shall be determined by the stability of pile, effective reach of hose streams, combustibility of the commodity, and ease of pile breakdown under fire or mop-up conditions. Under no circumstances shall the pile size dimensions exceed 50 feet by 150 feet by 20 feet high unless the specific commodities maximum dimensions are listed elsewhere in the code.
 - (2) Aisles shall be maintained between individual piles, between piles and buildings, and between piles and the boundary line of the storage site. Sufficient driveways having the width of at least 20 ft shall be provided to allow the travel of fire equipment to all portions of the storage area. Aisles shall be at least twice the pile height to reduce the spread of fire from pile to pile and to allow ready access for firefighting, emergency removal of material, or salvage purposes.
 - (3) As the commodity class increases in combustibility or where storage could be ignited easily from radiation, wider aisles shall be provided. Smaller unit piles could be an alternative to wider aisles if yard space is limited.
 - (4) Boundary posts with signs designating piling limits shall be provided to indicate yard area, roadway, and aisle limits.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-197. Motor vehicle crushing equipment or industrial devices.

- (a) Motor vehicle crushing shall be performed in compliance with TCEQ and SAWS regulations.
- (b) Motor vehicle crushing is only allowed at licensed used automotive parts recyclers or metal recycling entities.
- (c) It is unlawful for motor vehicle crushing equipment or industrial devices to operate in contradiction to this section and chapter 21, Offenses and miscellaneous provisions, article III, Noise, of this Code.
- (d) A used automotive parts recycler may not operate heavy machinery in a used automotive parts recycling facility between the hours of 7 p.m. of one day and 7 a.m. of the following day.
 - (1) This section does not apply to conduct necessary to a sale or purchase by the recycler.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-198. Emergency contact numbers.

- (a) All persons in the business of used automotive parts recycling shall place and maintain a sign on the premises that may be read from the street right-of-way listing the names and telephone numbers of at least one (1) person in the county who may be called to give admittance to the premises in case of emergency.
- (b) It is unlawful to fail to place and maintain a sign as required under this section.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-199. Rodent and vector control.

- (a) All persons in the business of used automotive parts recycling shall have a rodent and vector extermination treatment covering the entire premises conducted a minimum of once every ~~six~~ ~~(6)~~ three (3) months, conducted in such a manner and utilizing such chemicals as are acceptable to the director.
- (b) A rodent and vector control program is the responsibility of the used automotive parts recycler and shall be on-going for the duration of the used automotive parts recycling business' operation.
- (c) A code enforcement officer shall inspect all used automotive parts recycling businesses within the city a minimum of once every ~~six~~ ~~(6)~~ three (3) months for purposes under this section. At the time of the inspection, the inspector shall be provided with evidence to prove that such extermination procedure has occurred within the preceding six-month period and that the person in the business of used automotive parts recycling has an on-going program for observation, determination, and control of rodents and vectors. The presentation of evidence of a service contract with a recognized and licensed pest control contractor may satisfy this requirement.

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- (d) If a professional exterminator has been employed, a receipt for payment for services rendered must be provided. If the person conducts the extermination without using a professional exterminator, the person shall request health department certification at the time the extermination occurs and furnish the code enforcement officer with such evidence sufficient to show that the pest control has been accomplished in an efficient manner.
 - (e) It is unlawful for any person to fail to have the necessary rodent and vector extermination conducted in accordance herewith, and it is also unlawful to fail to present to the code enforcement officer upon request the necessary verification of such effective extermination or fail to allow the required entry to the premises.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-200. Monthly inspections; nuisance declared.

- (a) The department of development services is authorized to conduct monthly inspections of all used automotive parts recycling businesses for the purpose of assuring compliance with the terms of this division. However, a code enforcement officer or peace officer may inspect used automotive parts recycling businesses upon reasonable suspicion of any wrongdoing at any time activity regulated under this ordinance is conducted. A [comprehensive inspection](#) form shall be devised by said department to be completed at the time of such inspections during [monthly, quarterly and annual inspections](#) indicating the date the inspections occurred. This form indicating the date of the last inspection shall be posted by the used automotive parts recycler in a conspicuous place on the premises at all times.
- (b) Conditions maintained in violation of this division which impact public health, safety, or welfare, or which deprive neighbors of their safe or peaceful use of nearby properties are unlawful and a public nuisance. Further, a failure to allow either monthly or other inspections or post inspections as required is unlawful.
- (c) [If a violation of this chapter is observed, a notice of violation shall be issued providing two \(2\) business days to cure the defect unless otherwise provided by the code official or designee.](#)
- (d) [As noted in Section 16-206\(f\), enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies. If a reportable spill quantity \(per TCEQ definition\) is observed, the Texas Commission on Environmental Quality \(TCEQ\), San Antonio Water System \(SAWS\), the health department, San Antonio Fire Department \(SAFD\) and/or the hazardous material unit for the city will be notified, as applicable.](#)

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-201. Time limit for compliance by newly annexed used automotive parts recycling businesses.

- (a) Used automotive parts recycling businesses which are annexed into the city shall have a period of one (1) year from the effective date of the annexation to install fencing as required by this division. Used automotive parts recyclers whose businesses are annexed shall also

demonstrate compliance with existing federal, state, and county laws and regulations applicable to fencing requirements for such facilities at the date of annexation.

- (b) Subsequent to annexation, the director shall promptly notify affected used automotive parts recyclers in newly annexed areas of the obligations under this division.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

Sec. 16-202. Violation and penalties.

It is unlawful for a person to do or perform any act prohibited by this division, or fail to do or perform any act required by this division. A violation under this division is a Class C misdemeanor offense, unless specifically stated otherwise, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). The provisions of this subsection are in addition to and not in lieu of any administrative, criminal, or civil prosecution or penalties as provided by local and state laws. Each day that a violation of this article continues shall be considered a separate offense.

- (a) Anyone who violates any provision of this article shall be subject to prosecution in administrative, criminal, and/or civil courts, under all applicable local and state laws, and will be strictly accountable for any penalties and punishment accrued therefrom.
- (b) Alternative adjudication; Administrative enforcement: All violations of the provisions of this article and of the rules and regulations established by the director may be enforced by administrative adjudication pursuant to Chapter 20, Article II, City Code of Ordinances.

Sec. 16-203. Updates for Amendments.

- (a) The city, through appropriate staff and stakeholder commentary, shall review and recommend amendments to these regulations every five years.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)