

ORDINANCE NO. 2301

AN ORDINANCE AMENDING SECTIONS 157.002, 157.055, 157.056 AND 157.190 AND ADDING SECTION 157.153 TO CHAPTER 157 OF THE HERMISTON CODE OF ORDINANCES RELATING TO REGULATION OF JUNKYARDS

Whereas, the staff of the City of Hermiston is conducting a major review of the City's Code of Ordinances, and

Whereas, Ordinance No. 355, adopted by the City of Hermiston June 12, 1957, established minimum standards for junkyards and secondhand dealers, and

Whereas, Ordinance No. 355 is codified in the Hermiston Code of Ordinances as Title XI, Chapter 113, and

Whereas, the City Council of the City of Hermiston finds that these minimum standards are more appropriately located in the city's zoning code with similar standards for land usage, now, therefore,

The City of Hermiston ordains as follows:

(New language is in **red** and *italics* and deleted language has a ~~line through it~~.)

Section 1. Section **157.002 DEFINITIONS** of Chapter 157 of the Hermiston Code of Ordinances is amended by adding:

***SECONDHAND STORE.** Any establishment or place of business whose regular business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, secondhand tangible property (excluding motor vehicles), previously owned, used, rented, or leased.*

Section 2. Subsection (B) of Section **157.055 LIGHT INDUSTRIAL ZONE (M-1)** of Chapter 157 of the Hermiston Code of Ordinances is amended to read:

- (B) Conditional uses permitted. In a M-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210:

- (1) Junkyard*
- ~~(1)~~ *(2)* Temporary dwelling unit;
- ~~(2)~~ *(3)* Fuel oil distribution; and
- ~~(3)~~ *(4)* Planned unit development.

Section 3. Subsection (B) of Section **157.056 HEAVY INDUSTRIAL ZONE (M-2)** of Chapter 157 of the Hermiston Code of Ordinances is amended to read:

- (B) Conditional uses permitted. In a M-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ [157.205](#) through [157.210](#):

(1) Junkyard

- ~~(1)~~(2) Temporary dwelling unit;
(2)~~(3)~~ Planned unit development; and
~~(3)~~(4) Sand and gravel pits, including related activities such as exploration excavation, rock crushing, asphalt protection and storage, subject to requirements in § [157.149](#).

Section 4. Chapter 157 of the Hermiston code of Ordinances is amended by adding Section 157.153 to read:

157.153 Junkyards

- (A) *Property and Enclosure Maintenance. Any person, firm, or corporation conducting within the City the business of storing, wrecking, dismantling or selling any used article, shall confine the business within a building or within a sight-obscuring fenced enclosure, the fence to be substantially constructed on all open sides or ends of the premises, to a height of at least seven feet above the ground, and without openings or apertures, excepting necessary gateways or doors for ingress or egress, and which gates and doors in the fence shall be kept closed when not in use for ingress or egress.*
- (B) *Objects Out of Public View. No junk belonging to or under control of the person, firm or corporation conducting business shall be placed in public view outside of the building or fenced enclosure where the business is conducted. This prohibition does not apply to the sale of vehicles as defined in ORS 801.590, including but not limited to recreational or vehicles and manufactured dwellings, or structures on property zoned for such sales and with any approvals required pursuant to Chapter 157.*

Section 5. Subsection (B) of Section **157.190 CONTINUATION OF USE** of Chapter 157 of the Hermiston Code of Ordinances is deleted:

- ~~(B) However, any junkyard not in an M-1 or M-2 Industrial Zone as defined shall be enclosed by a sight-obscuring fence of at least six feet in height within one year following adoption of this chapter. The fence shall be a wire fence with slats, wood pickets not exceeding one inch in thickness, or masonry, unless otherwise approved by the Planning Commission. All required sight-obscuring fences shall be maintained throughout the life of the land use.~~

Section 6. The effective date of this ordinance shall be thirty days after enactment.

ADOPTED by the Common Council this 23rd day of March 2020.

SIGNED by the Mayor this 23rd day of March 2020.

David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

DRAFT