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CHAPTER 27.

 JUNKYARD CONTROL

**SECTION 57‑27‑10.** Short title.

 This chapter may be cited as the "Junkyard Control Act."

HISTORY: 1962 Code Section 33‑581; 1966 (54) 2130.

**SECTION 57‑27‑20.** Definitions.

 As used in this chapter:

 (a) The term "junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled, or wrecked automobiles, trucks and other motor vehicles, or parts of them, iron, steel, and other old or scrap ferrous or nonferrous material.

 (b) The term "automobile graveyard" shall mean any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

 (c) The term "junkyard" shall mean an establishment which is maintained or used for storing, buying, or selling junk, or an automobile graveyard, and the term shall include garbage dumps, sanitary fills and scrap processors.

 (d) The term "scrap processor" shall mean any person, firm or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for remelting purposes only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters and refineries, and maintaining an established place of business in this State and having facilities and machinery designed for such processing.

 (e) "Interstate system" means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the Department of Transportation, and approved by the Secretary of Commerce or other appropriate federal official, pursuant to the provisions of Title 23 of the United States Code.

 (f) "Federal aid primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation, and approved by the Secretary of Commerce or other appropriate federal official, pursuant to the provisions of Title 23 of the United States Code.

 (g) "Department" means the Department of Transportation.

HISTORY: 1962 Code Section 33‑583; 1966 (54) 2130; 1978 Act No. 530 Section 1; 1993 Act No. 181, Section 1541; 2009 Act No. 26, Section 10, eff June 2, 2009.

**SECTION 57‑27‑30.** Declaration of purpose.

 To promote the public safety, health, welfare, convenience and travel enjoyment, to protect the public investment in highways, and to preserve and enhance the scenic beauty of lands bordering public highways, and to promote the conservation of our natural mineral resources by encouraging the recycling of resalable scrap iron and metal, it is hereby declared to be in the public interest to regulate the establishment, operation, and maintenance of junkyards in areas adjacent to interstate and federal aid primary highway systems in the state highway system within this State. The General Assembly hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

HISTORY: 1962 Code Section 33‑582; 1966 (54) 2130; 1978 Act No. 530 Section 2.

**SECTION 57‑27‑40.** Junkyards prohibited within 1,000 feet of certain highways; exceptions.

 No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right‑of‑way of any interstate or Federal aid primary highway in the State highway system, except the following:

 (a) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main‑traveled way of the systems, or otherwise removed from sight.

 (b) Those located within areas which are zoned for industrial use under authority of law.

 (c) Those located within unzoned industrial areas, which areas shall be determined from actual land uses.

 (d) Those which are not visible from the main‑traveled way of the system.

HISTORY: 1962 Code Section 33‑584; 1966 (54) 2130; 1978 Act No. 530 Section 3.

**SECTION 57‑27‑45.** Operating junkyard within proscribed areas without permit; permits.

 No person shall establish, operate or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right‑of‑way of the interstate or federal aid primary system, without obtaining a permit from the department. No permit shall be issued under the provisions of this section, except for those junkyards which conform to one or more of the exceptions in Section 57‑27‑40. The department shall charge a fee of twenty‑five dollars for the issuance of the permit and the permit shall be renewed annually at no additional fee and shall remain in effect until revoked by the department after attaining an injunction from the court of common pleas to abate the junkyard as a nuisance or upon conviction of a violation under the provisions of Section 57‑27‑80. No permit shall be required before January 1, 1979.

HISTORY: 1978 Act No. 530 Section 4.

**SECTION 57‑27‑50.** Screening of non‑conforming junkyards; placement of junk over or beyond screening; penalties.

 Any junkyard lawfully in existence on March 24, 1966, which is within one thousand feet of the nearest edge of the right‑of‑way and visible from the main‑traveled way of any highway on the interstate or federal aid primary system and any junkyard lawfully in existence along any highway which may be hereafter designated as an interstate or federal aid primary highway and which does not conform to the requirements for exception under Section 57‑27‑40, shall be screened if feasible by the department at locations on the highway right‑of‑way or in areas acquired for such purposes outside the right‑of‑way so as not to be visible from the main‑traveled way of such highways. After a junkyard has been screened by the department, no junkyard owner or operator shall permit the placement of junk so that it may be seen above or beyond the screen, or otherwise become visible. Junkyard owners or operators violating the provisions of this section shall be subject to the penalties provided in Section 57‑27‑80; provided, however, that no junkyard owner or operator shall be charged under this section unless he has been notified in writing by the department of the alleged violation and allowed thirty days to comply with the requirements of this section.

HISTORY: 1962 Code Section 33‑585; 1966 (54) 2130; 1978 Act No. 530 Section 5.

**SECTION 57‑27‑55.** Maintenance of screening.

 After a junkyard has been screened by the department pursuant to Section 57‑27‑50, the owner or operator of such junkyard shall adequately maintain the screening erected by the department. Maintenance shall be deemed inadequate if the screen installed by the department:

 (a) Deteriorates so as to no longer be of the quality or standard as when erected by the department;

 (b) Becomes ineffective as a screen, resulting in the junkyard being visible from the main‑traveled way of the highway;

 (c) Falls into such disrepair as to endanger the health, safety or welfare of the community.

 Any owner of operator of a junkyard violating the provisions of this section shall be subject to the penalties provided in Section 57‑27‑80.

HISTORY: 1978 Act No. 530 Section 6.

**SECTION 57‑27‑57.** Parking motor vehicles adjacent to junk yard.

 It is unlawful for a junkyard owner to allow motor vehicles to be parked on a highway adjacent to its property.

HISTORY: 2009 Act No. 26, Section 11, eff June 2, 2009.

**SECTION 57‑27‑60.** Promulgation of regulations.

 The department shall have authority to promulgate regulations governing:

 (A) To determine unzoned industrial areas for the purposes of this chapter;

 (B) The specific procedures for obtaining a permit for junkyards;

 (C) The specific requirements governing the location, planting, construction, and maintenance of material used in screening and fencing.

HISTORY: 1962 Code Section 33‑586; 1966 (54) 2130; 1978 Act No. 530 Section 8.

**SECTION 57‑27‑70.** Acquisition of lands for relocation, removal, disposal or screening of junkyards.

 When the Department of Highways and Public Transportation determines that the topography of the land adjoining the highway does not permit adequate screening of a junkyard or the screening of the junkyard would not be economically feasible, the Department may acquire by gift, purchase, exchange, or condemnation, such interests in lands necessary to secure the relocation, removal, or disposal of the junkyards, and to pay for the costs of relocation, removal, or disposal. When the Department determines that it is in the best interest of the State it may acquire lands, or interests in lands, necessary to provide adequate screening of junkyards. The Department may exercise the power of eminent domain whenever it is necessary, in the judgment of the Department, to acquire lands, or interests therein, by condemnation.

HISTORY: 1962 Code Section 33‑587; 1966 (54) 2130; 1987 Act No. 173 Section 44.

**SECTION 57‑27‑80.** Penalties.

 Whoever establishes, operates or maintains a junkyard in violation of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for each offense. Each day that the junkyard remains in violation shall be considered a separate offense. In addition, the department may apply to the court of common pleas in the county in which the junkyard is located for an injunction to abate as a nuisance any junkyard which does not conform to the requirements of this chapter.

HISTORY: 1962 Code Section 33‑588; 1966 (54) 2130; 1978 Act No. 530 Section 9.

**SECTION 57‑27‑90.** Agreements with United States Secretary of Commerce as to control of junkyards.

 The Department of Transportation is hereby authorized to enter into agreements with the United States Secretary of Commerce as provided by Title 23 of the United States Code, relating to the control of junkyards in areas adjacent to the interstate and federal aid primary systems, and to take action in the name of the State to comply with the terms of such agreement.

HISTORY: 1962 Code Section 33‑590; 1966 (54) 2130; 1993 Act No. 181, Section 1542.

**SECTION 57‑27‑100.** Rule of construction.

 Nothing in this chapter shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution, which are more restrictive than the provisions of this chapter.

HISTORY: 1962 Code Section 33‑589; 1966 (54) 2130.