

CONTENTS

Sections 226.650 to 226.720 RSMo.

226.650	Purpose of law	1
226.660	Definitions	1
226.670	License – fees	1
226.680	Prohibited areas – exceptions	2
226.690	Preexisting junkyards – screening – removal	2
226.700	Rules authorized – injunctive relief	2
226.710	Unlicensed junkyard – penalty	3
226.720	Unscreened junkyards near state and county roads prohibited – penalty	3
 7 CSR 10-5.010 Licensing of Junkyards		4

MISSOURI REVISED STATUTES RELATING TO JUNKYARDS

226.650. Purpose of law -

The general assembly, for the purpose of promoting public safety, health, welfare, convenience, and enjoyment of highway travel and to preserve and enhance the natural scenic beauty of highways and adjacent areas, declares it to be in the public interest to regulate and restrict or prohibit the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and primary systems of highways in Missouri.

226.660. Definitions -

As used in Sections 226.650 to 226.720, words or phrases mean:

- (1) “**Automobile graveyard**” means any establishment, area, or place of business maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or parts thereof;
- (2) “**Interstate system**” means that portion of the national system of interstate and defense highways located within the boundaries of Missouri, as officially designated or as may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Commerce, pursuant to Title 23, United States Code, as amended;
- (3) “**Junk**” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material;
- (4) “**Junkyard**” means an establishment, area, or place of business maintained, operated, or used for the storing, keeping, buying, or selling of junk or for the operation of an automobile graveyard, garbage dump or sanitary fill;
- (5) “**Primary system**” means that portion of the highways of this state officially designated by the state highways and transportation commission as being in the primary highway system as authorized by the constitution and laws of Missouri.

226.670. Licenses – fee -

No person shall operate, establish, or maintain a junkyard, any portion of which is within one thousand feet (1000’) of the nearest edge of the right-of-way of any interstate or primary highway, without obtaining a license from the state highways and transportation commission of Missouri. The state highways and transportation commission shall have authority to issue a license for the establishment, operation and maintenance of junkyards within the limits established in the succeeding section and shall charge an annual fee of ten dollars, (\$10.00) payable in advance. All licenses shall expire on the first day of January following the date of issue and the commission may charge a pro rata part of the annual license fee for a portion of

a year. Licenses shall be renewed from year to year on payment of the license fee. Such fee shall be deposited in the highway fund and be expended by the state highways and transportation commission in the administration of provisions of Sections 226.650 to 226.720.

226.680. Prohibited areas – exceptions -

No license shall be granted for the operation of a junkyard within one thousand feet (1000') of the nearest edge of the right-of-way of any highway on the interstate or primary system except as follows:

- (1) Those screened by natural objects, plantings, fences, or other appropriate means so as to render them not visible from the traveled way of the highway involved;
- (2) Those located within areas which are zoned for industrial use under authority of law;
- (3) Those located within industrial areas determined by the state highways and transportation commission from actual land use to be industrial or commercial areas;
- (4) Those not visible from the right-of-way of the interstate or primary system.

226.690. Preexisting junkyards - screening – removal -

Any junkyard lawfully in existence on August 4, 1966, which is within one thousand feet (1000') of the nearest edge of the right-of-way and visible from the traveled roadway of any highway on the interstate or primary system shall be screened if feasible, by the state highways and transportation commission so as to render it not visible from such highways. When the state highways and transportation commission shall determine that adequate screening of such junkyards is not economically feasible or possible, it is authorized to acquire by purchase, exchange, condemnation proceedings, or otherwise, all interests in land necessary to secure the relocation, removal, or disposal of junkyards involved and to pay for the relocation, removal, or disposal thereof. The commission may acquire such lands or interests in lands as is necessary to provide adequate screening of junkyards when it considers it to be in the best interest of the state.

226.700. Rules authorized - injunctive relief -

The state highways and transportation commission shall have authority to promulgate reasonable rules and regulations to implement Sections 226.650 to 226.720 and is authorized to enter into agreements with the United States Secretary of Commerce as provided by Title 23, United States Code, relating to the control of junkyards. The maintenance of the junkyard in violation of Sections 226.650 to 226.720 is declared to be a nuisance, and the

state highways and transportation commission may apply to the circuit court of any county in which such unlawful junkyard is located for an injunction to abate such nuisance.

226.710. Unlicensed junkyard – penalty -

Any person establishing, operating, or maintaining an unlicensed junkyard in violation of Sections 226.650 to 226.720 is guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than one hundred dollars (\$100.00). Any person violating the provisions of Sections 226.650 to 226.720 shall have sixty days to correct the violation after proper notification. For the purposes of this section notification is deemed to be given when written notice, specifying the violation alleged, has been deposited in the United States registered mail, postage prepaid. Each day a junkyard is unlawfully maintained constitutes a separate offence.

226.720. Unscreened junkyards near state and county roads prohibited, - penalty -

- (1) No junkyard shall be established, maintained, or operated within two hundred feet (200') of any other state or county road in this state unless such junkyard is screened from the road by a tight board or other screen fence not less than ten feet (10') high, or of sufficient height to screen the wrecked or disabled automobiles or junk kept therein from the view of persons using the road on foot or in vehicles in the ordinary manner, except that nothing in this section shall apply to any junkyard located in any incorporated town, village or city. The provisions of Sections 226.650 through 226.710 shall not apply to this section except the definitions appearing in Section 226.660.
- (2) Any person, firm or corporation who establishes, conducts, owns, maintains or operates a junkyard without complying with the provisions of this section shall, on conviction, be guilty of a misdemeanor.

Title 7 – MISSOURI DEPARTMENT OF TRANSPORTATION
Division 10 - - Missouri Highway and Transportation Commission
Chapter 5 – Junkyards

7 CSR 10-5.010 Licensing of Junkyards

Purpose: This rule provides a uniform system for issuing licenses to regulate the establishment, operation and maintenance of junkyards along the interstate and primary highway system.

- (1) These rules shall govern the issuance of licenses by the State Highway Commission for the establishment, operation and maintenance of junkyards along the interstate and primary highway system.
- (2) Definitions
 - (A) The interstate system means that part of the national system of interstate and defense highways located in Missouri as officially designated by the State Highway Commission in accordance with Title 23 of the United States Code.
 - (B) The primary system means that portion of the highway system of this state officially designated by the State Highway Commission as being in the federal aid primary highway system.
 - (C) Junk means old or scrapped copper, brass, rope, rags, bottles, paper, trash, rubber debris, waste, or junk dismantled or wrecked automobiles or parts of those automobiles, iron, steel and other old or scrap ferrous or nonferrous material.
 - (D) Automobile graveyard means any establishment, area, or place of business maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or parts of those vehicles.
 - (E) Junkyard means an establishment, area or place of business maintained, operated or used for the storing, keeping, buying or selling of junk or for the operation of an automobile graveyard, garbage dump or sanitary fill.
- (3) No junkyard shall be established, operated or maintained within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway in this state without a license first being obtained from the State Highway Commission of Missouri. The license must be displayed in a prominent location on the premises upon which the junkyard is located. Licenses are not transferable.

- (4) Any person, firm, corporation or political subdivision desiring to continue to maintain and operate a junkyard within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway and which is lawfully in existence on August 4, 1966 or any person desiring to establish, operate and maintain a junkyard within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway shall submit an application for license, along with a fee of ten dollars (\$10.00), to the State Highway Commission's District Engineer, the application to be in the form prescribed by the State Highway Commission.
- (5) A license will be issued by the State Highway Commission for the establishment, operation and maintenance of a new junkyard within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway provided junkyard is:
 - (A) Screened by natural objects, plantings, fences or other appropriate means so as to render it not visible from any traveled way of the highway involved;
 - (B) Located within an area which is zoned by authority of law for industrial use;
 - (C) Not visible from the right-of-way of any interstate or primary highway; or;
 - (D) Located within an area, which has been determined by the State Highway Commission from actual land use to be an industrial area.
- (6) No license will be issued for the establishment, operation and maintenance of a new junkyard within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway, which does not comply with one (1) of the requirements in Section (5).
- (7) A license will be issued by the State Highway Commission for the operation and maintenance of any junkyard within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway, if that junkyard was lawfully in existence on August 4, 1966.
- (8) Any junkyard which, on August 4, 1966, is located within two hundred (200') of the nearest right-of-way line of any interstate or primary highway, and which is visible from the highway, and is not screened by a tight board fence or any other screening fence sufficient to screen the material kept in the junkyard from the view of persons using the highway on foot or in a vehicle shall not be considered to be a junkyard lawfully in existence on August 4, 1966 and no license will be issued for the operation and maintenance of that junkyard except that this section shall not apply to junkyards located in any incorporated town, village or city which complies with local zoning laws.

- (9) Every application submitted for the establishment, operation and maintenance of a new junkyard or the continued operation and maintenance of an existing junkyard shall be accompanied by a legal description of the land upon which the junkyard is or is to be established. The State Highway Commission may require the applicant to obtain a survey by a registered land surveyor of the land upon which the junkyard to be licensed is operated.
- (10) Any license issued for the continued operation and maintenance of a junkyard lawfully in existence on August 4, 1966 will not permit the licensee to expand the junkyard operation or to store additional junk outside the licensed area.
- (11) All licenses issued pursuant to these rules shall expire on the thirty-first day of December following the date of issue.
- (12) Licenses may be renewed from year to year on the payment of the required license fee in advance. Any license which is permitted to expire by the nonpayment of the required license fee may not be renewed after that except upon application and a showing that the junkyard complies with the requirements for the establishment of a new junkyard as set out in Section (5) of this rule.
- (13) An annual fee of ten dollars (\$10.00), payable in advance, will be required for the issuance of all licenses for the operation of junkyards. In the event that the license period is less than one (1) year, a *pro-rata* part of the annual fee computed from the first of the month immediately preceding the due date of the license will be charged. The fee shall be payable by cashier's check or money order made payable to Director of Revenue, Credit State Road Fund. Cash will be accepted only at the district office. The fee and the application shall be submitted to the district office having jurisdiction over the area in which the junkyard is or is to be located.
- (14) Any person applying for a license for the establishment, operation or maintenance of a junkyard on the basis that the junkyard is located in an area zoned for industrial use will be required to submit proof from the agency having charge of the enforcement of the zoning laws, ordinances or regulations in the area where the junkyard is located that the junkyard complies with the applicable zoning laws.
- (15) A junkyard will not be considered as adequately screened under subsection (5)(A) of this rule unless any fence used as a screen is of sufficient height and density to completely obstruct the view from the traveled portions of the highway into the area upon which the junkyard is operated or unless any plantings or natural growth consists of sufficient non-deciduous growth and is of a height and density that the contents of the junkyard are not visible from the traveled ways of the highway during all seasons of the year. In the event the screening of any junkyard is permitted to deteriorate so as to render it ineffective as a proper screen, the

license will be revoked. Screening, whether by fence or vegetation, must surround all that part of the perimeter of the junkyard across which persons traveling upon the traveled ways of the highway would have a view of the junkyard area. It will be the responsibility of the licensee to properly repair and maintain the screening of the junkyard and in the event a screen or any portion of the screen deteriorates or is destroyed or damaged, or becomes ineffective, so as to render it inadequate as a proper screen, the license will be revoked and terminated unless proper steps are taken by the licensee to repair or replace the screen or make other adjustments within sixty (60) days after the receipt of written notice of violation from the district engineer of the State Highway Commission. No license will be renewed if the screening has been permitted to deteriorate so as to render it ineffective as a proper screen, in which event that junkyard will be considered as unlawful under Sections 226.700 and 226.710, RSMo.