CONTROL OF JUNKYARDS ADJACENT TO HIGHWAYS

Act 219 of 1966

AN ACT to regulate junkyards and to provide penalties.

History: 1966, Act 219, Imd. Eff. July 11, 1966 ;-- Am. 1972, Act 132, Eff. Jan. 1, 1973

The People of the State of Michigan enact:

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252.201 Definitions.

Sec. 1.

As used in this act:

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

(b) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(c) "Junkyard" means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, including garbage dumps and sanitary fills.

(d) "Interstate highway" means a state trunk line highway on the national system of interstate and defense highways, as designated, or as may hereafter be so designated, by the department of state highways and approved by the United States secretary of transportation, pursuant to the provisions of title 23 of the United States code.

(e) "Primary highway" means a state trunk line highway as designated, or as may hereafter be so designated, by the state highway department, and approved by the United States secretary of transportation, pursuant to the provisions of title 23 of the United States code.

(f) "Secondary highway" means a state secondary road or county primary road.

History: 1966, Act 219, Imd. Eff. July 11, 1966 ;-- Am. 1972, Act 132, Eff. Jan. 1, 1973

252.202 Legislative declaration; nonconforming junkyard as public nuisance.

Sec. 2.

In order to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of lands bordering public highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the state, and to provide a statutory basis for controlling junkyards consistent with the public policy declared by congress in title 23 of the United States code, it is declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to interstate, primary and secondary highways within this state. All junkyards which do not conform to the requirements of this act are public nuisances.

History: 1966, Act 219, Imd. Eff. July 11, 1966 ;-- Am. 1972, Act 132, Eff. Jan. 1, 1973

252.203 Junkyards prohibited within 1000 feet of highway; exceptions.

Sec. 3.

After January 1, 1973 a person shall not establish, expand or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of any interstate or primary or secondary highway, 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 highway, or otherwise removed from sight, in accordance with rules of the department of state highways.

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

(c) Those which are not visible from the main-traveled way of an interstate primary or secondary highway.

History: 1966, Act 219, Imd. Eff. July 11, 1966 ;-- Am. 1972, Act 132, Eff. Jan. 1, 1973
Admin Rule: R 247.101 et seq. of the Michigan Administrative Code.

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252.204 Screening or removal of nonconforming junkyards; removal cost.

Sec. 4.

Any junkyard lawfully in existence on the effective date of this act which does not conform to the requirements for exception in section 3 and any other junkyard along any highway hereafter designated as an interstate or primary highway and which does not conform to the requirements for exception in section 3, shall be screened or removed by the state highway department as a cost of constructing state trunk line highways. Nonconforming junkyards existing on the effective date of this act shall be removed or screened by July 1, 1970.

History: 1966, Act 219, Imd. Eff. July 11, 1966

252.204a Junkyards adjacent to secondary highway; screening or removal.

Sec. 4a.

A junkyard which is lawfully in existence on the effective date of this act, which does not conform to subsections (a) or (b) of section 3 and is located along a secondary highway, shall be screened at a cost to the owner. However, screening of such a junkyard shall not be required in excess of an 8 foot fence. A junkyard which is established after the effective date of this act and is located along a secondary highway shall be adequately screened or removed in accordance with section 3 of this act at a cost to the owner.

History: Add. 1972, Act 132, Eff. Jan. 1, 1973

252.205 Screening by state highway department; acquisition of land.

Sec. 5.

Junkyards referred to in section 4 shall be screened, if feasible, by the state highway department at locations on the highway right of way or in areas acquired for screening purposes outside the right of way so as not to be visible from the main-traveled way of the highways. The state highway department may acquire such land, or interests in land, necessary to provide adequate screening of junkyards.

History: 1966, Act 219, Imd. Eff. July 11, 1966

252.206 Junkyards; relocation, removal or disposal; costs.

Sec. 6.

If the state highway department determines that the topography of the land adjacent to the highway will not permit adequate screening of junkyards referred to in section 4 or that the screening of junkyards would not be economically feasible, the state highway department may acquire land or interests in land necessary to secure the relocation, removal or disposal of the junkyards; and to pay for the costs of relocation, removal or disposal.

History: 1966, Act 219, Imd. Eff. July 11, 1966

252.207 Construction or maintenance of junkyards; rules and regulations; standards.

Sec. 7.

The state highway department is authorized to promulgate rules and regulations, in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, which shall govern the location, planting, construction and maintenance of, and the materials used in screening or fencing required by this act, and to promulgate rules and regulations for determining unzoned industrial areas for the purposes of this act, consistent with the national standards promulgated by the United States secretary of commerce pursuant to title 23 of the United States code. Regulations shall not be more restrictive than the national standards.

History: 1966, Act 219, Imd. Eff. July 11, 1966
Admin Rule: R 247.101 et seq. of the Michigan Administrative Code.

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252.208 Injunction to compel conformance.

Sec. 8.

If a junkyard is not established, expanded or maintained in conformity with the provisions of section 3, the department of state highways may apply to the court of proper jurisdiction for an injunction to compel conformity with this act.

History: 1966, Act 219, Imd. Eff. July 11, 1966 ;-- Am. 1972, Act 132, Eff. Jan. 1, 1973

252.209 Construction of act.

Sec. 9.

Nothing in this act shall be construed to abrogate or affect the provisions of any law or ordinance which is more restrictive than the provisions of this act.

History: 1966, Act 219, Imd. Eff. July 11, 1966

252.210 Control of junkyards; agreement with United States secretary of commerce.

Sec. 10.

The state highway department is 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 primary systems, and to take action in the name of the state to comply with the terms of such agreement.

History: 1966, Act 219, Imd. Eff. July 11, 1966

252.211 Interests in land to be acquired; methods.

Sec. 11.

The interests in land authorized to be acquired under this act may be the fee simple or any lesser estate, as determined by the state highway department to be reasonably necessary to accomplish the purposes of this act. Acquisitions may be by gift, purchase, exchange or condemnation and shall be made in accordance with statutes governing acquisitions for highway purposes.

History: 1966, Act 219, Imd. Eff. July 11, 1966

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