

**CHAPTER 451. CONTROL OF JUNKYARDS AND AUTOMOTIVE
DISMANTLERS AND RECYCLERS**

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Authority

The provisions of this Chapter 451 issued under section 5 of the act of July 28, 1966 (P. L. 91, No. 4) (36 P. S. § 2719.5), unless otherwise noted.

Source

The provisions of this Chapter 451 adopted August 22, 1980, effective August 23, 1980, 10 Pa.B. 3452, unless otherwise noted.

§ 451.1. Purpose; authority.

This chapter is promulgated for the purpose of controlling the establishment or maintenance or both, of junkyards and automotive dismantler and recycler businesses and activities within 1000 feet of the nearest edge of the right-of-way of any interstate or Federal aid primary highway.

§ 451.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Abandoned—A junkyard or automotive dismantler and recycler, or both, which has not been used or operated for a period of 12 months, or that its license has not been renewed within 60 days of notice to renew.

Act—The act of July 28, 1966 (P. L. 91, No. 3) (36 P. S. §§ 2719.1—2719.14).

Automotive dismantler and recycler—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 motorparts, or both.

Department—The Department of Transportation of the Commonwealth of Pennsylvania.

District engineer—The person designated as such in one of the Department's 11 engineering districts.

Industrial activity—An activity permitted only in an industrial zone, or in a less restrictive zone, except that none of the following shall be considered industrial activities:

- (i) Outdoor advertising structures.
- (ii) Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to, wayside selling.
- (iii) Activities normally and regularly in operation less than 3 months of the year.
- (iv) Transient or temporary activities.
- (v) Activities not visible from the traffic lanes of the main traveled way.
- (vi) Activities conducted in a building principally used as a residence.
- (vii) Railroad tracks, including sidings and passenger depots.
- (viii) Junkyards or automotive dismantlers and recyclers.

Junk—Scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel and other old or scrap ferrous or nonferrous material, including wrecked, scrapped, ruined, dismantled, or junked motor vehicles, or parts thereof.

Junkyard—Any outdoor establishment, place of business, or activity which is maintained, used or operated for storing, keeping, buying or selling junk; for the maintenance or operation of a garbage dump, sanitary landfill or scrap metal processor, or for the storage of ten or more junked vehicles.

Nonconforming—As applied to junkyard or automotive dismantler and recycler means it was legally in existence on January 1, 1967, and located within the zone of control. The term also applies to a junkyard or automotive dismantler and recycler located in the zone of control adjacent to any interstate or Federal aid primary highway made a part of the system after January 1, 1967.

Person—A corporation, partnership, association, and political subdivision as well as a natural person.

Screening—The use of any natural objects, plantings, embankments, fencing, walls or structures, or a combination of any of these, which will effectively hide any deposit of junk so as not to be visible from the highway, at all times of the year, by an occupant of a motor vehicle viewing from a height of 4 1/2 feet above the pavement.

Secretary—The Secretary of the Department of Transportation.

Site—The property within the boundaries described in the application on which the junkyard or automotive dismantler and recycler business or activity is located or is proposed to be located.

Unzoned industrial area—The land occupied by the regularly used building, parking lot, storage, or processing area of an industrial activity and that land within 1000 feet thereof which is:

- (i) Located on the same side of the highway as the principal part of the activity.
- (ii) Not predominantly used for residential or commercial purposes.

(iii) Not zoned by any State or local law, regulation, or ordinance.

Zone of control—All areas which are adjacent to and within 1,000 feet of the edge of the right-of-way of any interstate or Federal aid primary highway.

Zoned industrial area—Any area zoned industrial by the appropriate zoning authority.

§ 451.3. Licensing requirements.

(a) *General rule.* No person shall establish, maintain, use or operate a junkyard or automotive dismantler and recycler business, within the zone of control without a valid license as provided in this chapter.

(b) *Licensing period.* The license will be effective from January 1 to December 31 of the license year. Failure to renew the license within 60 days after notice of expiration will cause the junkyard or automotive dismantler and recycler to be classified as abandoned and require its removal at the expense of the owner.

(c) *Eligible locations.* Only the following types of establishments shall be eligible for licensing within the zone of control:

(i) Those legally in existence on January 1, 1967, or those legally in existence along a highway section which is made a part of the interstate or Federal aid primary highway system after that date.

(ii) Those not visible from the highway.

(iii) Those located within zoned or unzoned industrial areas.

§ 451.4. Control responsibility.

(a) *Screening by the Department.* Nonconforming junkyards or automotive dismantlers and recyclers will be screened by the Department where physically and economically feasible, utilizing current Federal and State criteria, design manuals, standards, and specifications, provided Federal and State participating funds are available.

(1) The Department will individually analyze the screening required for each site and develop a plan of control which meets the requirements of Federal and State laws, standards, rules and regulations.

(2) The Department will not be responsible for the preservation or maintenance of existing screening. Where the screening is subsequently removed or becomes ineffective, the owner of the junkyard or automotive dismantler and recyclers shall be required, after notice of the violation by the Department, to provide the maintenance required in § 451.5(a) (relating to maintenance of junkyard or automotive dismantler and recycler screening).

(b) *Screening by the applicant.* All other screening shall be done by the junkyard or automotive dismantler and recycler, subject to Department approval. Screening material and techniques shall be compatible with the environment and shall conform with this chapter. Additional information on screening may be obtained from the Department of Transportation Bureau of Design, Harrisburg, Pennsylvania 17120.

(c) *Right to remove.* Where any junkyard or automotive dismantler and recycler is nonconforming and screening is not physically or economically feasible, the Department may remove, relocate, or dispose of the junk, or adopt any combination of control actions it deems appropriate, at the expense of the Department.

Source

The provisions of this § 451.4 amended January 30, 1981, effective January 31, 1981, 11 Pa.B. 500.

§ 451.5. Maintenance of junkyard or automotive dismantler and recycler screening.

(a) *Owner's maintenance responsibilities.* It shall be the responsibility of the junkyard or automotive dismantler and recycler to maintain the screening established by it, doing such painting and repairs as to keep any fences, walls, or other structural material in good appearance. Plant material shall be watered, pruned, cultivated and mulched, treated for insect and disease control, and given any required maintenance to keep all plants in a healthy condition. Dead plants shall be removed immediately and shall be replaced during the next spring or fall planting season. Replacement plants shall be at least as large as the initial plants and of the same species and quality, unless approval for substitution is received from the Department.

(b) *Department's maintenance responsibilities.* It will be the responsibility of the Department to maintain, in a manner suitable to the Department, screening installed by the Department, unless responsibility for maintenance has been assumed or agreed to by the licensee.

(c) *Effect or failure to maintain screening.* Failure to maintain screening shall result in the revocation of the junkyard or automotive dismantler and recycler license. The Department is authorized to take any necessary legal action to cause the junkyard or automotive dismantler and recycler to provide such maintenance of screening as is required to accomplish the aims of the act.

(d) *Failure to maintain screening.* Upon failure of a licensee to maintain screening as provided in subsection (c) the Department will notify the licensee that failure to commence remedial action within 30 days will constitute cause for revocation of the license.

Source

The provisions of this § 451.5 amended January 30, 1981, effective January 31, 1981, 11 Pa.B. 500.

Cross References

This section cited in 67 Pa. Code § 451.4 (relating to control responsibility).

§ 451.6. Expansion of establishment.

(a) *General rule.* Where approved screening has been constructed or where it exists naturally, no additional deposit of junk, visible from the highway is permitted unless additional screening, approved by the Department, is installed prior to the deposit. All additional screening shall be installed at the expense of the owner.

(b) *Nonconforming junkyards.* Where any junkyard or automotive dismantler and recycler is nonconforming and no screening exists, the area occupied by junk may not be expanded vertically or horizontally in such a manner that the additional junk will be visible from the highway, unless the expanded area is screened by the owner in a manner approved by the Department.

Cross References

This section cited in 67 Pa. Code § 451.8 (relating to issuance and renewal of license).

§ 451.7. Periodic inspection.

Department employees are authorized to enter onto the premises of any junkyard or automotive dismantler and recycler to insure that all provisions of the act, regulations, and licensing requirements are being complied with. If the inspection discloses that violation exist, a 30-day notice will be sent to the licensee by certified mail, stating the nature of the violation, ordering corrective actions to be taken within 30 days from the date of the notice, and informing the licensee that these regulations will be enforced if corrective action is not completed.

§ 451.8. Issuance and renewal of license.

(a) *Issuance.* Requirements for issuance of license shall be as follows:

(1) Application for a junkyard or automotive dismantler and recycler license, or for renewal of a license, shall be made at the District Engineering Office which has jurisdiction over the junkyard or automotive dismantler and recycler.

(2) Prior to issuance of a license, the owner or operator of an existing or proposed junkyard or automotive dismantler and recycler requiring screening shall do the following:

(i) Submit the application for license form in triplicate to the appropriate District Engineer, accompanied by the required fee of \$100.

(ii) Upon notification from the Department that proposed activity needs to be screened, develop or have developed an acceptable screening plan.

(A) The plan shall be submitted in triplicate on 22 by 36 inch sheets.

(B) At a scale of one inch = 50 feet, the plans shall show two feet contours and all details relative to the proposed screening, including, but not limited to, the location of junk and proposed junk limits—horizontal and vertical—the location and proposed location of natural screening, buildings, vegetation, earthen features, and the like, proposed screening techniques, materials, name, sizes, and the like.

(C) All proposed construction details shall be accurately plotted on the plans and cross sections. A minimum of three representative cross sections shall be plotted through the junkyard area, from the main traveled way to the 1000-foot control boundary.

(D) After review of the proposed screening plan by the Department, the applicant shall be advised of acceptability, or of any modifications required.

(E) The applicant shall complete the screening approved by the Department within 6 months from the date of approval.

(F) Upon notification from the applicant that the screening is completed, the Department will inspect and verify the effectiveness and compliance or noncompliance of the screen with the plan, regulations, and the act.

(3) After inspection and acceptance by the Department, a license will be issued for the balance of the calendar year.

(b) *Denial of license.* Where a junkyard and automotive dismantler and recycler license is requested, and screening is not physically or environmentally feasible, as determined by the Department, or if for any other reason the license is denied, 1/2 of the fee will be returned to the applicant and 1/2 will be retained by the Department to cover the costs of reviewing the application.

(c) *Screening infeasible.* Where screening is not feasible, existing junk must be physically removed from view by and at the expense of the owner, if placed after January 1, 1967. If the existing junkyard or automotive dismantler and recycler is nonconforming, the junk will be removed by the Department if and when State and Federal funding are available. See § 451.6(b) (relating to expansion of establishment) regarding junk located in an expanded area.

(1) If all information provided in the original application for license form is unchanged, a renewal application need contain only the following information:

- (i) Name and address of applicant.
- (ii) Original license number.

(2) Renewal applications shall be accompanied by the appropriate annual fee.

(3) Renewal applications will be accepted from November 1 to December 15 of the year for which the current license was issued.

(4) Failure to make application for renewal for the subsequent calendar year will constitute an abandonment as defined by this chapter will subject a junkyard or automotive dismantler and recycler and any of its successors or assignees to the applicable penalties or to revocation of its right to continue the junkyard or automotive dismantler and recycler activity.

§ 451.9. Display of license.

The licensee shall display the license conspicuously at the site at all times.

§ 451.10. Penalty for violation.

The Department's written notice of a violation of the act, or of this chapter, will document corrective action required within a 30-day period. Failure to comply with this written notice will result in enforcement under section 11 of the act (36 P. S. § 2719.11).

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