

Missouri Control of Junkyards

Sections 226.650 to 226.720 RSMo and 7 CSR 10-5



**Missouri Department
of Transportation**

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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 offense.

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—DEPARTMENT OF
TRANSPORTATION**
Division 10—Missouri Highways 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 will govern the issuance of licenses by the Missouri Highways and Transportation Commission (commission) for the establishment, operation, and maintenance of junkyards along the interstate and primary highway system.

(2) 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, which was not in existence on August 4, 1966, within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway will submit an application for a license, along with a fee of ten dollars (\$10), to the Missouri Department of Transportation's (department) authorized representative, the application to be in the form prescribed by the commission. Licenses are not transferable.

(3) A license will be issued by the commission for the establishment, operation, and maintenance of a junkyard within one thousand feet (1000') of the nearest right-of-way line of any interstate or primary highway provided the 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 or located within an area which has been determined by the commission from actual land use to be an industrial or commercial area; and

(C) Not visible from the right-of-way of any interstate or primary highway.

(4) A license will be issued by the 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.

(5) 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.

(6) All licenses issued pursuant to these rules will expire on the first day of January following the date of issue of the license.

(7) Licenses may be annually renewed upon payment of the required license fee of ten dollars (\$10) in advance. Any license will expire upon nonpayment of the required license fee and may not be renewed.

(8) A junkyard will not be considered as adequately screened under subsection (3)(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 nondeciduous growth and is of a height and density that the contents of the junkyard are not visible from the traveled ways of the interstate or primary 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 and terminated. 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 interstate or primary 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 department's authorized representative.

AUTHORITY: section 226.700, RSMo 2016. Original rule filed Aug. 5, 1966, effective Aug. 15, 1966. Amended: Filed Sept. 8, 2017, effective April 30, 2018.*

**Original authority: 226.700, RSMo 1965.*

State ex rel. State Highway Commission v. Wiggins, 454 SW2d 899 (Mo. banc 1970). The statutory authority to promulgate reasonable rules and regulations given to the State Highway Commission does not include the authority to declare in section 7 of their rules (now covered by 7 CSR 10-5.010(8)) that the 200 foot distance between the right-of-way and the junkyard must be measured from the nearest edge of the right-of-way when the construction by the courts of that statute (section 229.180—repealed, and now covered by section 226.650) is otherwise, that is, within 200 feet from persons normally using the road. Because of similarity of rules and statutes, see also section 226.650, RSMo (1986).