



Rules of
Department of Transportation
Division 10—Missouri Highways and Transportation
Commission
Chapter 5—Junkyards

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**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 law-

fully 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).