
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 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.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(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 a license, along with a fee of ten dollars (\$10), 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 feet (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 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), 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 nondeciduous 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.

AUTHORITY: section 226.700, RSMo 1986. Original rule filed Aug. 5, 1966, effective Aug. 15, 1966.*

**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).

LICENSE NO. _____

DATE ISSUED _____

No. _____

APPLICATION FOR LICENSE

The undersigned, _____

(address)

(state whether individual, corporation, partnership, etc.),
hereby makes application to the Missouri Highway and Transportation
Commission for a license to establish, operate, or maintain a
junkyard within 1000 feet from the nearest edge of the right-of-way
of State (or Interstate) Route _____ in _____
County, Missouri. Said location is in _____
(city)

(or) is approximately _____ mile(s) _____
(direction)

of _____
(nearest city)

The real property upon which said junkyard is to be
maintained is described as follows (insert legal description by
metes and bounds for the actual area occupied by the junkyard):



The point of operation of said junkyard which is nearest the right-of-way line of the said highway is _____ feet distant from such highway, and the total front footage of the operation parallel to the right-of-way is _____ feet.

The undersigned represents for the purpose of obtaining this license that (check statement which is applicable):

- Was at least 200 feet distant from the traveled way of said highway or wholly screened from view of the traveled way of said highway on August 4, 1966.
- Was wholly within the city limits of a city, town, or village and not in violation of any applicable city ordinance on August 4, 1966.
- Was in an area zoned for industrial use by a zoning authority having proper jurisdiction, said zoning authority being _____ on August 4, 1966, or on the date of this application.
- Is wholly screened by natural objects, plantings, fences, or other appropriate means, so as to render it not visible from the traveled way of the said highway.
- Is not visible from the right-of-way of the interstate or primary system.
- Was lawfully established after August 4, 1966, in compliance with all requirements of Sections 226.650 through 226.720 RSMo. at the establishment date of the junkyard, but is now a nonconforming junkyard because of changed conditions.

It is understood and agreed as a condition of the issuance of a license as requested herein that the applicant will conduct the junkyard business entirely within the limits above described, which establishes the actual location of said junkyard as it presently exists. Any enlargement or change in operation, so that existing screening will not be effective, shall be grounds for revocation of this license and be cause for denial of any further license.

Applicant agrees that it will abide by all rules promulgated by the Commission.

Executed at _____, Missouri, on this _____ day of _____, 19_____.

Applicant

Subscribed and sworn to before me this _____ day of _____, 19_____.

Notary Public



No. _____

LICENSE TO MAINTAIN JUNKYARD

In consideration of the facts set out in an
application for license and payment of the required fee,

(address)

is authorized to operate and maintain a junkyard within the area
described in Application For License No. _____ in
accordance with law and rules of the Missouri Highway and
Transportation Commission (Sections 226.650 through 226.720
RSMo. and 7 CSR 10-5.010) until December 31, 19 ____.

MISSOURI HIGHWAY AND
TRANSPORTATION COMMISSION

By _____
District Engineer
District No. _____

Fee \$ _____

This license must be prominently displayed on the
premises involved, and is not transferable.