

Section 12. Repealer.—All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 13. Effective Date.—This act shall take effect immediately.

APPROVED—The 28th day of July, A. D. 1966.

WILLIAM W. SCRANTON

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1966 SPECIAL SESSION NO. 3

No. 4

AN ACT

HB 10

Restricting the establishment and maintenance of junkyards along highways; providing for the screening of outdoor junkyards; prescribing a license fee; conferring powers and imposing duties on the Secretary of Highways; providing authority to take property by eminent domain for the screening or removal of junkyards in certain cases; making an appropriation; and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The General Assembly finds that it is in the public interest and for the public welfare to regulate the location and maintenance of junkyards adjacent to the highways of the Commonwealth in order to promote the safety, convenience and enjoyment of public travel, to preserve the scenic beauty of lands bordering on such highways and to protect the public investment in such highways.

Section 2. As used in this act, the terms:

(1) "Establish" shall mean to erect, construct, build or in any way bring into being.

(2) "Highway" shall mean a highway within this Commonwealth designated by the Secretary of Highways, and approved by the United States Secretary of Commerce, as part of the Interstate System or primary system, pursuant to Title 23, United States Code, "Highways."

(3) "Junk" shall mean scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

(4) "Junkyard" shall mean any outdoor establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling junk, and the term shall include garbage dumps and sanitary fills.

(5) "Scrap metal processing facility" shall mean an establishment having facilities for processing iron, steel or non-ferrous scrap metal and whose principal product is scrap iron, steel or non-ferrous scrap for sale for remelting purposes only.

(6) "Visible" shall mean capable of being seen by a person of normal visual acuity traversing the highway.

(7) "Secretary" shall mean the Secretary of Highways.

Section 3. No person shall establish, maintain, use or operate a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of a highway, without having obtained a valid license therefor from the secretary. Each license shall be valid for one year ending December thirty-first. The fee for each license shall be fifty dollars (\$50).

Section 4. No license shall be granted for the establishment, maintenance, use or operation of a junkyard within one thousand feet of the nearest edge of the right-of-way of any highway except the following:

(a) Junkyards which are lawfully in existence on the effective date of this section.

(b) Junkyards which, because of screening by natural objects, plantings, fences, or other means found appropriate by the secretary, are not visible from the main-traveled way of the highway.

(c) Junkyards and scrap metal processing facilities located within areas zoned for industrial use under authority of law.

(d) Junkyards and scrap metal processing facilities located within unzoned areas which the secretary shall find are used for industrial activities.

Section 5. The secretary shall have the power and it shall be his duty to exercise general supervision over the administration and enforcement of the provisions of this act, and he shall adopt rules and regulations to implement them.

Section 6. Any junkyard lawfully in existence on the effective date of this section which is within one thousand feet of the nearest edge of the right-of-way of a highway, and which is not in any of the classes specified in subsections (b), (c) and (d) of section 4, shall be screened, if physically and economically feasible, by the secretary at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way, so as not to be visible from the main-traveled way of the highway.

Section 7. Whenever the secretary shall determine that the screening prescribed by section 6 for an existing junkyard is not physically or economically feasible, he shall have authority to remove, relocate or dispose of the junkyard.

Section 8. The secretary is hereby authorized to acquire by gift, purchase, exchange or condemnation such property as shall be necessary to carry out the provisions of sections 6 and 7.

Section 9. The secretary may apply to any court of competent jurisdiction for an injunction to enjoin any junkyard not conforming to the requirements of this act.

Section 10. Nothing in this act shall be deemed to preclude any political subdivision from enacting or enforcing a requirement that junkyards be licensed, or from enacting or enforcing regulations

applicable to junkyards more than one thousand feet from the nearest edge of a highway.

Section 11. Any person responsible for the establishment, maintenance, use or operation of a junkyard in violation of this act or of the rules and regulations of the Secretary of Highways, and any person knowingly suffering such junkyard to be established or maintained on his property shall, upon summary conviction thereof, be sentenced to pay a fine of one hundred dollars (\$100) to be paid into the Highway Beautification Fund, and, in default of the payment thereof, shall undergo imprisonment for thirty days.

Whenever the secretary has given written notice that a junkyard is maintained or used in violation of this act, each day of such maintenance or use beginning with the thirty-first day following receipt of such notice shall constitute a separate offense.

Section 12. The secretary is hereby authorized to enter into agreements with the United States Secretary of Commerce as provided by Title 23, United States Code, "Highways", relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the Commonwealth to comply with the terms of such agreements.

Section 13. All fees for licenses paid pursuant to section 3, all fines paid pursuant to section 11, and all Federal funds received by the Commonwealth in aid of landscaping and screening costs, and of compensation to owners for the relocation, removal or disposal of junkyards, to accomplish the control of junkyards pursuant to Title 23, United States Code, "Highways", shall be paid into and credited to the Highway Beautification Fund. All costs incurred by the secretary pursuant to this act shall be paid from the Highway Beautification Fund, and as much moneys as the secretary shall deem necessary are hereby specifically appropriated from such fund to the Department of Highways.

Section 14. In addition to the moneys to be received under section 13 of this act, so much of the moneys as may be necessary shall be appropriated from time to time by the General Assembly from the general fund to the Highway Beautification Fund for the purpose of carrying out the provisions of this act.

Section 15. This act shall take effect January 1, 1967.

APPROVED—The 28th day of July, A. D. 1966.

WILLIAM W. SCRANTON