

63-358. Control of Junkyards.

A. Introduction. Consistent with the requirements of the Junkyard Control Act these regulations are designed to delineate the methods by which a junkyard is constructed and maintained. These regulations pertain to all activities identified as junkyards, and includes automobile graveyards, automobile junkyards and activities that process, sell and or store junk cars, parts, or ferrous and nonferrous material.

B. Definition of Terms.

1. "Interstate System" means that portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be so designated, by the South Carolina Department of Highways and Public Transportation, and approved by the Secretary of Commerce or other appropriate Federal official, pursuant to the provisions of Title 23 of the United States Code.

2. "Federal Aid Primary System" means that portion of connected main highways, as officially designated, or as may hereafter be so designated by the South Carolina Department of Highways and Public Transportation, and approved by the Secretary of Commerce or other appropriate Federal official, pursuant to the provisions of Title 23 of the United State Code. (1966 (54) 2130.)

3. A "Junkyard" is an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. The definition includes garbage dumps and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.

When used in referring to automobiles, trucks, tractors, etc. the location shall be deemed a junkyard when ten or more or any combination of ten of the above, named vehicles are present at any one time.

4. An "automobile graveyard" shall mean any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Automobile graveyards and Junkyards as relates to motor vehicles shall be synonymous.

5. A "Scrap Processor" shall mean any person, firm or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for remelting purposes

only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters and refineries, and maintaining an established place of business in this State and having facilities and machinery designed for such processing.

6. The term "junk" shall mean old or scrap copper, brass, rope rags, batteries, paper, trash, rubber debris, waste, junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

7. "Department" shall mean the South Carolina Department of Highways and Public Transportation.

8. "Regulations" shall mean public declaration of policy published by the South Carolina Department of Highways and Public Transportation pursuant to the Junkyard Control Act and amendments thereto.

9. "Zoned Industrial areas" those areas that are zoned for industrial purposes under authority of state law by an official zoning authority within the state.

10. "Unzoned industrial area" means those areas, in a political subdivision for which a zoning plan has not been adopted, on which there is located one or more permanent structure devoted to an industrial activity, and that area along the highway extending outward 1,000 feet from and beyond the edge of the used area of said activity in each direction and a corresponding zone directly across a primary highway provided said highway is not a limited or controlled access highway. Measurements for said industrial area shall be taken from the regularly used building, parking lot, storage, and processing area. None of the following areas or activities shall qualify as unzoned industrial areas.

- A. Land on the opposite side of an Interstate or freeway primary Federal-Aid highway.
- B. Land predominately used for residential purposes.
- C. Land zoned by State or local law, regulation, or ordinance.
- D. Land on the opposite side of a non-freeway primary highway which is deemed scenic by the Department of Highways and Public Transportation.
- E. Outdoor Advertising structures.
- F. Agricultural, forestry, ranching, grazing, farming, wayside produce stands.
- G. Activities conducted in a building principally used as a residence.
- H. Transient or temporary activities.

- I. Activities not visible from main traveled way.
- J. Activities more than 1,000 feet from nearest edge of right-of-way.
- K. Railroad tracks and minor sidings.
- L. Land within 300 feet of a residential structure without written consent of the owner of the residence.
- M. Junkyards as defined in Section 136 Title 23 United States Code.

11. "Main Traveled Way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, parking areas, or ramps.

12. "Screening" means any material approved by the Department, such as vegetation, fencing, masonry, earth or combination thereof which will effectively obstruct from view any deposits of junk from the main traveled way.

13. "Control Area" means all areas along and within 1,000 feet of edge of the right-of-way of any highway designated for control under the Junkyard Control Act.

14. "Junkyard Placement Distance" means the measurement of the 1000 feet limitation shall be measured from the nearest edge of right-of-way along a horizontal line perpendicular to the center line of the controlled highway.

15. "Abandonment" means any activity construed to be subject to the junkyard law shall be deemed abandoned when one or more of the following criteria has been met:

- A. The owner of the activity advises the Department that said activity is no longer open and operating as a junkyard.
 - B. When the activity is altered or transformed into a type of activity not subject to the Junkyard Law.
 - C. The activity closes its office and remains closed for a period of one year with normal activity not being readily evident.
 - D. When activity fails to renew business license or fails to comply with other laws or regulations for a period of one year.
 - E. When material that distinguishes the activity as such is removed and the area remains vacant for a period of one year.
- C. Permits for Junkyard Location, Construction and Operation.

1. No junkyard shall be established, operated or maintained that is visible and within 1,000 feet of the nearest edge of the right-of-way for any highway subject to control under the Junkyard Control Law without first obtaining a permit from the South Carolina Department of Highways and Public Transportation. Forms for this purpose shall be furnished by the Department and all information must be submitted before permits are processed.

2. An initial permit fee in the amount of Twenty five dollars (\$25.00) paid by personal check, certified check or money order, made payable to the South Carolina Department of Highways and Public Transportation, shall accompany each application. Permits must be renewed each year, however, no additional fee is required so long as the yard is maintained in accordance with the law.

3. Permit fees shall not be prorated for any portion of the permit year.

4. All activities such as garbage dumps and sanitary landfills shall be required to obtain permits, with exception of dumps and landfills owned and operated by cities, counties and municipalities.

5. Issuance of a permit by the Department shall constitute authority by the owner to operate the junkyard in accordance with the provisions of these regulations and for the time specified therein. Any alterations such as expansion of size without prior approval by the Department shall constitute a violation of the junkyard control act and these regulations. Penalties for violation shall be in accordance with applicable provisions of the Junkyard Control Act.

6. Procedure for obtaining a permit to operate, alter and or maintain junkyards shall be as follows:

- A. Request a permit application from the appropriate Highway District Engineer located in the cities of Columbia, Greenwood, Greenville, Chester, Florence, Charleston, Orangeburg or from the State Highway Engineer, P. O. Box 191, Columbia, S. C. 29202.
- B. Complete application in its entirety to include a sketch outlining the limits of the activity. The sketch shall be drawn to scale on reverse side of permit application.
- C. Contact the District Sign and Junkyard Supervisor for an inspection of the site to be covered by the permit.
- D. Upon completion of the on site inspection the original and three copies of the application together with the permit fee are to be forwarded to the State Highway Engineer for processing.

- E. The Department will review the application and upon a favorable review the permit will be issued.
- F. Application for renewal permits will be submitted on the same form and will be processed in the same manner as a new application.
- G. The Department inspector will obtain a photograph of the junkyard showing two approaches to the site along the main travel way and attach each photograph to the reverse side of the original permit application where shown.

D. Screening Procedures.

1. Junkyards lawfully in existence on March 24, 1966 which are within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway subject to the Junkyard Control Law shall be screened, if feasible, by the South Carolina Department of Highways and Public Transportation 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 such highways.

2. When the South Carolina Department of Highways and Public Transportation determines that the topography of the land adjoining the highway will not permit adequate screening of a junkyard or the screening of the junkyard would not be economically feasible, the Department shall have the authority to acquire by gift, purchase, exchange, or condemnation, such interests in lands as may be necessary to secure the relocation, removal, or disposal of the junkyards; and to pay for the cost of relocation, removal, or disposal, thereof. When the Department determines that it is in the best interest of the State it may acquire such lands, or interests in lands, as may be necessary to provide adequate screening of such junkyards. The Department may exercise the power of eminent domain in the manner presently provided by law for acquisition of real property needed for construction of highways in Title 23, whenever it is necessary, in the judgment of the Department, to acquire such lands, or interests therein, by condemnation.

3. Junkyards established subsequent to March 24, 1966 which are located in areas subject to Control under the Junkyard law must provide for screening prior to establishment of the junkyard in accordance with Department procedures. Screening of this nature shall be placed off the highway right-of-way, shall be of a type approved by the Department and shall be placed by the owner at his expense. Junkyards established subsequent to the law that cannot be screened are to be relocated at the owners expense.

4. Prior to the establishment of a junkyard the owner shall

submit to the Department a comprehensive plan drawn to scale outlining the method by which screening is to be accomplished. The plan shall show the construction details of the screening to be used, to include specifics regarding plant material where same is used. In the event fencing alone is used or in combination with plant material the resulting work must provide for immediate screening. When planting is used alone or in combination with an earthen embankment, the number, type, size and spacing of the plants shall be capable of screening the junk entirely from view within a three year period. The effectiveness of the proposed material shall be judged by the Department. Additional requirements shall be as follows:

- A. No junk shall be deposited on the new yard until a permit has been issued and all necessary screening is in place.
 - B. All screening shall be accomplished on the owners land free and clear of highway right-of-way.
 - C. Stacking of junk above the screening material and placing junk outside the screened area shall be prohibited.
 - D. Fences shall be located in such a manner as not to present a hazard to the traveling public.
 - E. Uniformity shall be stressed in construction of fences with no patchwork allowed.
 - F. Where fences are required to be painted care shall be taken to select a paint that will blend with surrounding area.
5. Following are examples of the type fencing material that may be used for screening purposes. These are examples only and use of these or other material is subject to approval by the Department.
- A. Standard gauge chain link type with approved inserts such as metal or wood.
 - B. Wooden fences of design such as solid wood slats, basket weave, palisade louver or other suitable design.
 - C. Masonry walls such as concrete block, brick, stone or combination.
6. Examples of plant material suitable for screening or as follows:
- A. Detailed planting plans indicating, spacing and arrangement of plants, botanical names of plant materials, sizes of plant materials at planting, planting and staking details. Specifications shall be submitted to the Highway Department for review and approval.

- B. The requirements established by the American Nurseryman's Association as shown in their most current edition of "American Standard For Nursery Stock" shall be in accord and govern grading, ball size, etc., for specific nursery stock used. Certificates of inspection of plant materials required by Federal, or other authority including the South Carolina Plant Pest Regulatory Agency shall be procured prior to planting.
- C. Screening plant materials shall be primarily evergreen; minimum sizes at planting shall be as follows:
- Trees 6'-8' Height
 - Large Shrubs—3½'-4' Height
 - Vines—1 gal. container
- The above sizes are minimum under no circumstances will plantings be allowed which will take more than three years to achieve effective screening.
- D. The owner shall be responsible for all watering, plant replacements, pruning, weeding, mowing of grassed areas, pest and rodent control, and any other establishment or plant maintenance work required to keep the screening in first class attractive and healthy condition.

7. Screening Maintenance. Owners of junkyards established prior to March 24, 1966 shall have the responsibility to maintain screening after the Department has brought the junkyard up to standards required by law. Maintenance of junkyards established after March 24, 1966 shall be the responsibility of the owner for both the initial construction and all maintenance required. All maintenance of screening shall be consistent with requirements of the law and regulations. Deficiencies, such as replacement of damaged fences, dead plants, etc., shall be promptly corrected. Dead plant material will be removed immediately and shall be replaced during the planting season following death of plants. All replacement plants shall be at least as large as the original plantings.

8. Location of Screening. Screening placed adjacent to property used for purposes other than junkyards shall have a minimum of two (2) feet set back from the property line unless the owner of the junkyard submits recorded legal documents showing a right of ingress and egress upon the adjoining property to maintain screening.

9. Advertising Junkyards. Advertising on the junkyard screening is prohibited. The fencing, trees, or shrubs shall not be used for placing of signs, pictures, posters, lettering or other devices which constitute advertising.

E. Inspection and Non Compliance Procedures. The District Sign & Junkyard supervisor shall have the responsibility for inspection to insure that junkyards are being constructed and maintained in accordance with state law and these regulations.

At least one inspection is to be conducted each year on all junkyards within the area of his responsibility. If the inspection discloses a junkyard is being operated in violation of these rules and regulations the owner shall be so advised in the following manner.

1. A personal contract is to be made to the owner and the owner is to be advised what correction measures are to be taken.

2. If the owner fails to respond to the first contact a letter is to be initiated explaining the deficiency and giving thirty (30) days within which to make corrections.

3. If the owner fails to respond within the specified time limit the District Engineer shall submit to the State Highway Engineer the following information marked to the attention of the Outdoor Advertising Administrator.

A. Name and address of junkyard owner.

B. Name and address of landowner if different from junkyard owner.

C. Date approval given to construct junkyard if established after March 24, 1966.

D. Description in detail of the location.

E. Recommendation as to what action is required to obtain compliance.

F. Type of material stored at the junkyard.

G. Copies of all correspondence between district office and junkyard owner.

4. Upon receipt of the above information from the field, the Columbia office will review all pertinent data and render a decision regarding necessary action in order to obtain compliance.

F. Penalty for Violation. Violations of these regulations shall result in the revocation of permit to operate the junkyard in question and no further permit shall be issued to owner and or operator of said junkyard until correction of violation has been completed to the satisfaction of the Department. Additional penalties as set forth in the law and shall likewise be applicable.

Editor's Note—

This regulation was added effective July 23, 1978.