

DEPARTMENT OF TRANSPORTATION
BUREAU OF HIGHWAY TECHNICAL SERVICES
JUNK YARDS ADJACENT TO HIGHWAYS

(By authority conferred on the department of state highways by section 7 of Act No. 219 of the Public Acts of 1966, being S252.207 of the Michigan Compiled Laws)

R 247.101 Definitions.

Rule 1. (1) The words and phrases defined in the act have the same meaning when used in these rules.

(2) "Act" means Act No. 219 of the Public Acts of 1966, being SS252.201 to 252.211 of the Michigan Compiled Laws.

(3) "Department" means the department of state highways.

(4) "Industrial activity" means an activity generally recognized as an industrial activity by the zoning authorities in this state, except that none of the following shall be considered an industrial activity:

(a) Outdoor advertising structures.

(b) Agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

(c) Activities normally and regularly in operation less than 3 months of the year.

(d) Transient or temporary activities.

(e) Activities not visible from the traffic lanes of the main traveled way.

(f) Activities more than 300 feet from the nearest edge of the main traveled way.

(g) Activities conducted in a building principally used as a residence.

(h) Railroad tracks, minor sidings and passenger depots.

(i) Junk yards, as defined in 23 U.S.C. S136.

(5) "Unzoned industrial area" means land occupied by a regularly used building, parking lot, storage area or processing area of an industrial activity, and land within 1,000 feet of the nearest edge of the right-of-way which meets all of the following:

(a) It is located on the same side of the highway as the principal part of the activity.

(b) It is not predominantly used for residential or commercial purposes.

(c) It is not zoned by state or local law, rule or ordinance.

History: 1979 AC.

R 247.102 Inventory of junk yards and review.

Rule 2. (1) An inventory of existing junk yards within 1,000 feet of the nearest edge of the right-of-way of all interstate and primary highways will be established by the department. The department may make additions to or exclusions from the inventory on receipt of satisfactory information substantiating the desirability of such changes.

(2) Junk yard sites appearing on the inventory that are not in compliance with the act will be considered for screening, relocation of junk material, or removal after a determination has been made as to the status of each site with regard to junk yard control factors established by law and rules.

(3) Junk yard sites along highways determined in the future to be interstate or primary highways, and not now so designated, will be within the controls of the act. Such junk yard sites will be considered for screening, relocation, or removal if they meet all the conditions set forth in R 247.103.

History: 1979 AC.

R 247.103 Junk yards subject to control.

Rule 3. Junk yard sites meeting all of the following conditions are subject to control:

- (a) Those within 1,000 feet from the nearest edge of the right-of-way of an interstate or primary highway.
- (b) Those not located within areas zoned industrial by law.
- (c) Those not located within areas determined to be unzoned industrial areas.
- (d) Those which are visible from the main traveled way of an interstate or primary highway.
- (e) Those which are not adequately screened as determined by the department.
- (f) Those containing 10 or more wrecked or partially dismantled automobiles or other junk materials.

History: 1979 AC.

R 247.104 Review and determination of type of control.

Rule 4. A junk yard site subject to control will be reviewed by the department to determine:

- (a) The physical possibility of adequately screening the site from visibility from the main traveled way of the highway.
- (b) If the site is screenable, the most practical and economic type of screening and the location of such screening. Sites to be screened will be so determined after evaluation of the following:
 - (i) Cost of screening.
 - (ii) Cost of removal of junk to screened location, if possible.
 - (iii) Cost of removal or relocation of junk yard.
- (c) A site not possible or economically feasible to screen will be programmed for relocation or removal with just compensation to the owners.

History: 1979 AC.

R 247.105 Screening.

Rule 5. (1) Appropriate screening materials and location of screening installations will be chosen by the department. Screening materials may consist of landscape plantings, screen fences, earth mounds, or other appropriate means. In selecting screening materials, consideration will be given to existing conditions at each site so an effective and attractive screen installation can be provided for. Where adequate existing screening occurs on a portion of the site to be screened, such existing features will be incorporated in the overall screening proposed for the site.

(2) The location of screening installations will be selected with consideration given to the following factors:

- (a) A location that effectively screens existing stored junk.
- (b) A location that allows the use of the minimum practical amount of screening both as to length and height of installation.
- (c) A location which does not adversely affect safe operation of the highway.
- (d) A location that considers the operating interests of the junk yard owner consistent with screening requirements.
- (e) Combination business interests, where existing, will be recognized.

Screen locations may provide for unscreened business areas off the highway right-of-way. Such business areas may not be used for storage of existing or future junk.

(f) Locations near property lines will be used insofar as such locations do not require substantial additional screening.

(g) Where feasible, considering practical and economic aspects, screening will be placed on existing highway right-of-way.

(h) Where necessary, screening will be located off the highway right-of-way. Highway beautification easements will be secured for the use of land outside the highway right-of-way required to construct and maintain screening installations. Junk materials located on areas required for screening installations will be moved prior to construction of the installation.

History: 1979 AC.

R 247.106 Expansion of existing, and installation of new, junk yards.

Rule 6. (1) Expansion of junk yard sites subject to the control of the act shall provide for adequate screening of all expanded storage areas at the expense of the owner or operator. Screening shall be of a nature compatible with the intent of the act to enhance the appearance of lands bordering public highways. Screening of such expanded operations is subject to the control of the department. A permit procedure will be maintained by the department to regulate expansion of existing junk yards.

(2) A new junk yard installed in an area subject to control by the act and as set forth in R 247.103 shall provide for adequate screening at the expense of the owner or operator. Screening shall be of a nature compatible with the intent of the act to enhance the appearance of lands bordering public highways. A permit procedure will be maintained by the department to regulate new junk yards adjacent to interstate and primary highways.

History: 1979 AC.

R 247.109 Enforcement of rules.

Rule 9. If a junk yard is maintained, expanded, or established not in compliance with the act, rules, and permit procedures of the department, the noncompliance will be brought to the attention of the owner by the department. A reasonable time will be allowed for such compliance. Failure to comply with the act, rules, and permit procedures of the department will occasion the department to apply to the court of proper jurisdiction for an injunction to compel compliance therewith.

History: 1979 AC.