

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 961\*

Short Title: Pamlico Junkyards.

(Public)

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Sponsors: Senator Perdue.

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Referred to: Transportation.

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April 26, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN COUNTIES TO REGULATE JUNKYARDS ON  
SECONDARY ROADS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-142 reads as rewritten:

**"§ 136-142. Declaration of policy.**

The General Assembly hereby finds and declares that although junkyards are a legitimate business, the establishment and use and maintenance of junkyards in the vicinity of the interstate and primary highways or within the vicinity of secondary roads in counties that have no interstate or federal aid primary highways within the State should be regulated and controlled in order to promote the safety, health, welfare and convenience and enjoyment of travel on and the protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for regulation and control of junkyards."

Sec. 2. G.S. 136-144 reads as rewritten:

**"§ 136-144. Restrictions as to location of junkyards.**

No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, or a secondary road in a county that has no interstate or federal aid primary highways, except the following:

- 1 (1) Those which are screened by natural objects, plantings, fences or  
2 other appropriate means so as not to be visible from the main-traveled  
3 way of the highway at any season of the year or otherwise removed  
4 from sight or screened in accordance with the rules and regulations  
5 promulgated by the Department of Transportation.
- 6 (2) Those located within areas which are zoned for industrial use under  
7 authority of law.
- 8 (3) Those located within unzoned industrial areas, which areas shall be  
9 determined from actual land uses and defined by regulations to be  
10 promulgated by the Department of Transportation.
- 11 (4) Those which are not visible from the main-traveled way of an  
12 interstate or primary highway or a secondary road in a county that does  
13 not have an interstate or federal aid primary highway at any season of  
14 the year."

15 Sec. 3. G.S. 136-147 reads as rewritten:

16 **"§ 136-147. Screening of junkyards lawfully in existence.**

17 Any junkyard lawfully in existence on the effective date of this Article as  
18 determined by G.S. 136-155 which does not conform to the requirements for exceptions  
19 in G.S. 136-144 hereof, and any other junkyard lawfully in existence along any highway  
20 which may be hereafter designated as an interstate or primary highway or a secondary  
21 road in a county without an interstate or federal aid primary highway and which does  
22 not conform to the requirements for exception under G.S. 136-144 hereof, shall be  
23 screened, if feasible, by the Department of Transportation at locations on the highway  
24 right-of-way or in areas acquired for such purposes outside the right-of-way in such  
25 manner that said junkyard shall not be visible from the main-traveled way of such  
26 highways. The Department of Transportation is authorized to acquire fee simple title or  
27 any lesser interest in real property for the purpose required by this section, by gift,  
28 purchase or condemnation."

29 Sec. 4. G.S. 136-149 reads as rewritten:

30 **"§ 136-149. Permit required for junkyards.**

31 No person shall establish, operate or maintain a junkyard any portion of which is  
32 within 1,000 feet of the nearest edge of the right-of-way of the interstate or primary  
33 system or a secondary road in a county that does not have an interstate or federal aid  
34 primary highway without obtaining a permit from the Department of Transportation or  
35 its agents pursuant to the procedures set out by the rules and regulations promulgated by  
36 the Department of Transportation. No permit shall be issued under the provisions of this  
37 section for the establishment, operation or maintenance of a junkyard within 1,000 feet  
38 to the nearest edge of the right-of-way of interstate or primary system except those  
39 junkyards which conform to one or more of the exceptions of G.S. 136-144. The permit  
40 shall be valid until revoked for the nonconformance of this Article or rules and  
41 regulations promulgated by the Department of Transportation thereunder. Any person  
42 aggrieved by the decision of the Department of Transportation or its agents in refusing  
43 to grant or revoking a permit may appeal the decision in accordance with the rules and  
44 regulations enacted by the Department of Transportation pursuant to this Article to the

1 Secretary of Transportation who shall make the final decision upon the agency appeal.  
2 The Department of Transportation shall have the authority to charge fees to defray the  
3 costs of administering the permit procedures under this Article. The fees for junkyard  
4 permits to be issued under this Article shall not exceed a twenty dollar (\$20.00) initial  
5 fee and a fifteen dollar (\$15.00) annual renewal fee."

6           Sec. 5. This act is effective upon ratification and applies to all counties with  
7 no interstate or federal aid primary highways as of the effective date of this act.