RULES

OF

TENNESSEE DEPARTMENT OF TRANSPORTATION MAINTENANCE DIVISION

CHAPTER 1680-2-4 RULES AND REGULATIONS FOR JUNKYARD CONTROL

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1680-2-4-.01 GENERAL STATEMENT.

(1) The following rules have been promulgated by the Tennessee Department of Transportation to regulate the establishment, operation, and maintenance of junkyards adjacent to the Federal-Aid Interstate and Federal-Aid Primary Highway Systems for aesthetic purposes.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 US.C. §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.01 filed and effective February 1, 2003.

1680-2-4-.02 **DEFINITIONS.** (ALPHABETICAL ORDER)

- (1) Abandoned junkyard shall mean any junkyard located within the control area which is not operated as a business or used for any other purpose whatsoever; or, to which no one claims ownership.
- (2) Automobile graveyard shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten (10) or more such vehicles will constitute an automobile graveyard.
- (3) Automotive dismantler and recycler means any person, firm, association, corporation, or trust resident or nonresident, who is engaged in the business and/or providing facilities for the purpose of recovering parts from automobiles and trucks, which have been wrecked or otherwise rendered inoperable as transportation vehicles with the parts recovered being for resale and further reduce used automobiles and trucks to a condition capable of salvage for their metal scrap content by scrap processors.
- (4) Control area means all areas inside the boundaries of this state which are within 1,000 feet of the nearest edge of the right-of-way of any highway which is part of the interstate or primary highway systems.
- (5) Department means the Tennessee Department of Transportation.
- (6) Ferrous material means any man-made product composed primarily of iron or an iron alloy. This definition includes, but is not limited to, such items as appliances, equipment, mechanical devices, or parts thereof.

(Rule 1680-2-4-.02, continued)

- (7) Grandfathered junkyard means a junkyard which was lawfully in existence and adjacent to an interstate or primary highway on May 25, 1967, and which does not conform with the location restriction of rule 1680-2-4-.03.
- (8) Industrial activities means those activities permitted only in industrial zones or in less restrictive zones by the nearest zoning authority in the state or prohibited by such authority, but generally recognized as industrial by other zoning authorities within the state except that none of the following shall be considered industrial activities for the purpose of establishing an unzoned industrial area:
 - (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 three 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) Junkyards, as defined in Title 23, United States Code Section 136.
- (9) Junk shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.
- (10) Junkyard shall mean 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, used auto pads yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. Provided, however, a "junkyard" shall not be construed to include a recycling center.
- (11) Main traveled way shall mean the traveled way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.
- (12) Nonconforming Junkyard means any junkyard lawfully existing outside the control area of an interstate or primary highway after to May 25, 1967, which subsequently lies within the control area of an interstate or primary highway as a result of new highway construction or a change in highway system classification, and which does not conform with the location restrictions of rule 1680-2-4-.03.

(Rule 1680-2-4-.02, continued)

- (13) Nonferrous material means any man-made product composed primarily of metals or substances other than iron or an iron alloy. This definition includes, but is not limited to, such items as clothing, furniture, tires, and building materials.
- (14) Old means discarded or no longer in use.
- (15) Person means any individual, firm, agency company, association, partnership, business, trust, joint stock company, body politic, or corporation.
- (16) Recycling center means an establishment, place of business, facility or building which is maintained, operated, or used for the storage, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.
- (17) Ruined means irreparably damaged; or damaged to an extent that repair or restoration is not feasible.
- (18) Scrap or scrapped means rejected, discarded, or no longer being of enough worth or effectiveness to retain; or being useful only for recycling, re-processing, or for the salvage of parts or material content.
- (19) Screen or screening means a naturally occurring barrier or a barrier constructed of suitable materials, as defined by the Department, which is capable of concealing a junkyard from the view of the main traveled way, year-round.
- (20) Pash dump means an open-air site or facility which is used for the disposal of trash, refuse, garbage or other discarded materials.
- (21) Unzoned industrial area means the land occupied by a regularly used building, parking lot, storage or processing area of an industrial activity and that land within 1,000 feet thereof which is:
 - (a) Not zoned by state or local law, regulation, or ordinance.
 - (b) Located on the same side of the highway as the principal part of said activity.
 - (c) Not predominantly used for residential or commercial purposes.
- (22) Wrecked means broken, damaged, disabled, dilapidated, or partially ruined.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.02 filed and effective February 1, 2003.

1680-2-4-.03 LOCATION RESTRICTIONS.

- (1) No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any interstate or primary highway, except for the following:
 - (a) Those junkyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of an interstate or primary highway, or which are otherwise removed from sight;
 - (b) Those junkyards located within areas which are zoned for industrial use under authority of law;

(Rule 1680-2-4-.03, continued)

- (c) Those junkyards located within unzoned industrial areas, as defined in these rules;
- (d) Those junkyards which are not visible from the main traveled way of an interstate or primary highway.

Authority: T.C.A. §\$54-20-104(a)(3) and 54-20-106; 23 U.S.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.03 filed and effective February 1, 2003.

1680-2-4-04 ABANDONED JUNKYARDS.

(1) Abandoned junkyards shall not be lawful and shall be removed by the owner or owners of the property on which they are located.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C, §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.04 filed and effective February 1, 2003.

1680-2-4-.05 MEASUREMENT OF DISTANCE.

- (1) Distance from the nearest edge of the right-of-way shall be measured horizontally along a fine perpendicular to the edge of the highway, from the nearest edge of the right-of-way to the nearest portion of the junkyard.
- (2) Distance along the edge of the main traveled way of a highway shall be measured between two vertical planes which are perpendicular to and interest the edge of the highway, and which pass through the termini of the measured distance.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 US.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.05 filed and effective February 1, 2003.

1680-2-4-.06 JUNKYARDS INDICATED WITHIN ZONED OR UNZONED INDUSTRIAL, AREAS.

(1) Any junkyard located, in its entirety, within a zoned or an unzoned industrial area is not required to be screened. Any extension beyond the limits of a zoned or unzoned industrial area shall be treated as a separate establishment.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.06 filed and effective February 1, 2003.

1680-2-4-.07 GRANDFATHERED AND NONCONFORMING JUNKYARDS.

- (1) Grandfathered and nonconforming junkyards may lawfully continue in their existing condition subject to the following conditions, any violation of which shall terminate their status and render them in violation of the screening or concealment requirements of rule 1680-2-4-.03(l)(a):
 - (a) The junkyard must continue to be lawfully maintained and operated;
 - (b) There must be existing property rights in the junk or junkyard;
 - (c) Junkyards consisting of abandoned or worthless junk, or the like, shall not be lawful;

(Rule 1680-2-4-.07, continued)

- (d) Abandoned junkyards shall not be lawful;
- (e) The location of the junkyard may not be changed for any reason; if the location is changed, the junkyard shall constitute a new establishment at a new location;
- (f) The junkyard may not be extended, enlarged, or changed in use.
- (g) The junkyard may not be destroyed or voluntarily discontinued.
- (2) Extension or enlargement of such junkyards is prohibited except where the junkyard has been brought into compliance with rule 1680-2-4-.03(l)(a) by proper screening or concealment.
- (3) Trash dumps shall not be considered as lawful for the purpose of constituting either a grandfathered or nonconforming junkyard since such establishments are composed of worthless and/or abandoned junk.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.07 filed and effective February 1, 2003.

1680-2-4-.08 JUNKYARDS ESTABLISHED AFTER MAY 25, 1967 OUTSIDE OR ZONED OR UNZONED INDUCSTRIAL AREAS.

- (1) Any junkyard which has been or is established within the control area, outside of a zoned or unzoned industrial area, subsequent to May 25, 1967, and which is visible from the main traveled way of the highway shall be screened or otherwise removed from sight by its owner or operator in such a manner as to bring the junkyard into compliance with rule 1680-2-4-.03(l)(a).
- (2) Those junkyards to be established within the control area, and which will not be located within an area zoned for industrial use or within an unzoned industrial area, must have appropriate and effective screening in place prior to depositing any junk on the site.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30 1982. Repealed and new rule filed June 1 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.08 filed and effective February 1, 2003.

1680-2-4-.09 SCREENING MATERIALS.

- (1) The materials listed below are hereby defined by the Department as being suitable for junkyard screening and shall be used for the construction of barriers for screening purposes:
 - (a) Wood Fences constructed of:
 - 1. Pressure treated, kiln dried, 1"x6" board; the surface may be painted, stained, or allowed to weather naturally.
 - 2. Standard plywood, 5/8 inch B-C exterior grade, or 3/4 inch A-C exterior grade, pressure treated; the surface must be painted.
 - 3. TI-11 textured exterior grade plywood siding, 5/8 inch, pressure treated, grooved; the surface must be painted or stained.

(Rule 1680-2-4-.09, continued)

- (c) *Metal panel fences* constructed of:
 - 1. Solid panels or corrugated or ribbed galvanized steel siding 29 gauge or heavier; the surface may be unpainted or painted (after aging), or factory coated with an enamel paint.
- (d) Double slatted chain link fences using aluminum or fiberglass slats as follows:
 - 1. Diagonal slatting front and back.
 - 2. Vertically slatted front and diagonally slatted back.
 - 3. Horizontally slatted front and diagonally slatted back.
- (e) Earth mounds or berms shaped and seeded for a natural appearance.
- (2) The materials used must form a structurally sound barrier which is neat, orderly and uniform in appearance.
- (3) All structural barriers erected for screening purposes must be constructed of rigid materials and must be permanently affixed to the ground.
- (4) All wood members are to be pressure treated.
- (5) The color of the material used for the face of a structural barrier, including paint applied to the material after installation, shall be unobtrusive and compatible with the highway environs. Where a wood surface is to be stained, the stain used shall be a wood tone which simulates the colors of natural woods.
- (6) Damaged, dilapidated, or rusted materials, or a patch-work of various materials shall not be suitable for screening purposes.
- (7) Other materials may be approved by the Department as being suitable for screening purposes upon submission of detailed specifications for the materials to he used.
- (8) Those screens in existence prior to the effective date of these rules which provide effective concealment and which are constructed of materials other than those herein defined as suitable for screening purposes, may lawfully remain. Should it become necessary to replace the screen, the new screen must be constructed of materials defined or otherwise approved by the Department as being suitable for screening purposes.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C., §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.09 filed and effective February 1, 2003.

1680-2-4-.10 REQUIREMENTS FOR EFFECTIVE SCREENING.

- (1) Screens must be structurally sound and must have a neat, orderly, and uniform appearance Structural soundness and a neat, orderly, and uniform appearance must continue to be maintained.
- (2) A screen must effectively conceal the junkyard from the view of the main traveled way of the controlling highway on a year-round basis.

(Rule 1680-2-4-.10, continued)

- (3) Screens which provide a "see-through" effect when viewed from a moving vehicle do not provide effective concealment and are therefore prohibited.
- (4) Screen entrances must be constructed in a manner that precludes a direct view of the junk material within from the main traveled way, or, there must be entrance gates which are capable of concealing the junk materials from view when closed.
- (5) Junk materials shall not be stacked or placed so as to be visible above the screen, nor shall junk materials be placed outside of the screened area so as to be visible from the main traveled way.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 US.C, §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repeated and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.10 filed and effective February 1, 2003.

1680-2-4-.11 PERMITS AND FEES.

- (1) On or after July 1, 1981, it shall be unlawful for any junkyard located within the control area to be operated or maintained without a Junkyard Control Permit issued by the Commissioner of Transportation.
 - (a) Permits shall be valid for the fiscal year for which they are issued and shall be subject to renewal from year to year.
 - (b) Each application for an original or renewal permit shall be accompanied by a fee of fifty dollars (\$50.00) which is not subject to either proration or refund.
 - (c) A permit is valid only while held by the permitee and is valid only for the location and establishment for which it is issued.
 - (d) A material violation of these rules shall render a permit voidable.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C, §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.11 filed and effective February 1, 2003.

1680-2-4-.12 TEMPORARY STORAGE.

(1) Any site or facility located within the control area, which is maintained or operated by an establishment or place of business for the temporary storage of junk pending disposition as a normal part of the operation, when like materials will continue to be located on the premises, shall be subject to all of the provisions of these rules.

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C, §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.12 filed and effective February 1, 2003.

1680-2-4-.13 UTILIZATION OF HIGHWAY RIGHT-OF-WAY.

(1) The utilization of state highway right-of-way for operating or maintaining any portion of a junkyard is prohibited; this shall include temporary use for the storage of junk pending disposition.

(Rule 1680-2-4-.10, continued)

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-106; 23 U.S.C, §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.13 filed and effective February 1, 2003.

1680-2-4-.14 AUTOMOTIVE DISMANTLERS AND RECYCLERS.

(1) All the provisions of these rules are applicable to automotive dismantlers and recyclers. However, the permit and fee requirement of rule 1680-2-4-.11 shall not apply to such establishments licensed by the State of Tennessee pursuant to T.C.A. §§55-17-109(b) and 55-17-109(a)(6).

Authority: T.C.A. §§54-20-104(a)(3) and 54-20-10; 23 U.S.C, §136. Administrative History: Original rule filed August 31, 1982; effective September 30, 1982. Repealed and new rule filed June 1, 1992; effective July 16, 1992. Rule has been assigned a new control number from 1680-7-1-.14 filed and effective February 1, 2003.