

DEPARTMENT OF TRANSPORTATION

Office of Transportation Safety

RULES GOVERNING JUNKYARDS ON INTERSTATE HIGHWAYS

2 CCR 601-2

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

1.00 STATEMENT OF BASIS AND PURPOSE AND STATUTORY AUTHORITY

These rules are adopted pursuant to § 43-1-506, C.R.S., which authorizes the Department to promulgate rules concerning junkyards in Colorado. The intent of these amendments is to update existing rules with regard to junkyards, to conform the scope of the rules to the current federal law, and to lessen the regulatory burden on local governments when possible. These rules apply to all areas within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of all interstate highways systems. At the request of the Office of Legislative Legal Services, the Department of Transportation has included the language set forth in § 43-1-503, C.R.S., as Rule 3.02, stating the exception for the need to apply for and obtain a junkyard permit. The new language clarifies that no permit need be obtained from the Department of Transportation if the property where the junkyard is located is zoned industrial under the authority of state law, or any of its political subdivisions. The other changes to these Rules are limited to numbering changes given the new Rule 3.02, and correction to font.

2.00 DEFINITIONS

- 2.01 "Abandoned" means to relinquish all title, possession, or claim. A junkyard is considered to be abandoned if the business has been voluntarily discontinued, or the activity has been terminated, for a period of one year.
- 2.02 "Automobile graveyard" means any establishment or place or business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- 2.03 "Department" means the Colorado Department of Transportation.
- 2.04 "Highway" for purposes of these rules means the interstate highway system.
- 2.05 "Junkyard" means any 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, and the term includes garbage dumps and sanitary fills. This definition also 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.
- 2.06 "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 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.
- 2.07 "Zoned Industrial" means zoned under the authority of state law established by zoning authorities as being most appropriate for industry or manufacturing. A zone which may include certain industrial

activities as an incident to the primary land use designation is not considered to be an industrial zone.

2.08 "Visible" means capable of being seen without visual aid by a person of normal acuity as viewed from a standard sized automobile from the main-traveled-way.

2.09 The definitions set forth in 23 CFR 751.7, "Junkyard Control and Acquisition" apply to these rules.

3.00 PERMIT REQUIREMENTS

3.01 Except as provided in these regulations, no person shall establish, operate, and maintain a Junkyard which is within one thousand feet of the nearest edge of the right-of-way of the Interstate Highway and visible from the Main-traveled way thereof unless a permit is first obtained from the Department.

3.02 Pursuant to § 43-1-503, C.R.S., no permit shall be required and junkyards, automobile graveyards, and scrap metal processing facilities may be operated within areas adjacent to said highways which are within one thousand feet of the nearest edge of the right-of-way which are zoned industrial under authority of state law, or any of its political subdivisions.

3.03 Application for a permit shall be submitted on the appropriate CDOT Form and shall be accompanied by a check for twenty-five dollars (\$25.00) made payable to The Colorado Department of Transportation which shall be non-refundable.

3.04 No permit shall be issued unless the Junkyard can be effectively screened, as provided herein, by natural objects, plantings, fences, or other appropriate means, so as not to be visible from the Main-traveled way of the Interstate Highway.

3.05 Screening shall be at the expense of the person applying for a permit, and shall conceal the Junkyard on a year-round basis

3.06 A plan for screening shall accompany the application for an initial permit and shall be in sufficient detail to demonstrate compliance with this requirement.

4.00 EXPIRATION, RENEWAL AND REVOCATION OF PERMITS

4.01 All permits shall expire one year from the date of issue, unless sooner renewed or revoked by the Department. A Junkyard shall not be operated after the expiration of its permit.

4.02 A permit shall be renewable from year to year within thirty days of its expiration date upon application to the Department (using the appropriate CDOT Form) accompanied by the renewal fee of \$25.00.

4.03 A permit shall not be renewed unless the Junkyard is effectively screened, as provided herein, so as not to be visible from the Main-traveled way of the Interstate Highway.

4.04 A failure to effectively screen and conceal the Junkyard or to comply with these rules shall be cause for revocation of a permit.

4.05 Except as provided herein, upon termination of a permit by denial or revocation, the responsible person(s) shall immediately cease operation of the Junkyard and initiate action to come into prompt compliance with the law and these regulations.

5.00 REQUIREMENTS FOR CONTINUED USE AS AN EXISTING JUNKYARD.

5.01 An existing Junkyard which is enlarged, extended, changed in use or location, abandoned, voluntarily discontinued, or destroyed after the effective date of these rules shall not continue as an existing Junkyard but shall be treated as a new Junkyard. The provisions concerning permits herein shall apply to such Junkyards.

6.00 CONTROL MEASURES

6.01 Recycling or disposal of junk, which is not usable as stock-in-trade in the ongoing business of the owner, or is donated by him, shall be a primary control measure. It is not intended that all such junk be included in this measure, if not necessary to the plan of operations.

6.02 Screening of the remaining junk shall have priority as a control measure where the Junkyard is to continue as an ongoing business, if feasible and practical to accomplish the control objective, in accordance with the standards and criteria for effective screening set forth in these regulations.

6.03 Relocation of the Junkyard for the continuance of the owner's ongoing business shall have priority as a control measure only when other control measures are not feasible or practical, and when the new site is either not visible from the highway, or is in an area Zoned Industrial, and will not cause environmental problems.

6.04 Removal of a Junkyard by recycling or other permanent disposal of junk shall have priority as a control measure in any of the following situations:

6.04.1 The Junkyard is either abandoned or discontinued.

6.04.2 The Junkyard will be terminated as a business within five years after the effective date of these regulations for reasons including but not limited to, the following:

6.04.2.1 The provisions of the applicable zoning ordinance.

6.04.2.2 Location in a proposed improvement project.

6.04.2.3 The owner intends to go out of business.

6.04.3 The Junkyard is a hazard to public health or safety, according to law.

6.04.4 There are no existing property rights in the Junkyard or junk or the junk is worthless.

7.00 COMPLETION OF CONTROL MEASURES

7.01 Upon satisfactory completion of control measures for its continued use, and compliance of the Junkyard with the applicable law and these regulations, the Department shall issue without fee an initial permit to expire one year from the date of issue.

7.02 An existing Junkyard which is abandoned, destroyed, or voluntarily discontinued shall not thereafter be continued in use.

Editor's Notes

History

Entire rule eff. 01/30/2012.

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