CHAPTER 24-16
ESTABLISHMENT OF JUNKYARDS ADJACENT TO HIGHWAYS

24-16-01. Legislative intent.

The legislative assembly declares that the establishment, use, and maintenance of junkyards in areas adjacent to the state highway system should be controlled to protect the public health, welfare, and morals; conserve the public investment in such highways; promote the safety and recreational value of public highways; and preserve natural beauty.

24-16-02. Definitions.

1. "Automobile graveyard" means any establishment or place of business or location that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, abandoned, ruined, or dismantled motor vehicles, motor vehicle parts, or machinery of all types.
2. "Commissioner" means the director of the department of transportation or authorized agents as provided by section 24-02-01.3.
3. "Highway" means any highway as defined in subsection 22 of section 24-01-01.1.
4. "Junk" means old or scrap paper, copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste or junked, dismantled, or wrecked automobiles or parts thereof or iron, steel, and other old or scrap ferrous or nonferrous material.
5. "Junkyard" means a business establishment or a place which is maintained, operated, or used for placing, storing, keeping, buying, or selling junk, or for the maintenance, use, or operation of an automobile graveyard and the term includes garbage dumps and sanitary fills.

24-16-03. Establishment of junkyards and automobile graveyards - Limitation.

No junkyards, automobile graveyards, or scrap metal processing facilities may be established and maintained within one thousand feet [304.8 meters] of the nearest edge of the right of way of a highway on the state highway system unless permission has been granted by the director. Junkyards established in violation of this chapter are hereby declared to be a public nuisance and the director may enter upon private property for the purpose of abating such nuisances without liability for such action.

24-16-04. Effect on existing junkyards - Orders of commissioner - Reimbursement.

Junkyards lawfully in existence prior to December 3, 1965, which are or may be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the state highway system must be allowed to remain within one thousand feet [304.8 meters] of the nearest edge of the right of way of any state highway; provided, however, that the owners of the junkyards which are not effectively screened shall take all the steps ordered by the commissioner to effectively screen them. When ordered by the director to screen junkyards lawfully in existence prior to December 3, 1965, the owners must be fully reimbursed for the costs expended pursuant to the director's order and design. Should the director determine that the effective screening of any junkyard could best be done by state forces or by an independent contractor, the director may use state forces or may let a contract for the screening in the same manner that contracts are let pursuant to this title for construction and reconstruction of the state highway system and the director has the right to enter upon private property for the purpose of screening said junkyards without liability on the director's part.

24-16-05. Order to remove junkyard.

The director may order the removal of any junkyards which cannot be effectively screened within the meaning of this chapter or any junkyard which in the judgment of the director does not subserve the legislative intent as specified in section 24-16-01.

24-16-06. Time limitation for removal.

Any junkyard which is within one thousand feet [304.8 meters] of the nearest edge of the right of way and visible from any highway of the state highway system which was lawfully in existence on December 3, 1965, may be maintained in existence until December 3, 1970, unless required to be removed prior thereto by order of the director.

24-16-07. Compensation for removal.

Owners of junkyards lawfully in existence on December 3, 1965, which are required to be removed prior to December 3, 1970, by order of the director pursuant to this chapter, must be paid just compensation for the reasonable damages, if any, suffered by reason of such removal between the date of removal and December 3, 1970. Just compensation does not include any relocation or removal costs as specified in section 32-15-22.1; however, costs of removal may be determined to be an element of compensation within the meaning of this chapter.

24-16-08. Acquisition of lands.

The director may, if the director deems it necessary to carry out the intent of this chapter, acquire lands used as junkyards by gift, purchase, exchange, or condemnation in fee simple, or such lesser interest as the director deems necessary, and in the acquisition of said lands by condemnation, the director shall use the procedure used for acquiring right of way for the improvement, construction, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning, or maintaining a state highway.

24-16-09. Director to enforce rules.

The director may adopt and enforce rules for the maintenance of and establishment of junkyards consistent with the national policy set forth in 23 U.S.C. 136 and the national standards promulgated thereunder by the secretary of transportation.

24-16-10. Administrative order retroactive.

The administrative order promulgated on December 3, 1965, by the director prohibiting the establishment of junkyards within one thousand feet [304.8 meters] from the nearest edge of the right of way along highways on the state highway system unless the director's permission is obtained is hereby enacted into law with full force and effect of law, from its issuance on December 3, 1965, the same as if said order was enacted into law by the legislative assembly to take effect as of that date.

24-16-11. Certain junkyards allowed.

Notwithstanding any other provision of this chapter, junkyards, automobile graveyards, and scrap metal processing facilities may be operated within areas adjacent to highways which are within one thousand feet [304.8 meters] of the nearest edge of the right of way and which are zoned under the authority of state law or which are not zoned under the authority of state law, but are used for industrial activities as determined by the director.

24-16-12. Penalty.

Any person who permits a junkyard, as defined in section 24-16-02, to be established on the person's property in violation of this chapter is guilty of a class A misdemeanor.