



**Highway Maintenance Manual**  
**Chapter 07 Roadside Management**  
**Section 01 General**  
**Subject 40 Junkyards**

**Bureau of Highway Maintenance**  
**February 2019**

## **1.0 Authority**

[23 U.S.C. 136](#) , The Federal Highway Beautification Act of 1965 (FHB) and subsequent amendments require the effective control of the establishment, use and maintenance of junkyards located in areas adjacent to the Federal-Aid Interstate and primary highway system (now National Highway System Primary Highways). “Effective control” means junkyards which are within 1,000 feet of the nearest edge of the right of way and visible from the highway must be screened by natural objects, plantings, fences or other appropriate means so they are not visible from the main traveled way of the system, or they shall be removed from sight. The provisions of the act do not apply to areas adjacent to highways comprising the Federal-aid Urban System.

[Code of Federal Regulation \(CFR\) 23 Part 751](#), Junkyard Control and Acquisition

[s. 84.31\(6\), Wis. Stats.](#) addresses regulation of junkyards. This law gives the department the authority to screen, remove and relocate junkyards and, if necessary, acquire property required to accomplish this. The law became effective on June 11, 1976. This date is important because if a junkyard was lawful on the effective date except for the fact that it is visible from the highway, it is considered to be “non-conforming” and the department is responsible for screening, relocating or disposing of the junkyard at state expense with federal participation when funds are appropriated and available.

If a junkyard is not lawfully established or maintained (e.g. it was established in violation of a state statute, rule or local zoning ordinance) the junkyard is considered to be illegal and is to be relocated or disposed of at the expense of the owner or operator.

See [FDM 27-20-5.4.1](#) for further discussion of federal and state laws regulating junkyards.

A document entitled “Control of Junkyards Program: Procedures and Guidelines” was prepared by the department’s Maintenance Section in cooperation with the Bureau of Real Estate and distributed to affected agencies in 1980. Each WisDOT region received at least one copy at that time. Additional copies may be obtained from the Bureau of Highway Maintenance landscape architects.

## **2.0 General**

The Junkyard Control Program was established by Federal and State laws to control the establishment, operation and maintenance of junkyards in areas adjacent to the Interstate and primary highways. The purpose was “to protect the public investment in such highways, the scenic beauty of lands along such highways, and to promote the safety and recreational value of public travel and the prosperity, economic well-being and general welfare of the state.”

In general, junkyards located within 1,000 feet of and visible from an Interstate Highway or a National Highway System Primary Highway must be completely screened or removed from view unless they are located in a zoned or un-zoned industrial area.

The term “junkyard” means 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 (defined as 10 or more vehicles). It also includes garbage dumps and sanitary landfills.

The term “junk” means 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 material.

### **3.0 Background**

During the late 1960's and through the 1970's, the department had a very active junkyard screening program. Screening was accomplished either by landscape plantings or by erecting solid screen fence panels on the right of way or on an easement granted by the owner of the site being screened. For junkyards legally existing before the FHB Act, seventy-five percent of the project cost was contributed by the federal government with the remainder of the cost coming from the department's budget. The junkyard owner is responsible for screening a junkyard established after the law was passed.

The junkyard screening program has been inactive since the early 1980's when the federal government stopped appropriating funds for its continuation.

### **4.0 Junkyard Inventory**

In 1966, an inventory was made of junkyards located along the Interstate and primary routes. The inventory was to be used as a basis for determining which sites needed to be controlled under the federal and state guidelines. In 1975, the department entered into an agreement with the Department of Natural Resources (DNR) to update the 1966 inventory. The purpose of the update was to determine the status of the sites on the 1966 inventory and to inventory any new junkyards established since that time. This agreement was amended in 1976 to provide for an inventory of junkyards located along the approximately 2,850 miles of highway added to the primary system on July 1, 1976. Copies of these inventories were provided to all of the department's region offices, the central office Bureau of Highway Maintenance and Bureau of Real Estate, central office files and to the Federal Highway Administration (FHWA).

Even though the Junkyard Control Program is no longer active, the junkyard control inventory is to be kept up-to-date by each regional office. The FHWA, as part of its oversight responsibilities, occasionally asks for a report on the status of the department's junkyard control activities.

### **5.0 Status of Junkyards**

Junkyards may be legal, illegal or non-conforming.

A legal junkyard is one established in accordance with state laws at the time the state law became effective.

An illegal junkyard is one established or maintained in violation of state law, rule or local ordinance.

A non-conforming junkyard is one established according to the laws that existed at the time of establishment but does not conform to the laws and standards enacted subsequent to its establishment.

Operations generally not requiring control under this program are:

- Automobile dealerships, new and used
- Automobile repair and body shops (if less than 10 automobile hulks)
- Automobile wrecker service (if less than 10 stored wrecked automobiles)
- Farm machinery and equipment dealerships, new and used (if operatable)
- Construction machinery and equipment dealerships, new and used (if operatable)
- Sawmill operations and saw dust piles
- Wood industry materials storage areas
- Building material storage areas
- On-premise industrial wastes
- Sanitary landfills, operated in accordance with DNR rules

### **6.0 Surveillance Procedures**

The Federal Highway Administration "Junkyard Control and Acquisition" rules and regulations require "the states have laws and procedures sufficient to provide effective control, to discover illegally established or maintained junkyards shortly after such occurrence, and to cause the compliance or removal of same promptly in

accordance with state legal procedures.” Surveillance to determine whether conforming junkyards are not being maintained properly, or any illegal junkyards are being established should be carried out by the regional operations staff. Any unlawful activities should be brought to the attention of the Regional Operations Chief for corrective actions. Illegal junkyards must be brought into compliance by the owner or be removed. The following procedure should be followed by the regional office:

1. A system of regular inspections should be established to insure proper operation of conforming junkyards, to detect the establishment of illegal junkyards and to keep the junkyard inventory current. These inspections can be carried out as part of regular maintenance work. A record of inspections and findings should be kept in the regional office.
2. Determine why the junkyard is not in compliance (e.g. established illegally, expanded without proper screening, stored junk materials outside of the screen, etc.) and what corrective action is required.
  - Contact the junkyard owner or operator and advise him or her accordingly.
  - If the junkyard is not part of an ongoing business, consideration should be given to removing the junk materials.
3. The junkyard must be brought into compliance. Therefore, determine with the junkyard owner or operator whether the operation is to be continued at the existing location and screened, continued at another location or if it is to be removed. Compliance is to be accomplished at the owner’s expense.
4. If, following the initial contact, corrective action is not taken within a reasonable time, a written notice shall be sent to the owner or operator by the regional office in accordance with [Section 84.31\(6\)](#), Stats. See the sample “Notice to Illegal Junkyard Owner or Operator” at the end of this guideline. This notice should:
  - Indicate the illegal status of the junkyard and specify the respects in which it is illegal.
  - State unless the junkyard is brought into compliance with the law within 30 days at the expense of the owner or operator, the department will take corrective action as authorized under [Section 84.31\(6\)\(b\)](#), Stats.
  - Inform the owner or operator if (s)he requests a hearing on the matter in writing within the 30-day period, a hearing will be conducted under [Chapter 227](#), Stats. Such requests should be sent to and be received by the regional office within the 30-day period. The owner or operator will then be advised directly by the regional office or a hearing examiner concerning the date, time and place where their hearing will be held.
  - Send the notice by certified mail and send a copy to the County Highway Commissioner or local municipality.
5. If, following the notification of the decision of the hearing examiner, the junkyard is not brought into compliance within the time specified, a written report should be submitted to the Central Office, Director of the Bureau of Highway Maintenance, stating the facts of the situation and requesting direction as to the course of action to be taken as authorized under [Section 84.31\(6\)\(b\)](#), Stats.

(SAMPLE NOTICE TO ILLEGAL JUNKYARD OWNER OR OPERATOR - CERTIFIED MAIL)

Date:

Addressee:

Subject: Control of Junkyards  
Interstate and National Highway System Highways  
Re: Illegal Junkyard  
Site Number  
Location  
Highway  
County

This is in reference to our meeting of \_\_\_\_\_ at which time we discussed with you the requirements of the federal and state laws regarding the control of junkyards along the Federal Aid Interstate and National Highway Systems.

Basically, the intent of the federal and state laws is to regulate the establishment, operation and maintenance of junkyards in areas adjacent to these federal-aid highway systems. Junkyards which are located within 1,000 feet of the right of way line must not be visible from the main traveled way except for those located in zoned or un-zoned industrial areas. Junkyards which are located within this zone of control and are visible must be screened from view or be removed or relocated.

Section 84.31 of the Wisconsin State Statutes, Regulation of Junkyards, became effective on June 1, 1976, at which time all junkyards along the Interstate and National Highway systems were inventoried.

As discussed with you, your junkyard is considered to be illegal because (Describe why)

\_\_\_\_\_

At the time of our meeting, you indicated you would take corrective action (describe)

\_\_\_\_\_ by \_\_\_\_\_ (date) \_\_\_\_\_ in order to bring your junkyard into compliance.

Inasmuch as the junkyard has not been brought into compliance as of this date, you are hereby being informed unless the junkyard is brought into compliance with federal and state law within 30 days it will be necessary for the Department of Transportation to take corrective action as authorized under Section 84.31 of the Wisconsin State Statutes.

Also, as provided under Section 84.31, you may request a hearing on this matter, in which case the hearing request must be made in writing within 30 days to this office. You will then be contacted regarding the date, time and place where the hearing will be held.

Any hearing request and/or any questions in relation to this matter should be directed to the Wisconsin Department of Transportation, \_\_\_\_\_ Region Operations Section,

\_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Regional Director

County Commissioner \_\_\_\_\_ By \_\_\_\_\_  
Regional Operations Manager