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BY GRAVEL, CARR, DITMAN, GUESS,
JACKSON, JOSEPHSON, KENDALL,
KERTTULA, LEFEVRE, LOTTSFELDT,
O'CONNELL, PINKERTON, PLOTNICK,
RAY, SHELDON AND TAYLOR

1 IN THE HOUSE

2 HOUSE BILL NO. 368

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing and
7 control of junk yards bordering public
8 highways; and providing for an effective
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 19 is amended by adding a new chapter to read:

12 CHAPTER 27. JUNK YARDS

13 Sec. 19.27.010. PURPOSE. For the purpose of promoting
14 the public safety, health, welfare, convenience and enjoy-
15 ment of public travel, to protect the public investment in
16 public highways, and to preserve and enhance the scenic
17 beauty of lands bordering public highways, it is hereby
18 declared to be in the public interest to regulate and
19 restrict junk yards in areas adjacent to the interstate and
20 primary systems within this state. The legislature hereby
21 finds and declares that junk yards which do not conform to
22 the requirements of this chapter are public nuisances.

23 Sec. 19.27.020. LICENSE REQUIRED. Outdoor junk yards
24 which are within 1,000 feet of the nearest edge of the right
25 of way of any highway on the interstate and primary systems
26 are prohibited unless licensed under the provisions of this
27 chapter. The commissioner of highways shall have the sole
28 authority to issue such licenses and shall charge therefor
29 a fee of \$500, payable annually in advance. All licenses

1 issued under this section shall expire on June 30 following
2 the date of issuance. A license may be renewed from year
3 to year upon paying to the commissioner of highways the
4 sum of \$100 for such renewal. The owner or operator of a
5 junk yard may obtain a license or renewal by applying to
6 the commissioner, complying with the requirements of this
7 chapter and the regulations promulgated under it, and
8 paying the appropriate fee.

9 Sec. 19.27.030. RESTRICTIONS AS TO LOCATIONS. No
10 license shall be granted junk yards within 1,000 feet of
11 the nearest edge of the right of way of any highway on the
12 interstate or primary systems except

13 (1) those which are screened by natural objects,
14 plantings, fences, or other appropriate means so as not to
15 be visible from the main-traveled way of the system, or
16 otherwise removed from sight;

17 (2) those located within areas which are zoned
18 for industrial use under authority of law, charter or
19 ordinance;

20 (3) those located within unzoned industrial
21 areas, which areas shall be determined from actual land
22 uses and defined by regulations to be promulgated by the
23 commissioner of highways;

24 (4) those which are not visible from the main-
25 traveled way of the system;

26 (5) those in existence on the effective date of
27 this enactment which are visible from the main-traveled way
28 of the system and which the commissioner of highways finds
29 as a practical matter cannot be screened and which are not

1 removed as provided by sec. 40 and sec. 60 provided no
2 license authorizing such junk yard shall extend beyond
3 June 30, 1970 and all licenses granted such junk yards under
4 the provisions of sec. 20 shall expire on June 30, 1970.

5 Sec. 19.27.040. JUNK YARDS LAWFULLY IN EXISTENCE.

6 Junk yards lawfully in existence on the effective date of
7 this chapter, those lawfully along any highway made a part
8 of the interstate or primary system on or after the
9 effective date of this enactment and before January 1, 1968,
10 and those lawfully established on or after January 1, 1968,
11 which are within 1,000 feet of the nearest edge of the
12 right of way and which at such time do not conform to sec.
13 30(1) or sec. 30(4) shall be screened, if feasible, by the
14 commissioner of highways at locations on the highway right
15 of way or in areas acquired for such purposes outside the
16 right of way so as not to be visible from the main-traveled
17 way of such highways, or they shall be removed.

18 Sec. 19.27.050. REQUIREMENT AS TO SCREENING. The
19 commissioner of highways may promulgate rules and regula-
20 tions to effectuate the purposes of this chapter.

21 Sec. 19.27.060. AUTHORITY TO ACQUIRE PROPERTY
22 INTERESTS FOR REMOVAL OR SCREENING OF JUNK YARDS. When the
23 commissioner of highways determines that the topography of
24 the land adjoining the highway will not permit adequate
25 screening of those junk yards lawfully in existence as pro-
26 vided in sec. 40, or the screening of such junk yards would
27 not be economically feasible, the commissioner of highways
28 may acquire by gift, purchase, exchange, or condemnation,
29 such property interests as may be necessary to secure the

1 relocation, removal, or disposal of such junk yards, and
2 the commissioner of highways shall pay just compensation to
3 the owner for the relocation, removal, or disposal, thereof.
4 When the commissioner of highways determines that it is in
5 the best interest of the state, he may, on behalf of the
6 state, acquire such lands, or interests in lands, as may be
7 necessary to provide adequate screening of such junk yards.

8 Sec. 19.27.070. UNLICENSED OR VIOLATING JUNK YARDS A
9 NUISANCE. Junk yards which are not licensed under the pro-
10 visions of this chapter or which are in violation of any
11 provision of this chapter or regulation promulgated pur-
12 suant thereto are public nuisances.

13 Sec. 19.27.080. JUNK YARDS IN EXISTENCE ON DATE OF
14 ENACTMENT. Notwithstanding any provision of this chapter,
15 junk yards lawfully in existence on the effective date of
16 this enactment which do not conform to the requirements of
17 this chapter and which the commissioner of highways finds
18 as a practical matter cannot be screened, shall not be
19 required to be removed until July 1, 1970, and the owner of
20 each such junk yard shall obtain a license under the pro-
21 visions of sec. 20.

22 Sec. 19.27.090. INJUNCTION. At the request of the
23 commissioner of highways the attorney general may institute
24 a civil action in superior court to abate a junk yard that
25 is a nuisance as defined in this chapter. In such proceed-
26 ings the court shall determine whether the junk yard is a
27 nuisance as defined in this chapter and shall enter such
28 judgments or decrees as it considers necessary to abate the
29 nuisance. A civil action under this section shall be

1 brought in the superior court in the judicial district in
2 which the junk yard is located.

3 Sec. 19.27.100. INTERPRETATION. Nothing in this
4 chapter shall be construed to abrogate or affect the provi-
5 sions of any law, ordinance, regulation, or resolution,
6 which is more restrictive than the provisions of this
7 chapter.

8 Sec. 19.27.110. AGREEMENTS WITH THE UNITED STATES.
9 The commissioner of highways is hereby authorized to enter
10 into agreements with the United States Secretary of Commerce
11 as provided by Title 23, United States Code, relating to
12 the control of junk yards in areas adjacent to the inter-
13 state and primary systems, and to take action in the name
14 of the state to comply with the terms of such agreements.

15 Sec. 19.27.120. DEFINITIONS. In this chapter

16 (1) the term "junk yard" means an outdoor
17 establishment or place which is maintained, operated, or
18 used for storing, keeping, dumping, buying, or selling junk,
19 or for the maintenance or operation of an automobile grave-
20 yard, and the term shall include garbage dumps and sanitary
21 fills;

22 (2) the term "junk" means old or scrap copper,
23 brass, rope, rags, batteries, paper, trash, rubber debris,
24 waste, or junked, dismantled, or wrecked automobiles, or
25 other equipment, appliances or implements, or parts thereof,
26 iron, steel, and other old or scrap ferrous or nonferrous
27 material;

28 (3) the term "automobile graveyard" means any
29 establishment or place which is maintained, used, or

1 operated, for storing, keeping, dumping, buying, or selling
2 wrecked, scrapped, ruined, or dismantled motor vehicles or
3 motor vehicle parts;

4 (4) "interstate system" means that portion of the
5 National System of Interstate and Defense Highways located
6 within this state, as officially designated, or as may here-
7 after be so designated, by the commissioner of highways,
8 and approved by the Secretary of Commerce, pursuant to the
9 provisions of Title 23, United States Code, "Highways";

10 (5) "primary system" means that portion of
11 connected main highways, as officially designated, or as
12 may hereafter be so designated, by the commissioner of
13 highways, and approved by the Secretary of Commerce, pur-
14 suant to the provisions of Title 23, United States Code,
15 "Highways."

16 Sec. 19.27.130. PENALTY FOR VIOLATION OF ARTICLE,
17 ORDER OR REGULATION. A person who violates the provisions
18 of this chapter, or any rule or regulation adopted under it,
19 shall be guilty of a misdemeanor, and upon conviction, is
20 punishable by a fine of not less than \$50 nor more than
21 \$1,000.

22 Sec. 19.27.140. ADDITIONAL REQUIREMENTS. The require-
23 ments imposed by this chapter relative to junk yards are in
24 addition to the requirements of AS 08.60.050 - 100.

25 Sec. 19.27.150. SHORT TITLE. This chapter may be
26 cited as the "Junk Yard Control Act."

27 Sec. 19.27.160. EFFECTIVE DATE. Sec. 90 and sec. 130
28 shall take effect on July 1, 1966. The remaining sections
29 of this chapter shall take effect on the day after its

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passage and approval or on the day it becomes law without
such approval.

* Sec. 2. AS 08.60.010 - 08.60.030 are repealed.