

## **Title 27. Transportation**

### **Chapter V. Arkansas Department of Transportation, State Highway**

#### **Commission**

#### **Subchapter D. Beautification**

#### **Part 133. Junkyards**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"WHEREAS, Article II of Act 640 of the Acts of the General Assembly for the year 1967 (Ark. Stats. 76-2513-2519) directs the Arkansas State Highway Commission to promulgate rules governing the location, planting, construction, and maintenance, including materials used therein, for the screening and fencing of junkyards as defined by the said Act;

IT IS THEREFORE, CONSIDERED AND ORDERED that the following rules are hereby adopted for the screening and fencing of junkyards as defined by Act 640 of the Acts of the General Assembly for the year 1967, and are ordered published as prescribed by law."

"SECTION 2 – That the rules set forth above shall be published in the Arkansas Gazette and the Arkansas Democrat once each week for three consecutive weeks.

SECTION 3 – That two (2) copies of this Minute Order be mailed by certified mail, return receipt requested, to the Circuit Clerk of each County with directions that a copy of this Minute Order be posted immediately at the Courthouse, and one (1) copy of the Minute Order be retained in his office for public information.

SECTION 4 – That the Legal Division shall be charged with the responsibility of seeing that these Rules are published according to Law and to maintain the prepared files in connection therewith."

"Minute No. 69 177

Date Passed Jun 25 1969"

## **Subpart 1. Generally**

### **27 CAR § 133-101. General.**

(a) This part shall apply to all junkyards located on all highways designated by the State Highway Commission as interstate highways or primary highways, and which can be screened using:

- (1) Natural objects;
- (2) Plantings;
- (3) Fences; or
- (4) Other appropriate means.

(b) This part does not apply to junkyards in zoned industrial areas, zoned by an authorized zoning commission, or those which exist in an unzoned industrial area as determined by an agreement between the State Highway Commission and the United States Department of Transportation.

**Authority.** Arkansas Code § 27-74-405.

### **27 CAR § 133-102. Screening.**

#### **(a) Fences.**

(1) The fencing shall be of permanent materials and constructed so that it will be capable of remaining erect for at least ten (10) years.

(2)(A) The fencing shall be high enough to screen all junk and junked cars from the view of the traveled way of the highway.

(B) Should the junk pile or piles be increased in height, the fence must also be increased.

(3) It shall extend along the frontage of the junkyard parallel to the highway and perpendicular to the highway along the sides of the junkyard to a distance so that

all junk and wrecked cars will be screened from view of the traveled way of the highway.

(4)(A) The fence must be neat in appearance and of a uniform color and height.

(B) Steel signs will not be acceptable as a fencing material.

(C) If the fence is to be painted, it shall be of a uniform color or neatly trimmed in another color.

(D) Bright, loud colors will not be acceptable.

(5)(A) It is not necessary that the fence be solid.

(B) However, the open spaces must be small enough that the junk material is substantially screened.

(6)(A) The fence shall be maintained by the owner and/or operator of the junkyard.

(B) Should the fence become damaged or destroyed, it must be repaired within thirty (30) days.

**(b) Plantings.**

(1) If plantings are to be used for screening, they must be large enough and placed close enough to screen the junk and junked cars immediately after planting.

(2) All plants used must be of evergreen varieties.

(3) Plants must be located with the same stipulations as fences.

(4) In no cases will the planting of young plants or sparse plants with the purpose that in time the screening will be accomplished be acceptable.

(5) Should the plants become diseased, die, or be damaged in any way so as to cause the junk not to be screened, they must be replaced within thirty (30) days.

**(c) Natural objects.**

(1) Natural occurring rock outcrops, woods, earth mounds, etc., may be utilized for screening if they are of a size such that the junk cannot be seen from the traveled way of the highway.

(2) Natural objects may be used in conjunction with plantings, fences, or other appropriate objects to screen junkyards.

(d) **Other appropriate objects for screening.** Subject to prior approval by the State Highway Commission, other objects for screening such as buildings, houses, and occupied house trailers may be used entirely or in part to screen junkyards provided the objects are neat in appearance and properly maintained so as not to mar the natural beauty of the highway and its facilities.

**Authority.** Arkansas Code § 27-74-405.

**27 CAR § 133-103. Conditions with regard to screening.**

(a) It shall be the responsibility of the owner and/or operator of the junkyard to see that the screening is erected and maintained.

(b)(1) In no cases may the highway right-of-way be utilized for the storage of junk or junked vehicles.

(2) If the storage of junk or junked vehicles occurs in front of an erected screen, the yard shall be considered unscreened and in violation of the provisions of Acts 1967, No. 640.

**Authority.** Arkansas Code § 27-74-405.

**27 CAR § 133-104. Failure to screen.**

Unscreened junkyards in violation of Acts 1967, No. 640, are deemed nuisances, and will be abated as prescribed by law.

**Authority.** Arkansas Code § 27-74-405.