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**Control of Junkyard and Scrap Metal Processing Facilities Along the Federal Interstate and Primary Systems and Limited Access State Highways**

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## **Control of Junkyard and Scrap Metal Processing Facilities Along the Federal Interstate and Primary Systems and Limited Access State Highways**

### **Sec. 13a-123d-1. Applicability**

Sections 13a-123d-1 to 13a-123d-3, inclusive, shall apply to any junkyard or scrap metal processing facility any portion of which is within one thousand feet of the nearest edge of the right-of-way of any federal interstate and primary system highway or limited access state highway and visible from the main traveled way of such highway, except those junkyards and scrap metal processing facilities which are located within an area zoned for industrial use, or an area which is not so zoned but which unzoned area is used for industrial activities as determined from actual land uses as defined herein.

(Effective May 14, 1968)

### **Sec. 13a-123d-2. Definitions**

As used in sections 13a-123d-1 to 13a-123d-3 inclusive: (a) The following shall be defined as provided in section 13a-123c of the 1969 supplement to the general statutes:

(1) Highway, (2) federal interstate system; (3) federal primary system; (4) junk; (5) automobile graveyards; (6) junkyard; (7) scrap metal processing facility, and (8) effective control;

(b) "Industrial zone" means a zone defined as such in the zoning ordinance of the town or municipality where the affected land or area is located;

(c) "Unzoned industrial area" means the land within one thousand feet of the nearest edge of a highway and within one thousand feet of a regularly used building, parking lot, storage or processing area of an industrial activity, which is (1) located on the same side of the highway as the principal part of said activity, and (2) not predominantly used for residential or commercial purposes, and (3) not zoned by state or local law, regulation or ordinance;

(d) "Industrial activities" means all activities in actual use within one thousand feet of the nearest edge of the right of way of a highway in the manufacturing, fabricating, prefabricating or storing of goods or materials and other activities recognized as industrial by the zoning ordinance of the town or the commissioner in which such activity is located, except that none of the following shall be considered industrial activities: (1) Outdoor advertising structures; (2) agricultural, forestry, ranching, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands; (3) activities normally and regularly in operation less than three months of the year; (4) transient or temporary activities; (5) activities not visible from traffic lanes of the main traveled way; (6) activities conducted in a building principally used as a residence; (7) railroad tracks, minor sidings and passenger depots; (8) junkyards and scrap metal processing facilities;

(e) "Maintain" means to allow to exist;

(f) "Main traveled way" means the portion of roadway for the movement of vehicles, exclusive of shoulders, on which through traffic is carried. In the case of a divided highway, the travelway of each of the separate roadways for traffic in opposite directions is a main traveled way and does not include such facilities as frontage roads, turning roads or parking areas.

(g) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

(Effective May 14, 1968)

**Sec. 13a-123d-3. Application for certificate of approval**

(a) Within one month after May 14, 1968, any person maintaining a junkyard or scrap metal processing facility lawfully in existence on October 1, 1967, which falls within the purview of section 13a-123e of the 1969 supplement to the general statutes and which is not exempt from these regulations by section 13a-123i of said supplement shall apply for a certificate of approval from the commissioner of transportation on forms furnished by said commissioner, and shall furnish with the application, a certification, on a form furnished by the said commissioner, of an official of the local authority authorized to control or regulate the use of the location, that the location is acceptable to the local authority for the use intended and that the applicant has fulfilled all the legal requirements of the local authority.

(b) After May 14, 1968, no person, firm or corporation shall establish, operate or maintain a new junkyard or new scrap metal processing facility which falls within the purview of section 13a-123e of the 1969 supplement to the general statutes and which is not exempt from these regulations by virtue of section 13a-123i of said supplement, until he or it has received a certificate of approval from the commissioner of transportation. Such person, firm or corporation shall apply for such certificate on forms furnished by said commissioner, and shall furnish with the application, a certification, on a form furnished by said commissioner, of an official of the local authority authorized to control or regulate the use of the proposed location that the proposed location is acceptable to the local authority for the use intended and that the applicant has fulfilled all the legal requirements of the local authority. The applicant shall also submit a topographic plan with contour intervals of five feet shown thereon, the scale of which shall be not less than one inch equals forty feet. Unless the junkyard or scrap metal processing facility will be screened by land contour or natural objects, the plan shall also provide a design acceptable to the commissioner for screening the proposed activity from the highways where such activity would otherwise be prohibited under sections 13a-123c to 13a-123j, inclusive, of the 1969 supplement to the general statutes.

(c) After investigation of an application made under subsection (a) or (b) of this section and of the location of the existing or proposed junkyard or scrap metal processing facility for which such application was made, the commissioner of transportation shall issue a certificate of approval if he determines that such junkyard or scrap metal processing facility can be effectively controlled as required by said sections 13a-123c to 13a-123j, inclusive. If he determines that an existing junkyard or scrap metal processing facility cannot be effectively screened as so required, he shall not issue the certificate of approval but shall inform the applicant in writing that such junkyard or scrap metal processing facility must be removed on or before July 1, 1970. If he determines that a proposed junkyard or scrap metal processing facility cannot be effectively screened as required by said sections, he shall not issue the certificate of approval and shall notify the applicant of this determination.

(d) Failure of an applicant to conform to the approved plan at any time after the issuance of a certificate of approval for a new junkyard or scrap metal processing facility by the commissioner of transportation shall be cause for automatic revocation of such certificate.

(Effective May 14, 1968)