

27:5E-1 to 12

May 5, 1971

LEGISLATIVE HISTORY OF R.S. 27:5E-1 to 27:5E-12  
(Junkyards adjacent to highways)

*For materials  
see page 2*

L. 1970, Chapter 152 - S276  
Pre-filed by Crabel.  
Bill had statement (copy enclosed).  
Not amended during passage.

This bill listed as "Approved" in

League of New Jersey Municipalities. 974.905  
Legislative bulletin. No. 2, 2/6/70, M95  
page 3.

Newspaper clippings: V.F. - N.J. - Junkyards.  
"Junkyards" NEN 5/15/70. (copy enclosed).

RSL/PC

**CORRECTED COPY**  
**SENATE, No. 276**

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**STATE OF NEW JERSEY**

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PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Senator CRABIEL

AN ACT concerning junkyards, and supplementing Title 27 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known as the "Junkyard Control Act."

1 2. The purposes of this act are to promote the public safety,  
2 health, welfare, convenience and enjoyment of public travel, to  
3 protect the public investment in public highways, and to preserve  
4 and enhance the scenic beauty of lands bordering public highways.  
5 It is hereby declared to be the public policy of this State to regulate  
6 and restrict the establishment, operation, and maintenance of  
7 junkyards in areas adjacent to the interstate and primary highway  
8 systems within this State.

1 3. As used in this act:

2 (a) "Junk" shall mean old or scrap copper, brass, rope, rags,  
3 batteries, paper, trash, rubber debris, waste, or junked, dismantled,  
4 or wrecked automobiles, or parts thereof, iron, steel, and other  
5 old or scrap ferrous or nonferrous material.

6 (b) "Automobile graveyard" shall mean any establishment or  
7 place of business which is maintained, used, or operated, for  
8 storing, keeping, buying, or selling wrecked, scrapped, ruined, or  
9 dismantled motor vehicles or motor vehicle parts.

10 (c) "Junkyard" shall mean an establishment or place of busi-  
11 ness which is maintained, operated, or used for storing, keeping,  
12 buying, or selling junk, or for the maintenance or operation of an  
13 automobile graveyard, and the term shall include garbage dumps  
14 and sanitary fills.

15 (d) "Interstate system" means that portion of the National  
16 System of Interstate and Defense Highways located within this  
17 State, as officially designated, or as may hereafter be so designated,  
18 by the Commissioner of Transportation, and approved by the

19 Secretary of Transportation, pursuant to the provisions of Title 23  
20 of the United States Code.

21 (e) "Primary system" means that portion of connected main  
22 highways, as officially designated, or as may hereafter be so  
23 designated, by the Commissioner of Transportation, and approved  
24 by the Secretary of Transportation, pursuant to the provisions of  
25 Title 23 of the United States Code.

1 4. No person shall establish, operate, or maintain a junkyard,  
2 any portion of which is within 1,000 feet of the nearest edge of the  
3 right-of-way of any interstate or primary highway, except the  
4 following:

5 (a) Those which are screened by natural objects, plantings,  
6 fences, or other appropriate means so as not to be visible from the  
7 main-traveled way of the interstate and primary systems, or  
8 otherwise removed from sight;

9 (b) Those located within areas which are zoned for industrial  
10 use under authority of law;

11 (c) Those located within unzoned industrial areas, which areas  
12 shall be determined from actual land uses and defined by regula-  
13 tions to be promulgated by the Commissioner of Transportation  
14 after public hearing.

15 (d) Those which are not visible from the main-traveled way of  
16 the system.

1 5. Any junkyard lawfully in existence on the effective date of  
2 this act which is within 1,000 feet of the nearest edge of the right-of-  
3 way and visible from the main-traveled way of any highway on the  
4 interstate or primary systems, shall be screened, if feasible, by the  
5 Department of Transportation at locations on the highway right-of-  
6 way or in areas acquired for such purposes outside the right-of-way  
7 so as not to make such a junkyard visible from the main-traveled  
8 way of such highways. When the Commissioner of Transportation  
9 determines that it is in the best interest of the State he may acquire  
10 such lands, or interests in lands, as may be necessary to provide  
11 adequate screening of such junkyards.

1 6. The Commissioner of Transportation shall have the authority  
2 to promulgate rules and regulations governing the location, plant-  
3 ing, construction and maintenance, including the materials used,  
4 in screening or fencing required by this act.

1 7. When the Commissioner of Transportation determines that  
2 the topography of the land adjoining the highway will not permit  
3 adequate screening of such junkyards or determines that the  
4 screening of such junkyards would not be economically feasible,  
5 the Commissioner of Transportation shall have the authority to

6 acquire by gift, purchase, exchange, or condemnation, such interests  
7 in lands as may be necessary to secure the relocation, removal, or  
8 disposal of the junkyards; and to pay for the costs of relocation,  
9 removal, or disposal, thereof.

1 8. Junkyards which do not conform to the requirements of this  
2 act are declared to be public nuisances. The Commissioner of  
3 Transportation may apply to the Superior Court, Chancery  
4 Division in the county in which said junkyards may be located for  
5 an injunction to abate such nuisance.

1 9. Nothing in this act shall be construed to abrogate or affect  
2 the provisions of any lawful ordinance, regulation, or resolution  
3 of any county or municipality, which is more restrictive than the  
4 provisions of this act.

1 10. The Commissioner of Transportation is hereby authorized  
2 to enter into agreements with the United States Secretary of  
3 Transportation as provided by Title 23, United States Code,  
4 relating to the control of junkyards in areas adjacent to the inter-  
5 state and primary systems, and to take action in the name of the  
6 State to comply with the terms of such agreement.

1 11. If any section, subsection or other provision of this act, or  
2 the application thereof to any person or circumstance is held  
3 invalid, the remainder of this act and the application of such  
4 section, or other provision to other persons or circumstances shall  
5 not be affected thereby.

1 12. Whosoever shall hereafter establish and maintain any junk-  
2 yards in violation of the provisions of this act shall, after convic-  
3 tion, be liable to a penalty of not less than \$500.00 nor more than  
4 \$1,000.00 for each instance of violation.

1 13. This act shall take effect immediately.

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#### STATEMENT

This bill is to ensure New Jersey's compliance with section 136(b) of Title II of the Federal Highway Beautification Act of 1965 which requires all States to enact Legislation for the effective control of junkyards adjacent to the interstate and Federal-aid primary systems. This legislation will prevent a 10% deduction by the Federal Government in New Jersey's share of the Federal-aid highway apportionment.

S-276

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE: 7/24/70

Governor William T. Cahill today signed into law bills which establish the causes and methods for removing a judge from office; provides for control of junkyards on interstate and federal-aid primary highway systems; and prohibits pedestrians crossings on highways separated by barriers.

The three new laws were among 15 other bills signed by the Governor.

Cahill explained that under bill S-166, introduced by Sen. Frank X. McDermott (R., Union) a judge may be removed from the bench for misconduct, willful neglect of duty, incompetence or other evidence which shows he is unfit for judicial office.

Action for removal of a judge can be instituted by either house of the Legislature, the Governor or the Supreme Court. The case will then be heard by the Supreme Court or by a panel of three justices or judges designated by the Chief Justice.

Under the "Junkyard Control Act", (S-276) sponsored by Sen. J. Edward Crabiel (D., Middlesex) New Jersey will conform with the requirements of the federal Highway Beautification Act of 1965. The new law will prevent any cut in federal highway funds for the State and qualify New Jersey for future federal aid.

The Governor said that another bill (S-570) sponsored by Sen. Crabiel is designed as a safety measure. The new law prohibits pedestrians from crossing highways with medial barriers, except at those places where crossings are clearly indicated.