IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Division of Highways: Right-of-Way Section

39.03.40 – Rules Governing Junkyards and Dumps

Who does this rule apply to?
These rules apply to individuals or entities participating in the operation of junkyards.

What is the purpose of this rule?
ITD ensures that there is effective state control of junkyards in areas adjacent to the Interstate System, Primary Highways, the NHS (National Highway System) roads and other Control Routes within the State of Idaho in compliance with Federal and State Law.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

Highways and Bridges -
Idaho Transportation Board:

- 40-312, Idaho Code – Powers and Duties — Rules and Regulations

Who do I contact for more information on this rule?

Idaho Transportation Department
Monday – Friday 8:00 am to 5:00 pm
P.O. Box 7129
Boise, ID 83707-1129
3311 West State Street
Phone: (208) 334-8000
itd.idaho.gov

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000. LEGAL AUTHORITY.
Under authority of Sections 49-313(4), 40-1919, 40-1920, 40-1921, and 40-312, Idaho Code, the Idaho Transportation Board adopts the following rule governing junkyards and dumps. (7-1-24)

001. PURPOSE.
This rule provides guidelines for the control of junkyards and dumps within one thousand (1,000) feet of the nearest edge of the right-of-way for interstate, primary freeways and primary highways of the state of Idaho. (7-1-24)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Abandoned Junkyard. A junkyard that was operated as a business enterprise in the past, now existing with inventory, but without proprietorship or claim of ownership. The underlying fee title holder has no interest in the inventory. (7-1-24)

02. Acceptable Fencing Materials. Steel or other metals, durable woods, or other woods treated with a preservative or walls of masonry. (7-1-24)

03. Acceptable Planting Materials. Shrubs, trees, flowering plants and foliage. (7-1-24)

04. Destroyed Junkyard. A junkyard that was operated as a business enterprise in the past that has been partially or totally destroyed by act of God or other means; and where the proprietor is not presently buying or selling junk. (7-1-24)

05. Discontinued Junkyard. A junkyard that was operated as a business enterprise in the past and where the proprietor is retaining the inventory for the present, but is not actively engaged in buying or selling junk. (7-1-24)

06. Industrial Activities. Those permitted only in industrial zones, or in less restrictive zones by the nearest zoning authority within the State, except that none of the following will be considered industrial activities. (7-1-24)

a. Outdoor advertising structures. (7-1-24)

b. Forest, farms and ranches. (7-1-24)

c. Activities normally and regularly in operation less than three (3) months of the year. (7-1-24)

d. Transient or temporary activities. (7-1-24)

e. Activities not visible from the traffic lanes of the main traveled way. (7-1-24)

f. Activities more than three hundred (300) feet from the nearest edge of the main traveled way. (7-1-24)

g. Activities conducted in a building principally used as a residence. (7-1-24)

h. Railroad tracks, minor sidings and passenger depots. (7-1-24)

i. Junkyards, as defined in Section 136, Title 23, U.S.Code. (7-1-24)

07. Junkyard. A place of business which is maintained, used, or operated for storing, keeping, buying, or selling ten (10) or more wrecked, scrapped, ruined, or dismantled vehicles or other types of machines; or equivalent amounts of old scrap copper, brass, rope, rags, batteries, paper, trash, junk, rubber, debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material or any combination of the above. (7-1-24)

08. Non-Conforming Junkyard. One (1) which was lawfully established, but which does not comply with the provisions of state law or state regulations passed at a later date or which later fails to comply with state regulations due to changed conditions. Illegally established or maintained junkyards are not non-conforming junkyards. (7-1-24)

09. **Screening**. The use of any vegetative planting, fencing, ornamental wall of masonry, or other architectural treatment, earthen embankment, or a combination of any of these which will render invisible any deposit of junk from the main traveled way. (7-1-24)

10. **Unzoned Industrial Area**. The land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within one thousand (1,000) feet thereof which is: (7-1-24)

a. Located on the same side of the highway as the principal part of said activity. (7-1-24)

b. Not predominately used for residential or commercial purposes. (7-1-24)

c. Not zoned by state or local law, regulation or ordinance. (7-1-24)

011. -- 099. (RESERVED)

100. APPLICATIONS, LICENSES, AND PERMITS.

01. **General**. (7-1-24)

a. A license or permit will be issued to any person for the operation of a junkyard or dump when such person has made application for and obtained approval for such license or permit on the form provided for that purpose by the Department. (7-1-24)

b. Any person operating a junkyard or dump will submit a basic plan for screening the same, together with his application, which will first be approved by the Department, before the installation of such screening and before a license or permit for the operation of such junkyard or dump will be issued. (7-1-24)

c. All junkyards and dumps requiring screening by the owner so as not to be visible from the roadway by motorists using the roadway will provide such screening, which may include shrubs, trees, flowering plants, foliage, fencing, buildings, or some other type of screening as will first have been approved by the Department. (7-1-24)

d. Every junkyard or dump will be operated and maintained in accordance with the plan for screening which has been approved by the Department for the issuance of the license or permit. Failure of any person to so operate or maintain said junkyard or dump will result in the revocation of the license or permit issued. (7-1-24)

e. Applications for junkyard licenses or dump permits may be secured at the Idaho Transportation Department, 11331 W Chinden Blvd, Boise, Idaho 83714, or at the following District offices: District One, 605 Prairie, Coeur d'Alene, Mailing address -- P.O. Box D, Coeur d'Alene, Idaho 83814; District Two, 26th and North and South Highway, Lewiston, Mailing address -- P.O. Box 837, Lewiston, Idaho 83501; District Three, 8150 Chinden Blvd., Boise, Mailing address -- P.O. Box 8028, Boise, Idaho 83707; District Four, 216 Date Street, Shoshone, Mailing address -- P.O. Box 2-A, Shoshone, Idaho 83352; District Five, 5151 South 5th, Pocatello, Mailing address -- P.O. Box 4700, Pocatello, Idaho 83201; District Six, 206 North Yellowstone, Rigby, Mailing address -- P.O. Box 97, Rigby, Idaho 83442. (7-1-24)

02. **Conformity**. (7-1-24)

a. A non-conforming junkyard may continue as long as it is not abandoned, destroyed or voluntarily discontinued. Once a junkyard is abandoned, destroyed or voluntarily discontinued for a period of six (6) months or more, it becomes subject to laws and rules of a new junkyard. (7-1-24)

b. Junkyards will be allowed in areas zoned industrial by local zoning ordinances, except that where such ordinances create several classes or zones of industrial use and one (1) or more classes or zones do not permit junkyards, local zoning will control. (7-1-24)

101. -- 199. (RESERVED)

200. SCREENING.

01. General Screening Requirements. (7-1-24)

a. The screening will be located on the owner's land and not on any part of the highway right-of-way. (7-1-24)

b. The screen will be in place prior to the time the junk is deposited. (7-1-24)

c. At no time after the screen is established will the junk be stacked high enough to be visible above the screen. No junk will be placed outside of the screened areas or in the areas not covered by license. (7-1-24)

02. Screening Plan. (7-1-24)

a. The screening plan should provide a practical irrigation or watering system where necessary. (7-1-24)

b. The screening plan should provide a replacement and fertilization program. (7-1-24)

c. The screening plan should provide for landscaping that is relatively maintenance free. (7-1-24)

d. The screening plan can provide a living screen which may be used in conjunction with a fence or wall. (7-1-24)

201. FENCES.

01. Location. Fences must be located in such a manner as to not be hazardous to the traveling public. (7-1-24)

02. Uniformity. Construction will be uniform and no patch work type of construction will be permitted. (7-1-24)

03. Painting. Fences will be painted where the composition is such that painting is required. The paint used will be of such color so as to blend into the environs of the highway right-of-way. (7-1-24)

04. Specifications. Fences will be constructed as specified in Department's "Standard Drawings." (7-1-24)

05. Strength. Fences will be designed and constructed to withstand adverse wind pressures. (7-1-24)

06. Gate Openings. Fences will have gates that are kept closed except for ingress and egress of moving vehicles or have gateways so constructed to screen the inventory and operation from the highway user at all times. (7-1-24)

07. Visibility. Some of the types of fences acceptable to preclude "see through" are: (7-1-24)

a. Chain link type with aluminum, steel, plastic or wooden slat inserts. (7-1-24)

b. Wooden types of basket weave, palisade, louver, or other suitable design. (7-1-24)

c. Wall of masonry including plain or ornamental concrete block, brick, stone or other suitable masonry material. (7-1-24)

d. Any other design of fencing constructed of other materials may be submitted for consideration. (7-1-24)

202. PLANTING MATERIALS.

01. Species. Plant materials indicated on the plans will specify the common and botanical name of the plant materials used, the size at the time of planting and the spacing between plants. (7-1-24)

02. Growth and Conformity. Plant materials should be native to the area which grow to an appropriate height within a three (3) year period and are long-lived. The plantings should complement the existing highway and adjacent land use environmental condition. (7-1-24)

03. Caretaking. Plant material will be watered, cultivated, or mulched, and given any maintenance including spraying for insect control, to keep the planting material in a good healthy condition. (7-1-24)

04. Replacement. Dead plant material will be removed immediately and will be replaced during the next spring or fall planting season following death. The replacement plants will be at least as large as the initial planting. (7-1-24)

203. EARTHEN EMBANKMENTS.
Such as berms or mounds may be considered. (7-1-24)

01. Conformity. After grading, landscaping must be done to maintain a natural environmental appearance. (7-1-24)

02. Mix. May be used in conjunction with fences and plant materials. (7-1-24)

204. -- 399. (RESERVED)

400. PENALTIES.
Any person violating the provisions of this regulation or operating a junkyard without a license or a dump without a permit as provided for herein, will be subject to the penalties provided in Section 40-1926, Idaho Code. (7-1-24)

401. -- 999. (RESERVED)