

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 378

Session of  
1975

INTRODUCED BY McCUE, RITTER, LAUDADIO AND W. W. WILT,  
FEBRUARY 10, 1975

REFERRED TO COMMITTEE ON CONSERVATION, FEBRUARY 10, 1975

AN ACT

1 Amending the act of July 28, 1966 (Sp. Sess. No.3, P.L.91,  
2 No.4), entitled "An act restricting the establishment and  
3 maintenance of junkyards along highways; providing for the  
4 screening of outdoor junkyards; prescribing a license fee;  
5 conferring powers and imposing duties on the Secretary of  
6 Highways; providing authority to take property by eminent  
7 domain for the screening or removal of junkyards in certain  
8 cases; making an appropriation; and providing penalties,"  
9 extending the act to all State highways and making editorial  
10 changes.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. The Title, clauses (2) and (7) of section 2,  
14 sections 11 and 13, act of July 28, 1966 (Sp. Sess. No.3,  
15 P.L.91, No.4), entitled "An act restricting the establishment  
16 and maintenance of junkyards along highways; providing for the  
17 screening of outdoor junkyards; prescribing a license fee;  
18 conferring powers and imposing duties on the Secretary of  
19 Highways; providing authority to take property by eminent domain  
20 for the screening or removal of junkyards in certain cases;  
21 making an appropriation; and providing penalties," are amended  
22 to read:

1 AN ACT

2 Restricting the establishing and maintenance of junkyards along  
3 highways; providing for the screening of outdoor junkyards;  
4 prescribing a license fee; conferring powers and imposing  
5 duties on the Secretary of [Highways] Transportation;  
6 providing authority to take property by eminent domain for  
7 the screening or removal of junkyards in certain cases;  
8 making an appropriation; and providing penalties.

9 Section 2. As used in this act, the terms:

10 \* \* \*

11 (2) ["Highway"] "State highway" shall mean a highway within  
12 this Commonwealth, including any State highway, designated by  
13 the Secretary of [Highways] Transportation, and approved by the  
14 United States Secretary of Commerce, as part of the Interstate  
15 System or primary system, pursuant to Title 23, United States  
16 Code, "Highways."

17 \* \* \*

18 (7) "Secretary" shall mean the Secretary of [Highways]  
19 Transportation.

20 Section 11. Any person responsible for the establishment,  
21 maintenance, use or operation of a junkyard in violation of this  
22 act or of the rules and regulations of the Secretary of  
23 [Highways] Transportation, and any person knowingly suffering  
24 such junkyard to be established or maintained on his property  
25 shall, upon summary conviction thereof, be sentenced to pay a  
26 fine of \$100 to be paid into the Highway Beautification Fund,  
27 and, in default of the payment thereof, shall undergo  
28 imprisonment for 30 days.

29 Whenever the secretary has given written notice that a  
30 junkyard is maintained or used in violation of this act, each

1 day of such maintenance or use beginning with the thirty-first  
2 day following receipt of such notice shall constitute a separate  
3 offense.

4 Section 13. All fees for licenses paid pursuant to section  
5 3, all fines paid pursuant to section 11, and all Federal funds  
6 received by the Commonwealth in aid of landscaping and screening  
7 costs, and of compensation to owners for the relocation, removal  
8 or disposal of junkyards, to accomplish the control of junkyards  
9 pursuant to Title 23, United States Code, "Highways", shall be  
10 paid into and credited to the Highway Beautification Fund. All  
11 costs incurred by the secretary pursuant to this act shall be  
12 paid from the Highway Beautification Fund, and as much moneys as  
13 the secretary shall deem necessary are hereby specifically  
14 appropriated from such fund to the Department of [Highways]  
15 Transportation.

16 Section 2. This act shall take effect in 90 days.