**Section 520.20 Definitions**

The following terms when used in these rules have the following meanings:

*"Automobile Graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.*

"Business"

Inclusions

Business may be an inclusive term but specifically designates the activities of those engaged in the purchase or sale of commodities or in related financial transactions, including transactions taken in anticipation of future benefits, or for a profit.

In addition, a business shall include activities licensed by the Secretary of State pursuant to the Illinois Vehicle Code (Ill. Rev. Stat. 1981, ch. 95½, par. 5-100) or bearing a Retail Occupations Tax Number from the Department of Revenue pursuant to the Retailers Occupation Tax Act (Ill. Rev. Stat. 1981, ch. 120, par. 440).

Other Criteria

A business may be in existence without the criteria in the above two paragraphs being met. Such activities will have to be judged on the basis of the individual facts.

The Department will classify such an activity as a business if:

It buys, sells, stores, or keeps junk with the intent of future benefits, and/or

The junk deposit on the land was owned by someone other than the land owner prior to deposit.

"Conforming Yard" means one that is in compliance with the Recyclers and Junkyard Control Act. This includes:

those established since July 24, 1967, in compliance with the Act;

those established before July 24, 1967 which have since been screened to comply with the Act;

those located within zoned or unzoned industrial areas; or

those not visible from the main traveled way.

"Department" means the Illinois Department of Transportation.

"Discontinued", "Destroyed", or "Abandoned" means a yard in which no one claims an interest in the material deposited thereon.

"Effective Screening" pursuant to 1975 requirements, does not necessarily mean 100% screening, but it must be screened so as not to be visible from the main traveled way so that the passing motorist is unaware of the presence of material in the yard.

"Establish" means to create or bring into being, but does not include the foregoing when an existing yard is enlarged to contiguous property due to normal business activity.

"Establishment" means a place of residence or business. For the purpose of this Act, a residence means one from which a yard is being operated or one used in conjunction with that yard.

"Illegal Yard" shall be any yard established after July 24, 1967, in violation of the Illinois Recyclers and Junkyard Control Act or any yard outside of an industrial area in which junk becomes visible from the main traveled way after the yard has been brought into compliance with the Act.

"Industrial Activities" means those activities permitted only in industrial zones by the nearest zoning authority within the State, or generally recognized as industrial by other zoning authorities within the State, except that none of the following shall be considered industrial activities for the purpose of establishing an unzoned industrial area:

Outdoor advertising structures.

Agricultural, forestry, ranching, grazing, farming, and related activities, including, but not limited to grain elevators, metal grain storage bins, and wayside fresh produce stands.

Activities normally and regularly in operation less than three months of the year.

Transit or temporary activities.

Activities not visible from the traffic lanes of the main traveled way.

Activities more than 300 feet from the nearest edge of the main traveled way.

Activities conducted in a building principally used as a residence.

Railroad tracks, minor sidings, and passenger depots.

Junkyards, as defined in the Highway Beautification Act of 1965 (23 U.S.C. 136).

*"Junk" means old scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.*

*"Junkyard" means an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.*

"Main Traveled Way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

"Nonconforming Yard" means a yard which was in existence prior to July 24, 1967; but

is not located within a zoned or unzoned industrial area;

has not yet been made conforming by screening or removal to comply with the Act; or

those which were established after July 24, 1967, and were screened in compliance with the standards at that time but do not meet the revised screening standards.

A nonconforming yard that was in existence as of July 24, 1967, but has since expanded to additional contiguous land, either owned as of July 24, 1967, or subsequently acquired, is classified as a nonconforming yard in its entirety.

"Recyclers and Junkyard Control Act" is used in these Rules to mean the legislation approved by the Illinois General Assembly entitled "An Act Relating to the Control, Location, Fencing, and Acquisition of Junkyards and Scrap Processing Facilities in Areas Adjacent to the Federal-aid Interstate and Federal-aid Primary System of Highways in Illinois" approved and effective July 24, 1967.

*"Scrap Processing Facility" means any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principle produce is scrap iron, steel, or nonferrous scrap for sale for remelting* or recycling *purposes only.*

"Screening" means the use of any vegetative planting, fencing, ornamental wall of masonry, or other architectural material, earthen embankment, or a combination of any of these.

"Unzoned Industrial Area" means the land occupied by the regularly used building, parking lot, storage or processing area of an industrial activity, and that land within 1000 feet thereof which is:

Located on the same side of the highway as the principal part of said activity, and

Not predominantly used for residential or commercial purposes, and

Not zoned by State or local law, regulation or ordinance.

"Visible" means capable of being seen at normal driving speed without visual aid by persons of normal visual acuity.

"Written Notice or Written Notification"

"Written notice or written notification" of the voiding of a permit means notice of the date, time, location and type of a hearing to be afforded the permittee before voiding of the permit; or

"Written notice or written notification" of the requirement to obtain or renew a permit means notice of the date, time, location and type of a hearing to be afforded the operator before legal action will be taken.

"Yard" as used in these Rules shall mean any and all of the activities defined in the above paragraphs "junkyard," "automobile graveyard" and "scrap processing facility".

"Zone of Control" means all areas inside the boundaries of this State which are adjacent to and within one thousand feet of the edge of the right of way of any controlled portions of the Federal Aid Interstate and Federal Aid Primary Highway Systems. Any revision in right of way limits after initial control is obtained will require a similar revision in the control area.

"Zoned Industrial Area" means any area zoned industrial by an official zoning authority of the State.