

OF ANY EXISTING JUNK YARD, IF ANY PART OF THE JUNK YARD IS WITHIN 1,000 FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY OF ANY INTERSTATE OR PRIMARY HIGHWAY, UNLESS THE JUNK YARD IS:

(1) SCREENED BY NATURAL OBJECTS, PLANTINGS, FENCES, OR OTHER APPROPRIATE MEANS SO AS NOT TO BE VISIBLE FROM THE MAIN TRAVELED WAY OF THE HIGHWAY;

(2) OTHERWISE NOT VISIBLE FROM THE MAIN TRAVELED WAY OF THE HIGHWAY;

(3) LOCATED IN AN AREA THAT IS ZONED FOR INDUSTRIAL USE UNDER AUTHORITY OF LOCAL LAW; OR

(4) LOCATED IN AN AREA THAT IS NOT ZONED FOR INDUSTRIAL USE, BUT THAT IS USED FOR INDUSTRIAL ACTIVITIES AS DETERMINED BY THE ADMINISTRATION WITH THE APPROVAL OF THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE FEDERAL HIGHWAY BEAUTIFICATION ACT OF 1965.

(B) EFFECT OF SECTION ON LOCAL ZONING.

THIS SECTION DOES NOT PERMIT THE ADMINISTRATION TO PREEMPT ANY ZONING ACT OR ORDINANCE OF ANY POLITICAL SUBDIVISION. IF A POLITICAL SUBDIVISION LATER ZONES ANY AREA FOR A USE THAT CONFLICTS WITH A DETERMINATION OF THE ADMINISTRATION, THE DETERMINATION OF THE ADMINISTRATION IS VOID.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 89B, §244.

8-808. RULES AND REGULATIONS.

(A) POWER IN GENERAL.

THE ADMINISTRATION MAY ADOPT RULES AND REGULATIONS THAT:

(1) IT CONSIDERS NECESSARY TO GOVERN THE ESTABLISHMENT, OPERATION, SCREENING, FENCING, AND MAINTENANCE OF ANY JUNK YARD THAT IS REQUIRED TO BE LICENSED UNDER THIS SUBTITLE; AND

(2) CONSISTENT WITH THE NATIONAL STANDARDS ADOPTED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER TITLE 23 OF THE UNITED STATES CODE, ARE NECESSARY FOR THE SAFETY, WELFARE, AND ENJOYMENT OF THE TRAVELING PUBLIC.

(B) NOTICE AND HEARING; ADOPTION.

(1) BEFORE A RULE OR REGULATION MAY BE ADOPTED UNDER THIS SUBTITLE, NOTICE OF A PUBLIC HEARING ON THE RULE OR REGULATION SHALL BE PUBLISHED ONCE A WEEK