

ORDINANCE NO. 537

AN ORDINANCE REGULATING JUNK DEALERS AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS AND SCRAP YARDS IN THE TOWNSHIP OF PENN, YORK COUNTY, PENNSYLVANIA: PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR JUNK YARDS AND SCRAP YARDS; PRESCRIBING LICENSE FEES FOR JUNK DEALERS, JUNK YARDS AND SCRAP YARDS; AND PRESCRIBING PENALTIES FOR ANY VIOLATION OF THIS ORDINANCE

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Penn Township, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Penn Township Junk Yard Ordinance".

SECTION 2. Purpose. The purpose of this Ordinance is to regulate and license junk dealers and the establishment and maintenance of junk yards and scrap yards.

SECTION 3. Definitions.

Board - The Board of Commissioners of Penn Township, York County, Pennsylvania.

Farm Machinery - All types of machinery and equipment which are originally manufactured for farm use and which have been used for agricultural purposes.

Hazardous Waste - Hazardous Waste as defined in the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act.

Junk - Discarded materials, articles or things, or materials, articles or things which were purchased for salvage or scrap value, or which were collected or obtained at no charge, or which were collected or obtained for a fee paid by the prior owner, for the purpose of disposal or recycling, including, but not limited to metal, paper (including newspaper), rags, glass, plastic, rubber, rags, fibers, fabric, rope, cans, bottles, cardboard, lumber, wood, building materials, inoperable motor vehicles, motor vehicle parts, trailers, machinery and equipment, or parts of any of the above, held by a person for resale and/or reuse.

Junk Dealer - Any person, firm, partnership or corporation who buys, sells, salvages, stores or accumulates junk or who allows anyone to buy, sell, salvage, store or accumulate junk on real property owned by such person within the Township. The term "junk dealer" includes any person who shall store or accumulate upon his or another's premises or who shall permit the storage or accumulation upon premises owned by him any two (2) or more inoperable or unlicensed motor vehicles or such vehicles that do not have current and valid inspection stickers as required by the motor vehicle laws of the Commonwealth of Pennsylvania or who shall store or accumulate upon his or another's premises or who shall permit the storage or accumulation upon premises owned by him any four (4) or more inoperable pieces of farm machinery; provided that any person who operates an existing or after-established garage, service station or repair facility shall not be classified as a "junk dealer" provided he stores or accumulates no more than two (2) inoperable, unlicensed or uninspected vehicles at any one time, that no single such vehicle can be stored there for more than 30 days, and that the garage, service station or repair facility may not have such vehicles on the premises more than 120 days per year. Should any such person operating one of the aforesaid facilities store or accumulate an inoperable, unlicensed or uninspected vehicle(s) in conflict with the above referenced he shall be subject to all of the provisions set forth herein.

Junk Yard - Any place or establishment where junk as herein defined is stored, kept, accumulated or disposed of or upon which one or more acts of buying, selling, offering for sale, salvaging, storing, dismantling or processing of junk occurs, whether or not such operations are conducted for profit. A Junk Yard shall be any premise(s) having two (2) or more unlicensed or inoperable motor vehicles or such vehicles that do not have current and valid inspection stickers as required by the motor vehicle laws of the Commonwealth of Pennsylvania stored at any one time, or a single such vehicle stored for more than 30 days, or any such vehicle on the premises more than 120 days per year. The term "junk yard" shall not include premises operated as garages, service stations or repair facilities as applicable under the definition of "Junk Dealer".

License - The Permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

Motor Vehicles - All types of automobile, trucks, trailers, tractors, motorcycles, all-terrain vehicles, snowmobiles and all other self-propelled machinery of all kinds with the exception of farm machinery.

Person - Any individual or individuals, partnership, association, firm, company, corporation or other legal entity, including the partners, officers and directors thereof.

Premises - Any parcel or tract of land situated in the Township having a separate tax map parcel number for county assessment purposes.

Solid Waste - Solid Waste, as defined in the act of July 7, 1980 (P.L. 380, No. 97), known as the Solid Waste Management Act.

Township - Penn Township, York County, Pennsylvania, its designated code officials, representatives and/or employees.

In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 4. Junk Yard License.

A. It shall be unlawful for any person to engage or continue to engage in business as a junk dealer or establish, own or operate or continue to establish, own or operate a junk yard in the Township except as authorized by this Ordinance and without first having obtained a license therefor from the Township.

B. Any person desiring to continue to operate an existing junk yard or to establish a new junk yard or desiring to engage in business or continue to engage in business as a junk dealer shall first make written application to the Township on a form prepared and made available by the Township for such purposes, submitting all required fees therefor. A separate application shall be required for each junk yard site.

C. Upon an applicant's submission of an application for a junk yard license, the Township shall have the right and is hereby authorized to enter the premises upon which any business subject to the provisions of this Ordinance is conducted, or about to be conducted, to inspect same at reasonable times to determine compliance with the terms of this Ordinance. The Township shall have sixty (60) days from receipt of an application for a license to review same; to inspect the operation of the junk yard/junk dealer business and to inspect the operation of the junk yard/junk dealer business and to inspect the premises upon which the business is conducted, or about to be conducted, and, thereafter, to issue or deny issuance of a license. When the site, any current operations and the application are found to be in compliance with the provisions herein set forth, the Township shall issue a license to the applicant for the proposed site as described in the application. When the site, any current operations and/or the application are found not to be in compliance with the provisions herein set forth, the Township shall refuse to issue a license and, in such event, shall provide the applicant with a statement in writing setting forth the reasons for such denial.

Upon receipt of a notice of denial of an application for a license, an applicant shall have thirty (30) days to file an appeal thereto in writing with the Township. The Board shall conduct a hearing on the applicant's appeal in accordance with the provisions of the Local Agency Law within thirty (30) days of its receipt of said appeal.

D. All licenses shall be for a period of one (1) year only, with each application for renewal subject to the terms and conditions hereof. All requests for renewals shall be submitted on the application form made available by the Township and shall be subject to complete re-examination and consideration by the Township for continued compliance with the terms hereof.

E. The applicant for a license shall submit with the application a license fee, which shall be calculated in accordance with the schedule from time to time established by Resolution of the Township. All such fees are due, payable to and for the use of the Township at the time of application. In case of the refusal of a license, the Township shall return a portion of the license fee in accordance with the fee schedule established by the Township. Once a license has been issued, there shall be no abatement of the annual license fee for any cause whatsoever.

SECTION 5. Junk Yard Regulations.

A. No person licensed under this Ordinance shall, by virtue of one license, operate more than one business or junk yard within the municipality. No person shall engage in business or operate a junk yard at any place other than the place designated by his license. Licenses are nontransferable, both as to junk dealer and junk yard premises. The permitted size of a junk yard shall be fixed at the time of license issuance. Any expansion of a permitted facility shall necessitate that a new application be submitted for the premises to be used as a junk yard and all such expanded sites must be operated and maintained in accordance herewith.

B. The license under which the junk yard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

C. Permanent records of all junk received in or removed from any junk yard shall be kept by the junk dealer on the premises, containing the name and address of any person from whom any junk has been acquired or received; the name and address of any person to whom any junk has been sold or transferred; the date of each transaction (whether the acquisition or conveyance of junk); a complete description of the junk acquired or conveyed. All such records shall be retained for a period of three (3) years, and shall be open to inspection at all reasonable times by Penn Township or its agent, and by any law

enforcement officer.

D. Manner of Storage of Junk in Junk Yards All junk in junk yards licensed under this Ordinance shall be stored as herein provided:

1. For junk yards existing as of the effective date hereof:

All junk shall be set back at least twenty-five (25) feet from any lot lines and at least twenty-five (25) feet from the nearest easement or right-of-way of any public street, road or highway.

2. For junk yards established after the effective date hereof:

All junk shall be set back at least seventy-five (75) feet from any lot lines and at least one hundred (100) feet from the nearest easement or right-of-way of any public street, road or highway.

3. All junk shall be stored and arranged so as to permit inspection and access by fire-fighting equipment. All junk, including junked motor vehicles, shall be spaced in rows with at least twenty (20) feet between double rows. Each row of junk shall be no greater than forty (40) feet in width.

4. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than eight (8) feet from the ground.

5. All gasoline, oil, air conditioning refrigerant or any similar potentially hazardous liquids shall be drained from junk within twenty-four (24) hours of arrival on premises. Such liquids shall be stored in a secure location on the premises and shall be disposed of as required by law. Such liquids shall not be deposited on or into the ground.

6 There shall be no burning of any materials including, but not limited to junk, rubbish, refuse or solid waste of any type at a junk yard licensed under this Ordinance.

7 Garbage, organic waste, and trash shall not be received or stored in any junk yard. Any garbage, organic waste or trash received as part of or mixed with junk materials shall be promptly separated and disposed of off the licensed premises within ten (10) days.

8 No junk shall be stored or accumulated within one hundred (100) feet of any

river, stream, creek, pond, lake or wetland or within the one hundred (100) year floodplain thereof, whichever is greater.

9 All grass, weeds and vegetation on the premises, excluding trees, bushes and shrubs, shall be kept at a height no greater than six (6) inches.

10. No junk shall be permitted to be blown or scattered by the wind on adjoining premises or public streets.

11. No hazardous waste shall be received or stored on the licensed premises.

E. Fencing and Screening; Maintenance Every junk dealer licensed under this Ordinance shall enclose and maintain his junk yard as herein provided:

1. The portion of the licensed premises used as a junk yard shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of Section V. D, subsection 1 and 2, of this Ordinance and shall be eight (8) feet in height. Such fence shall be made of wood, metal, masonry, chain link with metal or vinyl woven slats, or other material which provides a solid surface incapable of intrusion by adults or children. Entrance gates shall be of similar material, well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.

2. All open areas between fence and lot lines of the premises shall be maintained in a vegetative ground cover, with all grass and weeds kept at a height no greater than six (6) inches.

3. The fencing provisions hereof shall be applicable only to that portion of the licensed premises being used directly for the storage of junk and shall not be applicable to the balance of the premises not so used; provided, however, that any expansion of the area used for the storage of junk shall be subject to the fencing requirements hereof.

4. All junk yard premises shall be maintained in such manner so as not to cause a public or private nuisance. Said premises shall not cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

5. All junk yards existing as of the effective date hereof shall be enclosed by a fence as hereby required within six (6) months after said date.

F. Right of Entry for Inspection: Additional Regulations Authorized. Every junk dealer and junk yard licensed under this Ordinance is subject to inspection by the Township at any reasonable time. The Township shall be authorized to enter upon the premises currently licensed or for which a license application is pending for the purpose of determining compliance with the provisions of this Ordinance. When the site, any current operations and/or the application are found not to be in compliance with the provisions herein set forth, the Township shall revoke the license after providing the applicant with a statement in writing setting forth the reasons for such revocation.

G. Every junk yard shall provide one (1) off street parking space for each employee per shift and shall provide one (1) additional space for each 20,000 square feet of area or portion thereof used for the storage or processing of junk.

H. Every junk yard which has the delivery or pick up of materials by commercial carries regardless of the size of the trucks coming to the property, shall provide off-street loading/unloading spaces in accordance with the design standards set forth in the Penn Township Zoning Ordinance.

I. Every junk yard shall provide sufficient access and circulation drives and turn around areas for its off-street parking and loading areas to prevent stacking of vehicles or other obstructions of public streets in accordance with the Township's Subdivision/Land Development Ordinance.

SECTION 6. Compliance and Penalties.

A. Junk dealers and junk yards lawfully existing and operating in the Township on the effective date of this Ordinance shall be required to comply with the provisions of and obtain a license under this Ordinance within six (6) months from the effective date. Any expansion of a pre-existing junk yard shall comply with all requirements and terms hereof prior to the granting by the Township of a license for the expanded facility.

B. Violations and Penalties Any person who violates any provision of this Ordinance shall be subject to the penalties for violations as described in Chapter 101 of the Penn Township Code.

C. The Township, in addition to any other remedies available to it, may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this Ordinance or to enjoin or otherwise restrain or prevent the violation of this Ordinance, and this Ordinance shall in no way restrict any remedies otherwise provided by law.

SECTION 7. Miscellaneous.

A. Repealer All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

B. Severability If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ENACTED AND ORDAINED this 20th day of July 1998.

Board of Commissioners of Penn Township

By: Frederick W. Stine

Attest:

Sharon A. Lance
Sharon A. Lance, Secretary