

ORDINANCE #108

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, REGULATING THE ESTABLISHMENT, MAINTNENANCE AND OPERATION OF JUNK DEALERS, JUNK YARDS, AND SCRAP YARDS WITHIN THE TOWNSHIP, PROVIDING FOR THE ISSUANCE OF LICENSES UNDER PRESCRIBED CONDITIONS, PRESCRIBING PENALTIES FOR VIOLATORS, PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NON-COMPLIANCE AND REPEALING ORDINANCE NO. 33.

WHEREAS, the Board of Supervisors of Washington Township deems it to be in the best interest and general welfare of the residents of this Township to regulate junk dealers, junk yards and scrap yards and the accumulation of junked, scrap, and salvageable materials, so that these establishments and materials do not cause unreasonable inconvenience, annoyance, and injury to others in the legitimate enjoyment of their rights of person and property, and to protect the general health, welfare and safety of the community; and

WHEREAS, Section 702 LVIII of the Second Class Township Code, the Act of May 1, 1933, P.L. 103, Article VII, Section 702, cl. LVIII, as amended (53 P.S. Section 65758), authorizes Townships of the Second Class to regulate Junk Dealers, Junk Yards, and Scrap Yards; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 33, regulating the establishment and maintenance of Junk Yards on May 4, 1970; and

WHEREAS, the Board of Supervisors desires to more properly and more thoroughly provide for the establishment, maintenance and operation of Junk Dealers, Junk Yards and Scrap Yards consistent with its authority to protect the general health, safety and welfare of the public.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of this Township as follows:

Section 1. Title

This ordinance shall be known as the Washington Township Junk Dealer, Junk Yard and Scrap Yard Ordinance.

Section 2. Definitions

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. Board of Supervisors - Supervisors of Washington Township, Franklin County, Pennsylvania.
- B. Salvage Yard - Another name for Junk Yard.
- C. Municipality - Shall mean the Township of Washington, Franklin County, Pennsylvania.
- D. Person - Shall mean any natural or other person, firm, partnership, association, corporation, company or organization of any kind.
- E. Junk - Shall mean old iron, steel, brass, copper, tin, lead, other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber, vinyl, plastic or other synthetics; old bottles, or other glass; waste paper or other waste or discarded material which might be prepared to be used again in some form; motor vehicles no longer used as such and to be used for scrap metal or stripping of parts.
- F. Junk Yard - Shall mean yard, lot or place covered or uncovered, outdoors or in an enclosed building, containing junk as defined herein, upon which principally occurs one or more acts of buying, keeping, dismantling, processing, recycling, selling or offering for sale, any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, but does not include a place having small accumulations of material which might otherwise be classified as junk, provided that such other material is merely generated or produced incidentally in the ordinary course of any other business not dealing principally in junk.
- G. Conditional Approval - Approval of the application by the Supervisors which permits the applicant to develop his yard as per the requirements of this ordinance. Conditional approval does not permit the applicant to operate the junk yard or accumulate any junk in the approved location.
- H. Junk Dealer - Another name for a licensee.
- I. Licensee - Any person holding a valid, current license issued pursuant to this ordinance or any predecessor ordinance in the municipality.

Section 3. License

- A. License Required. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him, a junk yard within the limits of the Township without having first secured a license from the Township. Such license shall be issued by the Township, or its representative, in accordance with this Ordinance.

- B. Licensee with Multiple Locations. Any licensee establishing, operating or maintaining a junk yard at more than one location shall be required to have in effect a separate license for each such location.
- C. Licensing Period; Renewal; Posting. Each license issued pursuant to this Ordinance shall be valid for a period of not more than one year from the date of issuance. Each such license shall be subject to annual renewal provided applicable fees, fines and penalties have been paid and provided the junk yard continues to be operated and maintained in accordance with the provisions of this Ordinance. A current license shall be conspicuously displayed or posted upon the licensed junk yard at all times.

Section 4. Contents of Application for License

Every person seeking a license under this Ordinance shall make written application to the Township on a form to be provided by the Township.

The application shall include the following information:

- A. The name and address of the applicant, if the applicant is a natural person; but if the applicant is another entity, the names and addresses of all officers, directors, partners, or natural persons having primary responsibility for the lawful day-to-day operation of the junk yard or scrap yard.
- B. The names and addresses of the owner or owners of the land upon which the junk yard is to be laid out.
- C. Written consent of the owner or owners of the property, if different from applicant.
- D. A metes and bounds survey of the property showing the location of the property, together with a deed reference to the property, containing a layout of the proposed junk yard, and showing sufficient detail to establish compliance with this Ordinance, the Washington Township Zoning and Storm Water Ordinances and all other applicable ordinances, laws and regulations.
- E. Plans and specifications for all fencing, water facilities, screening, access driveways, sewage disposal system and storm water management.
- F. Any other information, in any format and in as many copies, as the Township may from time to time require.

Section 5. Conditional Approval.

Any person wanting to establish, operate or maintain a junk yard within the Township may seek a conditional approval of an application by submitting an initial application and application fee after which:

- A. The Board of Supervisors shall cause the manager to review the application and plans for completeness and for compliance with this ordinance, other Township ordinances and regulations, and any state or federal laws or regulations; and shall further cause the manager to report his findings to the Board of Supervisors.
- B. The Board of Supervisors shall thereafter review the application and may inspect the site, taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character of the properties located nearby, and the effect of the proposed use upon the municipality, with specific reference to the general health, safety and welfare of the public and the residents of the Township.
- C. The Board of Supervisors, in its sole discretion, may hold a public hearing on the application.
- D. The Board of Supervisors may impose, in addition to the general requirements set forth in this Ordinance, such other terms and conditions as it may deem necessary to carry out the spirit and intent of this Ordinance and to effect the protections of the general health, safety, and welfare of the public and the residents of the Township.
- E. After completion of the above items, and the determination by the Board of Supervisors that the applicant's plans and representations comply with this Ordinance and all other applicable ordinances, laws, rules and regulations, the Supervisors shall issue in writing a "conditional approval" of the site.
- F. Conditional approval shall be in writing, and shall contain a statement that the application and plans as submitted are acceptable to the Board of Supervisors without modification; or shall contain a detailed and itemized list of other terms, conditions and requirements which must be met if the application is to be finally approved.
- G. Conditional approval shall commit the Township to issue a license, pursuant to this Ordinance, only after the site is, in fact, in complete compliance with the terms of the conditional approval and the requirements of this Ordinance.
- H. No junk yard, scrap yard or junk dealer shall conduct business on the site until a license is issued.

- I. It shall be solely the obligation of the applicant to communicate to the Township, within the conditional approval period, that the site has been made to fully comply with this Ordinance and the terms, conditions and requirements of the conditional approval.
- J. Conditional approval shall be valid for not more than six months, after which, if the site is not in full compliance with this Ordinance and all other terms, conditions, and requirements of the conditional approval, the conditional approval shall be revoked by the Board of Supervisors and the Township shall not thereafter be required to issue a license automatically, at the expiration of six months.

Section 6. Application for License Renewal.

After a license has been issued for a junk yard in order to continue the operation and maintenance of such junk yard, the licensee shall be required to apply for license renewal on a form to be provided by the Township. Such application for renewal shall be filed with the Township within such time as to allow the Township an opportunity for on-site inspection of the junk yard prior to the date on which the license must be renewed; but in no event shall such application be filed fewer than 60 days before the expiration of the current license. The Board of Supervisors shall, from time to time, establish rules and regulations governing the application for and issuance of renewal licenses.

Section 7. General Operating Requirements:

The following general requirements shall apply to all junk yards licensed in accordance with the provisions of this Ordinance:

- A. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health, safety or welfare of the community and maintained so as not to provide a breeding place for rodents or vermin.
- B. No garbage or other offal shall be stored in open containers for more than 10 days on the premises.
- C. All junk shall be stored and arranged so as not to interfere with natural drainage of the land and shall be such as to prevent the accumulation of stagnant water and to facilitate access for fire fighting purposes.
- D. Maintenance shall be such that any adjacent stream or body of water shall not be polluted or damaged by the drainage or dumping of organic or inorganic waste materials or waste substances therein.

- E. Junk shall be stored in piles not exceeding six feet in height within 36 feet of the property line or 41 feet from the street right-of-way line. Junk shall be permitted to be piled not exceeding 16 feet in height in the remaining area of the junk yard. Junk shall be arranged so as to permit easy access to all such junk for fire-fighting purposes.
- F. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
- G. No oil, grease, tires, gasoline, tar, petroleum products, shingles or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junk yard at any time. Burning of other items may be commenced between the hours of 8 a.m. and noon on Tuesdays through Saturdays, and at no other times.
- H. The licensee shall permit inspection of the business premises by the municipality or its appointed representative at any reasonable time.
- I. Any property not provided for and approved by the Township with the licensee shall not be utilized for junk yard operations.
- J. All oil, antifreeze, gasoline, transmission fluid and other vehicular fluids shall be drained from all vehicles before such vehicles are removed as scrap from the junk yard; and all such fluids shall be properly containerized, stored, transported and disposed of in the manner or manners prescribed by or consistent with regulations promulgated by the Pennsylvania Department of Environmental Resources in Title 25, Chapter 75, Pa. Code, relating to solid waste management, and in regulations promulgated by the United States Environmental Protection Agency at 40 CFR, Subchapter I, Parts 240-280, relating to solid wastes.

Section 8. Physical Characteristics:

- A. The area used for a junk yard shall be completely enclosed within a solid board or metal fence, with a minimum height of eight feet; or by a screen of trees; or by a combination of the above, as approved by the Board of Supervisors. All fences and screening shall be of sufficient height to screen the junk yard from view of adjacent properties and highways. All fences and screening proposed must be approved by the Board of Supervisors, who may approve such fencing or screening as may be deemed necessary in view of natural contours, features, and requirements. Tree screening utilized shall follow the following guidelines:

- (1) A minimum of two rows of trees, shrubs, or other vegetation, not less than fifty (50%) percent evergreen materials, shall be planted to produce the effective visual barricade.
 - (2) At least two different species of trees, shrubs or other vegetation shall be utilized. Selected species shall exhibit different tolerances to insect and disease.
 - (3) Species selected must be capable of producing the effective visual barrier, eight feet in height, within five years of planting.
 - (4) Prompt replacement of any dead species shall be required.
- B. The required fencing and screening in Section 8A shall be set back the following minimum distance from the property line or street:
- (1) Solid fencing - 25 feet from street right of way and 20 feet from all property lines.
 - (2) Tree screening - 25 feet from the street right of way and 10 feet from all property lines. However, all junk must be kept a minimum of 20 feet from the property line.
- The area between the property line or street right of way and the fence or tree screening shall be kept clean and vacant at all times.
- C. All entrances and exits into and from the salvage yard shall have gates which shall be closed and locked when the yard is not in operation.
- D. Sufficient off-street parking will be provided for loading and unloading vehicles as well as for employee and customer parking.

Section 9. Extension or Enlargement of Existing Junk Yards.

Any person wishing to extend or enlarge the area of an existing junk yard shall make application for a new license in accordance with the provisions of this Ordinance, and will be required to comply with all provisions of this Ordinance as if he were applying for a license for a new junk yard.

Section 10. Assignment and Transfer.

No license issued under this Ordinance shall be assigned or transferred to any other person without the express written authorization of the Township Manager. Any person wishing to transfer

or assign such license shall make a written request to do so, directed to the Board of Supervisors and setting forth the name and address of the transferee and the date the transfer is expected to be effective. Such written request shall be submitted together with a transfer fee, the amount of which shall, from time to time, be determined by the Board of Supervisors; and such transfer fee shall not be returned, whether or not the transfer or assignment of the license is authorized. Such written request must be submitted at least 60 days prior to the date the transfer is expected to be effective.

Section 11. Revocation and Suspension of License.

The Board of Supervisors shall suspend any license issued hereunder upon failure of any licensee to comply with, or to maintain compliance with, or for violation of any provision, standard, or requirement of this Ordinance. The Township shall notify the licensee, in writing, of any section or sections of this Ordinance which the Township or its representative believes to have been violated. Any notice provided for herein may also identify a reasonable period of time within which the licensee may effect compliance without prosecution. Any notice provided for in this section may be served personally upon the licensee; or may be posted conspicuously upon the property for which the license has been granted; or may be posted conspicuously at the address of the licensee as shown on the application; or may be sent to the licensee by certified or registered mail to the address shown on the application.

Section 12. Fees.

Application fees, renewal fees, transfer fees and any other fees shall be established, from time to time, by resolution of the Board of Supervisors.

Section 13. Rules and Regulations.

The Board of Supervisors may, from time to time, revise or alter the application form, renewal application form, and any other forms reasonable and necessary to the proper and effective administration of this Ordinance. The Board of Supervisors may, from time to time, by resolution, promulgate rules and regulations reasonable and necessary for the proper and effective administration of this Ordinance.

Section 14. Violations.

It shall be unlawful for any person to violate any of the following provisions of this Ordinance:

3, 4, 5, 6, 7, 8, 9, 10, 11, 13

It shall further be unlawful for any person to establish, operate or maintain a junk yard or junk dealership after a conditional approval has been granted but before a license has been issued. It shall be unlawful for any person to misrepresent material facts in any application or renewal application submitted under this Ordinance. It shall be unlawful for any applicant or licensee to fail to notify the Township if said licensee is ever cited by County, State or Federal Authorities for alleged violations of law, rules or regulations relating to the operation of junk yards.

Section 15. Inspections.

The Township Manager, or the Code Enforcement Officer, or any other representative duly authorized by the Board of Supervisors, shall be permitted to enter and inspect the premises of any licensee or any applicant for conditional approval at any reasonable time and with no notice. Routine inspections of each licensee will be conducted at least two times annually.

Section 16. Penalty for Violation.

Any violation of this Ordinance or failure to comply with any provision or provisions of this Ordinance shall constitute a summary offense. Any person, partnership or corporation who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than \$100.00 or more than \$600.00. In default of payment of any fine levied hereunder, such person, the members of such partnership, or the officers and directors of such corporation, shall be liable to imprisonment for not more than 60 days. Each day that a violation of this Ordinance exists shall constitute a separate offense. All fines collected for the violation of provisions of this Ordinance shall be paid over to the Township.

Section 17. Repealer

Ordinance No. 33, enacted May 4, 1970, is hereby repealed in its entirety.

Section 18. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof. It is hereby declared to be the intent of the Board of Supervisors that this

Ordinance would have been adopted had such unconstitutional, illegal, or invalid section, subsection, sentence, clause, phrase or portion not been included herein.

Section 19. Effective Date.

This Ordinance shall become effective five days after the adoption hereof.

ENACTED AND ORDAINED this 5TH day of DECEMBER, 1988, in lawful session duly assembled.

Attest:

TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA

Juanita L. Rischman
Secretary

By Ray E. Bercaw
Chairman,
Board of Supervisors