

ORDINANCE NO. 87

AN ORDINANCE REGULATING THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF JUNK YARDS, JUNK MOTOR VEHICLES AND SALVAGE YARDS WITHIN GREENE TOWNSHIP, PIKE COUNTY; ESTABLISHING LICENSING REQUIREMENTS; AND PENALTIES FOR VIOLATIONS AND NON-COMPLIANCE WITH SAID ORDINANCE.

WHEREAS, the Board of Supervisors of Greene Township, Pike County recognize the need to establish an ordinance to regulate the establishment, maintenance and operation of junk dealers, salvage yards and junk vehicles within the Township;

WHEREAS, pursuant to the general authority given to second class townships to protect the general health, safety and welfare of the public, the Board of Supervisors of Greene Township are desirous of adopting an ordinance, after proper advertising and public hearing, that reasonably regulates by way of license under prescribed conditions the establishment and operation of such operations within the Township, and adopt penalties for those individuals, corporations, and/or entities that violate the provisions of said ordinance.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Greene Township, Pike County, an ordinance to be known as the "Greene Township Junk Vehicle, Junk Yard and Salvage Yard Ordinance".

**SECTION 1. DEFINITIONS AND WORD USAGE.**

- A. Words used in the singular shall also apply to the plural and vice-versa.
- B. Except as otherwise provided by the content of this ordinance, the following definitions shall apply to key words and phrases throughout the interpretation and enforcement of this ordinance:
  - (a) Board of Supervisors - Supervisors of Greene Township, Pike County.
  - (b) Municipality -The Township of Greene, Pike County, Pennsylvania.
  - (c) Person - Any natural or other person, firm, partnership, association, corporation, company, limited liability company or non-profit association of any kind.
  - (d) Junk - Any scrap, copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel, and other old or scrap ferrous or non-ferrous material, including wrecked, ruined, dismantled, abandoned, non-operable, disabled or junked motor vehicles or parts thereof, or motor vehicles no longer used as such.

(e) Junk Yard or Salvage Yard - Any lot or area of land containing junk as defined herein, upon which principally occurs one or more acts of buying, keeping, dismantling, processing, recycling, salvaging, selling or offering for sale, any such junk, in whole units or by parts for a business or commercial purpose, or for the storage of two (2) or more junked motor vehicles outside of any building or enclosure, but shall not include a transfer station, licensed or permitted by the Commonwealth of Pennsylvania or a recycling center, licensed or permitted by Greene Township.

(f) Township Approval - Approval of the application by the Supervisors which permits the applicant to develop his property as per the requirements of this Ordinance.

(g) Junk Dealer or Salvage Dealer - Another name for a licensee.

(h) Licensee - Any person holding a valid, current license issued pursuant to this Ordinance or any predecessor Ordinance in the Township.

(i) Junked Motor Vehicle - Shall mean any motor-driven vehicle, regardless of size which is incapable of being self-propelled or is unable to move on its own power upon the public streets of the Township or its incapable of being utilized for its intended purpose; also included in this definition is any trailer, semi-trailer or any other article which would be classified as a vehicle under the Vehicle Code of Pennsylvania. The term junked motor vehicle shall include any disabled, abandoned, non-operable, non-registered, wrecked, ruined or dismantled motor vehicle.

(j) Junkyard recycling center - a licensed and permitted facility by the Commissioners of Pike County and/or the Commonwealth of Pennsylvania.

## **SECTION 2. LICENSE REQUIREMENT.**

A. No person shall establish, operate, maintain, permit or allow to be established, operated or maintained upon any property owned, leased and/or controlled by him, a junk yard or salvage yard without having first secured a license from the Township upon proper application thereof.

B. Upon application to the Board of Supervisors upon an approved form of the Township, the Board of Supervisors shall issue a license upon compliance with all preliminary approval requirements. In the event that preliminary approval requirements are not met, no license shall be issued and the applicant shall not operate any junk yard or salvage yard until said license is granted. Any violation of this section shall be subject to the penalty provisions hereinafter set forth.



C. License approval is valid for a period not to exceed one (1) year from the date of issuance. Each such license shall be subject to annual renewal upon payment of applicable fees, and any outstanding fees and penalties.

D. A current license shall be conspicuously displayed or posted upon the licensed junk yard or salvage yard at all times.

E. Any license approving the operation of a junk yard or salvage yard is valid at only one (1) location within the Township, and may not be assigned to a new owner or tenant of said location for the remaining term of said license provided that all permit fees are paid in full and there are no outstanding fees or penalties owed by the transferor.

### **SECTION 3. CONTENTS OF APPLICATION.**

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, operating members, directors, partners or natural persons having primary responsibility for the lawful day-to-day operation of the junk yard or salvage yard.

B. The names and addresses of the owner or owners of the land upon which the junk yard is to be laid out, together with the Pike County Tax Assessment Number.

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 setbacks, containing a layout of the proposed junk yard, and showing sufficient detail to establish compliance with this Ordinance, and the Greene Township Subdivision and Land Development Ordinance and other applicable Ordinances, laws and regulations, including the Greene Township Setback Ordinance. A junk yard or salvage yard shall have a minimum of two (2) acres, and shall front on a public road or have access to a public road by a right-of-way of at least 20 feet in width. Where a proposed junk yard fronts on or has access to a state highway, a Commercial Highway occupancy permit must be obtained from the Pennsylvania Department of Transportation.

E. Plans and specifications for all fencing, water facilities, screening, access driveways, sewage disposal system and storm water management.

F. All Highway Occupancy Permits required by State or Township.

G. All other miscellaneous information as required upon the application form provided by the Township.

#### **SECTION 4. PRELIMINARY APPROVAL.**

Any person wanting to establish, operate or maintain of a junk yard within the Township must seek a preliminary approval of an application by submitting an initial application and application fee including a land development plan which meets all requirements of the township ordinance in effect after which:

A. The Board of Supervisors shall 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.

B. The Board of Supervisors shall 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, shall hold a public hearing on the application, with appropriate notice provided to all adjoining property owners, and the site properly posted in a conspicuous location from the public road.

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 the effect the protection of the general health, safety, and welfare of the public and the residents of the Township.

E. After completion of the above terms, 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 "preliminary approval" of the site.

F. Preliminary 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. Preliminary 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 preliminary approval and the requirements of this Ordinance.



H. No junk yard, salvage 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 preliminary approval period, that the site has been made to fully comply with this Ordinance and the terms, conditions and requirements of the preliminary approval.

J. Preliminary approval shall be valid for not more than six (6) months, after which, if the site is not in fully compliance with this Ordinance and all other terms, conditions and requirements of the preliminary approval, the preliminary approval shall be revoked by the Board of Supervisors and automatically, at the expiration of six (6) months.

#### **SECTION 5. 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 sixty (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 6. GENERAL OPERATING REQUIREMENTS.**

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

A. The manner of storage and arrangement of junk and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises and facilitate access for firefighting purposes. Fire lanes of at least thirty (30) feet in width shall be established around the inside perimeter of the junkyard, and fire lanes of at least twenty (20) feet in width shall run parallel to each other, a distance no greater than one hundred (100) feet apart throughout the junkyard. All fire lanes shall be kept free of obstruction at all times. Fire lanes shall be constructed of a rock or ash material at least six (6) inches in depth and shall be properly maintained at all times so as not to create an undue amount of dust when vehicles or equipment travel over them. At no time shall junk be stored or stacked higher than eight (8) feet. A minimum of three thousand (3,000) gallons of water shall be maintained on the premises of the junkyard at all times for ready use to extinguish all fires on the premises. The Board may establish a larger amount of water to be stored or maintained on the premises of the junkyard as is deemed necessary.

B. The Board may consult the fire chief in the township and the fire marshal for advice, and may make requirement in accordance with said advice or with any rule or regulation enacted by any applicable governmental authority.

C. Adequate chemical fire extinguishing solution or mixtures shall be maintained on the premises of the junkyard at all times. The Board shall consult with the fire chief in the township and the fire marshal in determining an amount of chemical fire extinguishing solution or mixtures needed for the extinguishment of grease or oil or underground fire hazards.

D. No open burning whatsoever shall be permitted at the site.

E. The premises to be licensed shall be set back in minimum distance of one hundred (100) feet from the right-of-way lines of all streets or roads, or streams, and a minimum distance of fifty (50) feet from all other property lines.

The area between the set-back and the right-of-way lines and all streets and roads and all other property lines, shall be at times, kept clear and vacant from junk.

F. Such premises shall at all times be maintained so as not to constitute a nuisance or menace to the health, safety or welfare of the community and maintained so as not to provide a breeding place for rodents or vermin.

G. No garbage or other organic waste shall be stored in open containers on premises.

H. All junk shall be stored and arranged so as not to interfere with natural drainage of the land and shall be so stored and arranged as to prevent the accumulation of stagnant water and to facilitate access for fire fighting purposes.

I. 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.

J. Junk shall be stored in piles within the enclosed area not exceeding the height of screening or fencing line. Junk shall be permitted to be piled not exceeding eight (8) 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.

K. 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.



L. No oil, grease, tires, gasoline, tar, petroleum products, shingles or other similar material or junk shall be burned within a junk yard at any time.

M. The licensee shall permit inspection of the business premises by the municipality or its appointed representative at any reasonable time.

N. Any property not provided for and approved by the Township with the licensee shall not be utilized for junk yard operations.

O. All oil, antifreeze, gasoline, transmission fluid and other vehicular fluids shall be drained from all vehicles before such vehicles are stored as scrap in 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 waste, or any other applicable laws or regulations pertaining to solid waste or solid waste management.

P. The use of car crusher, portable or permanent, or other types of commercial or non-commercial compacting machines may be permitted by the Board, provided the Board established times of operation or said machines and further, provided the individual or combines noise level, at any time, emanating from said machine (s) and equipment, such as pay loaders, fork lifts, tractor trailer, etc. Used to support the operation of the said machine(s) does not exceed seventy-five (75) decibels at any point outside the perimeter fence.

Q. All spare tires not being used for a useful purpose must be covered by a tarpaulin and not left exposed to the weather or enclosed within a structure.

## **SECTION 7. PHYSICAL CHARACTERISTICS.**

A. The area used for a junk yard shall be completely enclosed with a solid board or metal fence, or a mound of ground, with a minimum height of ten (10) feet; or by a screen or trees; or by a combination of the above, as approved by the Board of Supervisors. All fences and screening shall be sufficient height to 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 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 insects and disease.
3. Species selected must be capable of producing the effective visual barrier, ten (10) feet in height, within five (5) years of planting.
4. Prompt replacement of any dead species shall be required.

B. The required fencing and screening shall be set back the following minimum distance from the property line or street:

1. Solid fencing - 25 feet from the street right-of-way and 25 feet from all property lines.
2. Tree screening - 25 feet from the street right-of-way and 25 feet from all property lines.

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. All entrances must meet the site distance requirements of the Department of Transportation.

#### **SECTION 8. 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 9. 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 Supervisors. 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 of 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 sixty (60) days prior to the date the transfer is expected to be effective.

#### **SECTION 10. REVOCATION AND SUSPENSION OF LICENSE.**

The Board of Supervisors shall suspend any license issued thereunder upon failure of any license 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 11. 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 12. RULES AND REGULATIONS.**

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

#### **SECTION 13. VIOLATIONS.**

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

It shall further be unlawful for any person to establish, operate or maintain a junk yard, salvage yard or junk dealership after a preliminary 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 14. INSPECTIONS.**

The Supervisors or any one of them or any representative duly authorized by the Board of Supervisors, shall be permitted to enter and inspect the premises of any licensee or any applicant for preliminary approval at any reasonable time and with no notice.

#### **SECTION 15. INSPECTIONS.**

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 \$300 nor more than \$600, and 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 sixty (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 16. 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 an 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 or phrase or portion not been included herein.

#### **SECTION 17. WAIVER.**

The Board of Supervisors may, in their sole discretion, waive a provision or requirement of this Ordinance under exceptional circumstances, but only where the waiver will not distort the overall concept of a regulated junk yard as contained herein.



**SECTION 18. EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED**, this 17<sup>th</sup> day of December, 2012, in lawful session duly assembled.

Mary A. Hubbard  
[Signature]  
Edward H. Simon

ATTEST:

Judy Reemer  
Secretary

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BOARD OF SUPERVISORS OF  
GREENE TOWNSHIP