

Final Draft
September 22, 1994.

**HONEY BROOK TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 59 - 1994

AN ORDINANCE REGULATING JUNK YARDS INCLUDING BUT NOT LIMITED TO AUTOMOBILE OR VEHICULAR JUNK YARDS AND SETTING FORTH STANDARDS FOR THE STORAGE AND DISPOSAL OF SCRAP, REFUSE, AND OTHER ARTICLES OF JUNK; PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND SETTING FORTH STANDARDS FOR THE MAINTENANCE AND OPERATIONS OF JUNK YARDS UNDER PRESCRIBED CONDITIONS AND REGULATIONS; PRESCRIBING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND SETTING FORTH THE REQUIREMENTS FOR ADMINISTRATION OF THIS ORDINANCE.

The Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, acting under the authority of the Second Class Township Code, does hereby enact and ordain the following Ordinance:

SECTION I - SHORT TITLE. This Ordinance shall be known and may be cited as the "Honey Brook Township Junk Yard Ordinance."

SECTION II - PURPOSE. The purpose of this Ordinance is to regulate junk yards within Honey Brook Township. The purpose of this Ordinance shall also include but not be limited to: providing aesthetic controls and regulations for a junk yard facility; the regulation of the size of a junk yard; the regulation of scrapped automotive vehicles, trucks and other vehicles; the prohibition of accepting or storing any hazardous or toxic wastes; prohibiting the underground excavation for storing any junk or junk products; and providing for penalties for the violation of this Ordinance.

SECTION III - DEFINITION. The following definitions shall be applicable to this Ordinance:

A. Junk. Junk shall include but shall not be limited to dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof; dilapidated wagons, trailers, and other kinds of vehicles and parts thereof; scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery of any type, rags, paper, excelsior, hair, mattresses, beds or bedding material, and any other kind of scrap or waste material not otherwise prohibited herein which is stored, kept, handled, or displayed.

B. Junk Yard. An area of land with or without buildings, used for the storage, outside of a completely enclosed building, of used and discarded material of any type including those materials defined as "Junk" contained herein with or without the dismantling, processing, salvage, sale, or other use or disposition of the same. The outside storage or deposit on a lot or parcel of land comprising two or more inoperable vehicles, which do not have current licenses and current state inspections as issued by the Pennsylvania Department of Transportation, shall be considered as a junk yard. Agricultural vehicles such as tractors, mowers, and other typical farm equipment which are utilized as part of an active on-going farming operation and contractors' construction equipment (when legally permitted by the Township Zoning Ordinance) shall be exempt from this definition. Automobile and vehicular sales lots managed by licensed automobile dealers and storage areas for antique automobiles shall also be exempt from this definition.

C. Junk Dealer. A junk dealer shall include any person corporation, partnership, or any other entity who or which shall engage in the business of selling, buying, salvaging, and dealing in "junk" and who maintains and operates a "junk yard" within Honey Brook Township.

D. License. A license, as required under this Ordinance, shall mean the permit granted to a junk dealer who accumulates, stores, or disposes of "junk" as herein defined.

SECTION IV - REGULATIONS AND CONTROLS FOR JUNK YARDS. The following regulations and controls shall apply to all junk yards or junk yard facilities located within Honey Brook Township.

A. The maximum size of any junk yard shall not exceed five (5) acres.

B. All portions of a junk yard shall be set back and located a minimum of 60 feet from any existing Township road right-of-way or state highway right-of-way. The required fenced boundaries along a Township or state highway shall be located no closer than 60 feet from the edge of the right-of-way.

C. A license required for the operation of a junk yard shall be plainly displayed on the business premises.

D. There shall be no burning of products or material contained within the boundaries of a junk yard. No products or materials shall be brought to or introduced to the site of a junk yard which contain toxic or hazardous waste as defined by the Commonwealth of Pennsylvania and as defined by the Federal Environmental Protection Agency regulations. All motor oil and other petroleum products and filters shall be removed from all junked vehicles prior to placement within the junk yard.

E. A junk yard may not be operated as a "waste transfer facility" as defined under the rules and regulations of the Pennsylvania Department of Environmental Resources.

F. A junk yard or junk facility shall be fenced on any side facing a Township road right-of-way or state highway right-of-way. Additionally, any side of a junk yard or junk facility facing a residentially used property with a residence located within 100 linear feet from the edge of the junk yard or junk facility shall likewise be fenced. The fencing required hereunder shall be totally opaque and shall not be less than six feet in height. The height of said fencing may be extended to ten feet as determined by the Board of Supervisors if junk contained within the junk yard would either be visible from the adjacent property or from any Township or state road. Said fence shall be securely constructed and no signs or advertisement shall be placed thereon. Any fence required hereunder facing a residentially used property shall be set back a distance of ten feet from the property line.

G. The following general operating requirements shall be applicable to all licensed junk yards within Honey Brook Township:

1. The license issued pursuant to this ordinance shall be plainly displayed on the business premises;

2. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition;

3. The license for a junk yard shall specify the dimensions and acreage or square footage which is permitted for use as a junk yard facility. Land area within a parcel which is not specifically approved in the license for use as a junk yard may not be used for junk yard purposes.

4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes. A junk yard shall not be located adjacent to a stream and no license shall be issued for a junk yard which contains an intermittent or perennial flow stream. Any operating junk yard facility shall be located a minimum of 100 feet from any stream or waterway.

5. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than six (6) inches;

6. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business;

7. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises;

8. Junk shall be stored in piles not exceeding six (6) feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes;

9. Combustible material of any kind which is not necessary or beneficial to the licensed junk yard shall be prohibited on the premises. The premises shall not be allowed to become a fire hazard;

10. No processing of junk or other objectionable activity shall be carried on in connection with the licensed business, other than sales, on Sundays, legal holidays, or at any time between the hours of 6:00 p.m. and 7:00 a.m.;

11. The area on the premises where junk is kept, other than indoors, shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of a minimum height of 6 feet (and up to 10 feet, when required) measured from the ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the operation of the licensed junk yard;

12. The licensee shall permit inspection of the premises by the Township Building Inspector or his duly appointed designee, or the Chief of Police, or any member of the Township Police Department, the Fire Chief, or County Fire Marshal, or any member of the Honey Brook Fire Company, at any reasonable time;

13. No junkyard shall be allowed to become a public nuisance, nor shall any junkyard operate in such manner as to become injurious to the health, safety or welfare of the community.

SECTION V - LICENSE REQUIREMENTS. Within five (5) days after adoption of this Ordinance, any junk dealer who operates a junk yard or similar facility within Honey Brook Township shall be required to obtain an annual license from the Board of Supervisors. The annual license shall be issued for each 12-month period beginning January 1 of each year. A license application required by this Ordinance shall be issued by the Board of Supervisors. Such license shall state the name of the person to whom such license is issued and any related partnership, corporation, or other form of ownership. The license shall be limited to the premises on which such business is to be conducted and shall set forth the physical limits of such junk yard on the date of initial issuance of the license. The following conditions shall be evaluated by the building inspector and/or other designated party assigned by the Board of Supervisors to determine the extent of conditions to be imposed with said license:

A. The Board of Supervisors or its designated representative shall take into consideration the suitability of the property being used as a junk yard and shall determine the character of all properties located within 500 feet of the facility. The Board and/or its representative may make a finding as to the effect of the use upon the Township including any aesthetic conditions which may be imposed.

B. In issuing a license for a junk yard, the Board of Supervisors may impose upon the license and the person applying therefor such terms and conditions in addition to these regulations contained herein any requirements deemed necessary to carry out the spirit and intent of this Ordinance.

C. License Fee. A license fee shall be paid immediately upon the issuance or renewal of a license for a junk yard facility. The amount of the annual license fee including the initial license shall be three hundred dollars (\$300).

D. Transfer of License. No license issued by the Board of Supervisors shall be transferrable to any other person or party.

SECTION VI - VIOLATIONS AND PENALTIES. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof by a summary proceeding, be required to pay a penalty of not more than five hundred dollars (\$500) and the costs of prosecution of such violation and further provided that each day of continued violation shall constitute a separate offense.

SECTION VII - SEVERABILITY. If any section of this Ordinance shall be found to be invalid by a Court of competent jurisdiction, the other sections of the Ordinance shall not be affected thereby.

SECTION VIII - ADOPTION, ENACTMENT, AND EFFECTIVE DATE: This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Honey Brook this 12th day of Oct., 1994

BOARD OF SUPERVISORS
HONEY BROOK TOWNSHIP

Dallas D. Forel

John Super

Donald Johnson

ATTEST:

TOWNSHIP SECRETARY

Ruby M. Pittman