

HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE #187-2017

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE CODE OF ORDINANCES OF HONEY BROOK TOWNSHIP, CHAPTER 10 ENTITLED "HEALTH AND SAFETY", PART 1 ENTITLED "JUNKYARDS", BY REVISING REQUIREMENTS FOR LOCATION, SETBACKS, OPERATIONAL STANDARDS, AND OTHER MISCELLANEOUS REQUIREMENTS FOR JUNKYARDS.**

**WHEREAS**, pursuant to Section 1506 of the Second Class Township Code, 53 P.S. §66506, the Board of Supervisors of Honey Brook Township may enact ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

**WHEREAS**, pursuant to Section 1527 of the Second Class Township Code, 53 P.S. § 66527, the Board of Supervisors may enact ordinances to secure the safety of persons or property within the Township; and

**WHEREAS**, the Board of Supervisors of Honey Brook Township previously enacted Ordinance No. 87-2000 on June 14, 2000, as amended by Ordinance 122-2006 enacted on December 15, 2006, and as codified as Chapter 10, Part 1, of the Code of Ordinances of Honey Brook Township, to regulate junkyards within Honey Brook Township; and

**WHEREAS**, the Board of Supervisors of Honey Brook Township desires to amend said Chapter 10, Part 1 of the Code of Ordinances of Honey Brook Township, to revise requirements for location, setbacks, operational standards, and other miscellaneous requirements for junkyards.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby enacted:

**SECTION 1.** Amend the Code of Ordinances of Honey Brook Township, Chapter 10 entitled "Health and Safety", Part 1 entitled "Junkyards", by amending §10-103, **Definitions**, by deleting in its entirety the term "junkyard operation" and its definition, and by revising the definition for the term "junkyard" to read as follows:

*Junkyard* - 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. All physical activities and equipment relating to the process of receiving, recovering, stripping, crushing, loading and unloading junk shall be part of a junkyard. 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 junkyard. 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 [Chapter 27]) shall be exempt from this definition. Automobile and vehicular sales lots managed by licensed automobile dealers shall also be exempt from this definition.

**SECTION 2.** Amend the Code of Ordinances of Honey Brook Township, Chapter 10, Part 1, by amending §10-104, **Regulations and Controls for Junkyards**, by deleting the existing section in its entirety and replacing it with the following:

**“§10-104. Regulations and Controls for Junkyards.**

The following regulations and controls shall apply to all junkyards located within Township:

A. Setbacks

1. No junk shall be stored or accumulated, nor shall any structure be erected, within 50’ of the side and rear lines of the premises or within 60’ of any street right-of-way line that the premises abuts.
2. No item of junk shall be stored, maintained, situated, placed or otherwise located within any designated flood hazard area or within 75 feet of any river, stream, run, creek, irrigation ditching, or any other natural watercourse. The more stringent of these two standards shall govern in all cases.
3. Fences or walls, as required by Section 104.B.2, shall be located no closer than 40’ to any street right-of-way or 30’ to any side or rear lot line.

B. Every licensee, hereunder shall continuously maintain the licensed premises in the manner hereinafter prescribed:

1. The manner of storage and arrangement of junk and the drainage facilities on-site shall be as such to prevent the accumulation of stagnant water upon the licensed land and to facilitate access for inspection purposes and fire-fighting.
  - (a) No junk shall be stored within 20’ of the fencing around the junkyard area.
  - (b) All junk shall be arranged in rows with a minimum of 20’ clear space between each row; each row shall be no greater than 40’ in width.
2. The junkyard shall be enclosed by a fence or wall that forms a substantially solid visual barrier. Fencing may be either heavy duty steel chain link fence with privacy screens/slats, or solid wood stockade fence, and must be maintained in good repair. Walls may be solid masonry or metal walls of uniform design, texture and structure.
  - (a) Such fence or wall shall not be less than 8’ in height.
  - (b) It is further provided that these fencing provisions shall be applicable only to that portion of the lot being used directly

for the storage of junk and shall not be applicable to the remainder of the property owned or used by the junkyard operator so long as said remainder of the lot is not being used for the storage of junk.

- (c) The land area between the fence or wall and any adjoining public street or residential use shall be landscaped in a manner satisfactory to the Board of Supervisors, such that the combination of the fence or wall and any landscaping shall substantially screen the view of the junkyard from such public street or residentially used property.
3. No processing of junk or other business activity shall be carried on in connection with the licensed business, other than retail sales, on Sundays, legal holidays, or at any time between the hours of 10 p.m. and 6 a.m. Entrance and exit gates shall be closed and secured between the hours of 10 p.m. and 6 a.m.
4. No junkyard shall be allowed to become a public nuisance, nor shall any junkyard operate in such a manner as to become injurious to the health, safety or welfare of the community.
5. No hazardous waste shall be stored on the premises. Gasoline, diesel fuel, oil, antifreeze, air-conditioning refrigerant or any similar potentially hazardous substance shall be removed from any junk or other items stored on the premises and stored in approved containers meeting fire standards. Disposal or storage of such liquids shall be in a manner deemed acceptable by the Board upon advice of the Township Engineer and/or Fire Marshal. Such liquids shall not be deposited on the ground.
6. No garbage, organic waste or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall 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. There shall be no burning of junk or other material within the boundaries of a junkyard. Combustible material of any kind which is not necessary or beneficial to the licensed junkyard shall be prohibited on the premises. The premises shall not be allowed to become a fire hazard.
8. Weeds and vegetation on the premises, other than trees, shall be kept at a height of no more than six (6") inches.
9. No junk shall be allowed to rest upon or protrude over any walkway or curb or become scattered or blown around or off the lot.
10. A junkyard may not be operated as a "waste transfer facility" as

defined under the rules and regulations of the Pennsylvania Department of Environmental Protection.

C. Licensing Conditions

1. The license issued pursuant to this Part shall be plainly displayed on the business premises.
2. The licensee shall permit inspection of the premises by the Township Code Enforcement Officer or any member of the State Police, the Fire Chief or Township Fire Marshal at any reasonable time.”

**SECTION 3.** Amend the Code of Ordinances of Honey Brook Township, Chapter 10, Part 1, by amending §10-105 **License, Requirements** by replacing the existing language “the physical limits of such junkyard on the date of initial issuance of the license.” with “the dimensions and acreage or square footage which is permitted in accordance with the Honey Brook Township Zoning Ordinance and any prior approvals.”

**SECTION 4.** Amend the Code of Ordinances of Honey Brook Township, Chapter 10, Part 1, by amending §10-105 **License, Requirements** by adding Section D to the end of the section, to read as follows:

- D. *Certificate of Insurance.* Every junk dealer shall maintain and keep in effect at all times a general liability insurance policy with respect to its junkyard and the subject property with minimum limits of Five Hundred Thousand Dollars (\$500,000.00). A Certificate of Insurance referencing such required coverage shall be provided to the Township at the time of application for a new or renewal license for a junkyard.

**SECTION 5. CODE OF ORDINANCES OF HONEY BROOK TOWNSHIP.** All other articles, sections, parts and provisions of the Code of Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.10-104

**SECTION 6. 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 hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

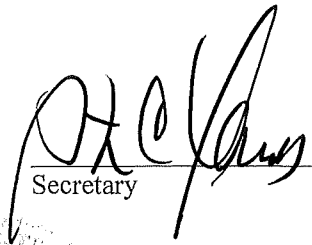
**SECTION 7. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

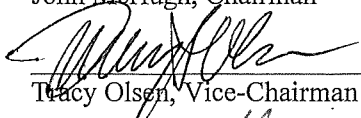
SO IT IS ENACTED AND ORDAINED this 8<sup>th</sup> day of MAY, 2017.


ATTEST:

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
Secretary

\_\_\_\_\_  
John McHugh, Chairman

  
\_\_\_\_\_  
Tracy Olsen, Vice-Chairman

  
\_\_\_\_\_  
Travis Stacey, Member

