

Chapter 222

JUNKYARDS AND JUNK DEALERS

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GENERAL REFERENCES

Nuisances — See Ch. 243.	Vector and pest control — See Ch. 337.
Solid waste — See Ch. 303.	Zoning — See Ch. 360.

§ 222-1. Title.

This chapter shall be known as the "Rye Township Junkyard Ordinance."

§ 222-2. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated:

BOARD — The Board of Supervisors of Rye Township.

JUNK — Any and all forms of waste, refuse, discarded or salvageable articles or materials, including but not limited to scrap metal, papers, rags, glass, containers, structures, junked motor vehicles, junked trailers, machinery and equipment.

JUNK DEALER — Any person who buys, sells, salvages, stores or in any way deals in junk or owns, leases, operates or maintains a junkyard within the Township.

JUNKED VEHICLE — All types of automobiles, trucks, tractors, and self-propelled machinery of all types, except usable farm or property maintenance machinery, for which no current vehicle registration plate exists as issued by the Pennsylvania Bureau of Motor Vehicles. Junked vehicles shall also include any trailer, semi-trailer, or any other article which would be classified as a vehicle under the Vehicle Code of Pennsylvania, which does not display and retain a current registration plate for the current registration year.

JUNKYARD — Equivalent to a salvage yard; any place where junk, as herein defined, is stored or accumulated. Any premises, as herein defined, having a junked vehicle and/or unlicensed trailer thereon shall be deemed to be a junkyard.

LICENSE or PERMIT — The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

PERSON — Includes any individuals, partnership, association, firm, company, and corporation, including singular and plural, male or female.

PREMISES — Any parcel of land situated in Rye Township, Perry County, Pennsylvania, having a separate Tax Map parcel number for county assessment purposes and shall be a single-deeded parcel.

TOWNSHIP — Rye Township, Perry County, Pennsylvania.

TRAILER — Any wheeled vehicle not self-propelled, drawn by a vehicle.

§ 222-3. License to operate.

- A. No person shall engage in, operate, or maintain a business as a junkyard without first having obtained a license from the Board, for which license a fee in accordance with the fee schedule hereinafter set forth by resolution shall be paid to the Township of Rye for the use of the Township. The license shall be issued for the twelve-month period beginning October 1 and ending September 30 of the following year, and each license must be renewed annually on or before the first day of October of each year.
- B. All junkyard licenses must be renewed annually. Such application for renewal shall be filed with the Township within such time as to allow the Township an opportunity for on-site inspection prior to the date on which the license must be renewed. Licenses not renewed within six months of the expiration date must file a new application for a junkyard license.

§ 222-4. Application for license.

The license provided for in this chapter shall be issued by the Board after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued, contact information for the person and/or the owner(s) of the property, and the address of the premises on which such business is to be conducted or junkyard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form which will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with the license. The applicant shall apply for an annual renewal of the license and pay all renewal fees at the time of application for renewal. The fee is not returnable should the license be denied.

§ 222-5. License issuance.

Upon receipt of a completed and signed application by the Board, the Board shall issue a license or shall refuse to issue a license to the person or entity applying therefor after an examination of the application and shall issue if in compliance with this chapter. In the event the Board shall issue a license, it may impose upon the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this chapter as may be deemed necessary to carry out the spirit and intent of this chapter. Decisions to initially issue, renew, or deny licenses and any conditions attached thereto will be made during a public meeting of the Board.

§ 222-6. Revocation and suspension of license.

The Board of Supervisors may 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 chapter or the requirements of PADEP or other regulatory state, county, or federal laws. The Township shall notify the licensee, in writing, of any section or sections of this chapter 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 correct existing violations without prosecution. Any notice provided for in this section may be served personally upon the licensee, or may be posted conspicuously upon premises for which the license has been granted, or may be sent to the licensee by certified or registered mail to the address shown on the application to the owner(s) of record.

§ 222-7. License fee.

The license application fee, license fee, license transfer fee, and the annual license renewal fee shall be in accordance with the schedule of fees set by the Board of Supervisors. The license application fee shall accompany the application and the license fee shall be paid prior to the issuance of the license. The fees are not returnable should the license or renewal of the license be denied.

§ 222-8. License limitation.

No person licensed under this chapter shall, by virtue of one license, operate more than one junkyard within the Township or maintain more than one junkyard for the purpose of buying, selling, and dealing in junk. No person shall engage in or operate a business as a junk dealer or maintain a junkyard in any place other in the Township than the place designated upon his license. Every person licensed under this chapter shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board in the manner prescribed by § 222-12.

§ 222-9. Transfer of license.

No license issued by the Board shall be assigned or transferred by the licensee to any other person unless such a transfer or assignment is approved and authorized by the Board of Supervisors. Any person desiring to transfer his/her license shall notify the Board, in writing,

which notification shall be accompanied by an application for license, as described in § 222-4 of this chapter, by the transferee.

§ 222-10. Transfer fee.

In the event the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee. As of the date of enactment of this chapter, the transfer fee shall be in accordance with the schedule of fees determined by the Board. This fee may be changed from time to time by resolution of the Board. No person shall be required to pay a license fee for the remainder of the license year if a transfer fee is paid and the transfer is authorized and approved.

§ 222-11. Records.

Every person licensed under this chapter shall provide and shall constantly keep a written record in the English language of the acquisition of any junk, a description of every article or material acquired, the date of such acquisition, and the name, address, and telephone number of the person from whom such article or material was obtained. This written record shall at all times be made available and subject to the inspection of any official of the Township.

§ 222-12. Regulations.

Every person, partnership, or corporation licensed under this chapter shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board or other county or state agency and in the manner prescribed by this section and any subsequent regulations by the Board:

- A. Zoning districts in which a junkyard may be located include the following: Industrial/Manufacturing Limited (IML).
- B. No premises applying for a license following the enactment date of this chapter shall be less than five acres in size and not greater than 10 acres in size.
- C. No licensed premises shall be maintained within 1,000 feet from any school or church premises. Environmentally sensitive areas should be precluded in accordance with the Chapter 320, Subdivision and Land Development, Article VII, Design Standards.
- D. No junk shall be stored within 50 feet of the top of the bank of any stream or waterway.
- E. An applicant or licensee is required 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 junkyards. Such citation may be used in the enforcement of the penalty provisions of this chapter up to and including suspension or revocation of the junkyard license.

- F. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or create a place for breeding for insects, rodents or vermin.
- G. No garbage or other organic waste shall be stored on such premises.
- H. All vegetation shall be kept maintained by mowing or other suitable means permitted by the Township.
- I. Whenever any junked vehicle shall be received at the junkyard facility, all liquids, including, but not limited to, gasoline, antifreeze and motor oil, shall be drained and removed therefrom within 12 hours after the arrival of the junked vehicle. All gasoline and used motor oil which is kept on the premises shall be stored in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
- J. 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, and erosion upon the premises, excess water runoff from the premises, and to facilitate access for firefighting purposes. Junked automobiles shall be spaced in rows with at least 15 feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than eight feet from the ground.
- K. Unless the facility is staffed by a technician certified by the state to remove Freon (chlorofluorocarbons) from appliances, facilities are responsible to verify the proper evacuation of Freon (chlorofluorocarbons) from all Freon appliances prior to accepting any appliance. Facilities shall not accept appliances, such as refrigerators, freezers, air conditioners, dehumidifiers, etc., unless the appliance has a sticker verifying that the Freon has been removed by a state-certified technician.
- L. It shall be unlawful for any person licensed under this chapter to burn junk, tires, or waste within the junkyard at any time.
- M. Such premises shall not be open for business nor shall any work be done therein in connection with the storage, processing and transporting or removal of junk at any time on Sunday or before 7:00 a.m. or after 6:00 p.m. on any weekday with the exception that emergency calls due to highway accidents may be serviced at any time. During business hours, an adult attendant shall at all times remain on the junkyard premises.
- N. No materials causing an offensive odor or unsanitary conditions shall be stored on said licensed premises.
- O. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored, and arranged with the facility as described in the application for license hereunder and as limited below.
 - (1) All junk shall be maintained, kept, stored, or arranged within the perimeter of a fenced area. Fencing may include tight board fencing that shall enclose the view of junk, free

from advertising except as it shall apply to the owner's business, eight feet in height, and all junk shall be stored inside said fence and at no greater height than the height of the fence. The entrances to the fenced area must be kept securely locked except during hours of operation. The fencing may not infringe upon the following setback requirements: front yard: 100 feet; rear yard: 100 feet; side yard: 100 feet each. The front, rear, and side setback areas shall not be used for any type of material, junk, vehicle, or equipment storage.

- (2) Along all boundary lines of the premises an evergreen screen shall be planted within the building setback area along the property line. The evergreen screen shall be created by planting trees a minimum of six feet tall at planting that will grow a minimum of 15 feet tall at maturity on 10 feet centers maximum. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible. In the case of existing junk dealers, the required fence and evergreen planting shall be erected, planted and completed within six months, weather permitting, of the effective date of this chapter.
- (3) Maximum impervious coverage allowed on the premises is 70%.
- (4) The side and rear setback areas may be used for customer and employee parking; driveways, utilities, and stormwater management facilities as long as they comply with § 222-12O(1) and (2) of this chapter.
- (5) Proposed driveway entrances along with drainage facilities within the Township road right-of-way shall be improved, in accordance with the applicable Township road construction specifications, to their full width from the edge of the pavement to the dedicated right-of-way line prior to issuance of the license.

§ 222-13. Modification of requirements.

- A. Special conditions. Where, owing to the special conditions, a literal enforcement of the provisions of these standards and regulations will result in unreasonable hardship, the Board of Supervisors, after review and recommendation by the Planning Commission, may waive or make such reasonable modification thereto as will not be contrary to the public interest and so that the spirit of these standards and regulations shall be observed and substantial justice done.
- B. Applications. Applications for any waiver or modification of standards and requirements shall be submitted, in writing, by the applicant at the time the application for a junkyard license is filed with the Township.
 - (1) The application shall state that the waiver or modification:
 - (a) Is consistent with the purpose and intent of this chapter and/or the Township Comprehensive Plan;

- (b) Will remove or reduce any unreasonable or undue hardship, as it applies to peculiar conditions pertaining to the particular property, exclusive of cost considerations only;
 - (c) Will not be contrary to the public interest.
- (2) It shall be the burden of the applicant to demonstrate compliance with the above conditions.

C. Alteration action by the Board of Supervisors.

- (1) In considering any request for waiver or modification of requirements, the Board of Supervisors shall record its action and the grounds for the waiver or modification of a requirement and shall notify the applicant applying for the waiver/modification of said action within 90 days of the request.
- (2) In granting any waiver/modification, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter and/or the Township Comprehensive Plan.
- (3) Whenever a request for the waiver/modification of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Supervisors shall transmit a copy of the action and the grounds for such denial of any waiver/modification to the applicant applying for the waiver/modification.
- (4) All approved waiver/modification of requirements shall be indicated by a note on the application for the annual license.

§ 222-14. Violations.

It shall be unlawful for any person, partnership, or corporation to violate any of the provisions of this chapter or to operate or maintain a junkyard in violation of the provisions of this chapter or the license granted hereunder.

§ 222-15. Inspections.

The Board 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 at any reasonable time during business hours and with no prior notice.

§ 222-16. Violations and penalties.

Any person, partnership or corporation who or which are found violating any provision of this chapter shall be subject to a fine of not less than \$100 nor more than \$1,000 and the costs of prosecution for each violation thereof and be subject to imprisonment not exceeding 30 days in

default of payment of such fines. A new and separate offense shall be deemed to have been committed for each day that said violation of this chapter exists. All fines collected for the violation of provisions of this chapter shall be paid over to the Township.

§ 222-17. Abatement of nuisance.

In addition to the remedies provided in § 222-16 above, any continued violations of this chapter which shall constitute a nuisance in fact or which shall, in the opinion of the Board, constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.