

Canaan Township Junkyard Ordinance

An ordinance establishing regulations governing the operation of junkyards in Canaan Township.

Be it enacted by the Board of Supervisors of Canaan Township, Wayne County, Pennsylvania as follows:

§ 20-01 Purpose.

This ordinance is enacted for the purpose of establishing minimum health and safety standards for junkyards in Canaan Township. It is further intended to control their location so as to limit incompatibility with other activities. All new junkyards shall also be considered land developments and be subject to the Canaan Township Subdivision and Land Development Ordinance. The regulations contained are enacted pursuant to the authority granted by the Commonwealth of Pennsylvania in Sections 1506, 1529 and 1532(4) of the Second Class Township Code.

§ 20-02 Jurisdiction and Scope.

This ordinance shall apply to all junkyards now existing or hereafter proposed in Canaan Township. No junkyard shall be created except in conformance with the standards herein, and all junkyards shall be required to conform to said standards or be removed at the owner's expense.

The following land uses shall be exempt from the requirements of this Ordinance provided they are not maintained in the manner of a junkyard and do not include a junkyard operation:

- A. Storage areas for officially recognized and operable antique or classic automobiles or other operable special purpose vehicles.
- B. Operable agricultural equipment that is utilized as part of an active farming operation or operable contractors' construction equipment that is part of an active contracting business.
- C. Automobile repair businesses or automobile, vehicle and equipment sales operations managed by State licensed dealers.

No right to establish or continue a junkyard operation shall be conveyed by the existence of a State license or the presence of any of the above activities on a site.

§ 20-03 Definitions.

The term "junkyard" shall, for purposes of this Ordinance, be considered synonymous with "salvage yard." These terms shall be interpreted and are hereby defined as follows:

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- A. An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used materials, including but not limited to wastepaper, rags, metal, glass, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other disposition of the same.
- B. Any place where two (2) or more old, secondhand, abandoned, partially disassembled, dilapidated or unlicensed vehicles or parts of vehicles, no longer intended or in condition for legal operation on the public highways, are stored outside for any purpose for a period of six (6) months or more. The Canaan Township Board of Supervisors(s) shall determine when a vehicle or part thereof shall meet these conditions and it shall be the burden of the landowner in such instance to demonstrate conclusively, within a period of ten (10) days after notice, that a vehicle is legally operable at the present time if he or she shall disagree with the Board of Supervisors' determination.

§ 20-04 License Required.

- A. No person, partnership, association or corporation, being the owner or occupant of any land within Canaan Township, shall use or allow the use of such land for a junkyard unless a license has been obtained and maintained as herein provided, which license shall be applied for concurrently with application for land development approval pursuant to the Wayne County Subdivision and Land Development Ordinance.
- B. The Board of Supervisors of Canaan Township shall issue a license within ten (10) days after approval of the application by the County Planning Commission pursuant to criteria contained herein and the land development criteria contained in the Wayne County Subdivision and Land Development Ordinance. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement for failure to comply with these regulations.
- C. No license shall be issued until the Board of Supervisors has received;
 - (1) A written application from the applicant on the form provided by the Township Board of Supervisors.
 - (2) The required fee as herein provided. Such fees shall be set by resolution of the Board of Supervisors.
- D. The license may be transferred to a new owner of a junkyard provided all of the requirements of this Ordinance are met and provided the Township is so notified.
- E. Any disapprovals shall be in writing and include the reasons therefore. The Board of

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Supervisors shall not issue a license in any instance where the Planning Commission has not approved the land development.

- F. The Board of Supervisors shall enforce all of the provisions of this Ordinance and shall have the right, at all reasonable times, to enter and inspect any junkyard.
- G. If the Board of Supervisors finds that a junkyard for which a license has been issued, is not being operated in accordance with the provisions of this Ordinance, he may serve, personally or by certified mail to the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within fourteen (14) days after the service of such order. The Board of Supervisors shall, for purposes of determining compliance with this Ordinance, be authorized to make periodic inspections of all junkyards and shall be provided entry to accomplish that task. The Board of Supervisors shall specify the frequency of such inspections and set fees to cover costs involved.
- H. If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within fourteen (14) days after the service of such order, the Board of Supervisors may suspend or revoke such license and the holder of the license shall thereupon terminate the operation of such junkyard.
- I. Any license which is not used for the purpose intended within one (1) years of the date of issuance shall automatically expire.
- J. Junkyard owners shall be required to renew licenses every year. Information required for renewal, however, shall be limited to ownership data, the number of vehicles stored on site, copies of State and other permits required and evidence regarding compliance with previously established conditions of site plan approval and/or license issuance. An inspection of the junkyard premises by the Township Board of Supervisors and/or other Township officials shall be made to ascertain compliance with these regulations and the license requirements as a condition of renewal. The Board of Supervisors shall establish fees for license renewals.
- K. The Board of Supervisors may require performance bonds to secure the continued compliance with the standards herein, such bonds to be limited to the Township Engineer's estimate of the costs associated therewith with a 10% per year escalation clause where the bond is intended to cover a multiyear construction period.

§ 20-05 Standards Applicable to New Junkyards.

All new junkyards shall conform to the following standards:

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- A. If a junkyard is to be located adjacent to a federal aid primary highway, it shall comply with all regulations of the Federal Highway Administration and the Pennsylvania Department of Transportation and provide evidence of the same to Canaan Township.
- B. New junkyards shall be located no closer than five-hundred (500) feet to an existing public right-of-way or five-hundred (500) feet to any adjoining property.
- C. Junkyards shall comply in all respects with the provisions of the Canaan Township Zoning Ordinance and be limited to RD Rural Development Districts as provided therein. Junkyards shall be considered Conditional Uses.
- D. All new junkyards must erect and maintain a eight (8) foot fence or dense natural screening along the boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, within such fence, all materials in which the owner or operator deals. Such fence or screening shall also substantially screen the junkyard from public view.
- E. No new junkyard or portion of a new junkyard shall be located on a slope exceeding twelve percent (12%) in grade or so situated on a bluff as to be not screenable (visible from an adjacent public highway or residence located above or below the level of the junkyard).
- F. No junkyard shall be used as a dumping area for refuse or as a place for the burning or disposal of trash.
- G. All dismantling operations with regard to new junkyard operations shall take place inside an enclosed structure and any parts of vehicles or equipment shall similarly be stored inside an enclosed structure. All vehicles awaiting dismantling or retained for sale or use intact shall be stored in improved parking areas specifically designated for this purpose.
- H. The Board of Supervisors, in acting upon the license application for any new junkyard, shall specifically consider aesthetics and the impacts on surrounding property, among other factors.
- I. All materials stored in new junkyards shall be maintained within buildings or on hard surfaces to avoid grass fire hazards.
- J. A cleared fire lane of no less than twenty-five (25) feet shall be maintained through or around the entire perimeter of any new junkyard to facilitate access by firefighting equipment.

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- K. No hazardous wastes shall be stored within any junkyard and all hazardous materials shall be stored in approved containers meeting fire standards. The local fire company shall be made aware of any such materials and their location onsite. Evidence of the same may be required by the Township Board of Supervisors at any time.
- L. Junkyards shall not be extended within two-hundred (200) feet of any stream, lake or pond.
- M. Vehicles shall be not be stacked more than two high or, if crushed, six (6) feet high.
- O. All fuel and other liquids shall be drained from any vehicle prior to storage or disposal and no more than ten (10) gallons of waste oil or fuel shall be stored on site except in approved containers.

§ 20-06 Standards Applicable to Existing Junkyards.

All existing junkyards shall conform to the following standards:

- A. Existing nonconforming junkyards shall, within a period of ninety (90) days following the effective date of this ordinance, be removed unless a license shall have been obtained for continued operation and the facility has been made to conform to the regulations provided below, excepting that existing junkyards with approved licenses and site plans shall have a period of three (3) years to comply with the regulations following, provided a specific schedule for the same has been approved by the Township and met by the applicant.
- B. Applications for licenses to continue operating existing nonconforming junkyards shall, unless the owners thereof have indicated in writing their intention to discontinue operations as provided above, be made within six (6) months following the effective date of this ordinance.
- C. Applications for licenses to continue operation of existing nonconforming junkyards shall include a professionally prepared site plan depicting the existing operation and any planned improvements as may be required by this ordinance. The Board of Supervisors may require additional detail in the event a site plan offers insufficient detail to determine conformance with these regulations.
- D. The plan shall comply with the operational requirements (as opposed to design or development standards) applicable to new junkyards to the maximum extent practical and shall include provisions for screening of the view of the junkyard from adjacent property as well as the public highway. A six (6) foot high fence or vegetative screen of planted or natural materials along the side and rear boundaries of the property adequate to discourage the entrance of children or others into the area and to contain, within such fence, all

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materials in which the owner or operator deals shall be required unless physical circumstances would make such fencing wholly impractical or unnecessary.

- E. All fencing must be approved by Canaan Township Board of Supervisors and produce a screen through which one generally cannot see and children cannot enter. Dense evergreen screening shall be preferred and may be required in combination with other fencing. The Board of Supervisors shall be responsible for taking measures, including securing injunctive relief, to ensure maintenance of such fencing or screening.

- F. The license application and site plan for the existing nonconforming junkyard shall be processed by the Township Board of Supervisors in a manner identical to that for land development applications under the Canaan Township Subdivision and Land Development Ordinance and shall include other information as may be required to determine compliance with this ordinance. The Board of Supervisors, in acting upon the application, may consult with the Canaan Township Planning Commissions, however, and shall consider the following:
 - (1) The impacts of the use on the enjoyment and use of adjoining properties as well as the community as a whole.
 - (2) The degree to which the use can economically be made to comply with requirements for new junkyards.
 - (3) The effectiveness of screening available or to be provided, visibility from the highway and the extent to which the operator's plans address various health, safety and aesthetic concerns.
 - (4) Whether or not vehicles awaiting dismantling or retained for sale or use intact are or will be stored in improved parking areas specifically designated for this purpose.

- G. Existing junkyards that are made to comply with the above requirements, continue to meet all licensing standards and for which the owners have implemented approved site plans may be expanded within the bounds of the existing parcels on which they are located but not onto new properties or new land area unless the requirements applicable to new junkyards are fully met. No change in the licensed area of an existing junkyard that would lessen its conformity with these regulations or with approved site plans shall be permitted. The Board of Supervisors may also waive license renewal fees for owners of existing junkyards who offer specific evidence of progress in the implementation of approved site plans and meeting of the regulations contained herein.

- H. No junkyard shall be used as a dumping area for refuse or as a place for the burning or

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disposal of trash.

§ 20-07 Site Plans, Notifications and Fees.

- A. Any person or persons proposing to establish or expand a junkyard in Canaan Township shall prepare site plans of the same to be submitted to the Canaan Township Planning Commission under the land development procedures of the Canaan Township Subdivision and Land Development Ordinance. They shall be in sufficient detail to document compliance in every respect with the standards of this ordinance as well.
- B. Existing junkyards shall be identified and notified of any non-conformities with this ordinance within sixty (60) days of the effective date of this ordinance. The Canaan Township Board of Supervisors shall be responsible for this procedure and shall, additionally, inform all owners of existing nonconforming junkyards of the action which must be taken to comply with this ordinance, the time available to take those actions and the consequences of violations.
- C. The Board of Supervisors may establish and, from time to time, revise a fee schedule for junkyard plan submissions.

§ 20-08 Variation of Standards.

Variations to the standards contained herein may be approved by the Board of Supervisors upon recommendation of the Canaan Township Planning Commissions to accommodate unusual site conditions.

§ 20-09 Penalties for Offenses.

- A. Any person, partnership, association or corporation who violates any provision of this ordinance shall be guilty of an offense against this ordinance and subject to a fine of not more than five-hundred (\$500) dollars. Each day of continued violation after notice thereof shall constitute a separate and distinct violation.
- B. In addition to the above-provided penalties, the Board of Supervisors may also maintain an action or proceeding in the name of the township in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any portion of this ordinance.

§ 20-10 Severability.

Should any section of provisions of this ordinance be decided by the courts to be

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unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 20-11 Repeal.

This ordinance shall completely repeal Canaan Township Ordinance No. 103 pertaining to junk dealers and scrap yards and all amendments thereto adopted from December 30, 1969 to present day.

§ 20-12 Effective Date.

This ordinance shall be effective October 7, 2002.

ENACTED AND ORDAINED INTO LAW THIS 2ND DAY OF OCTOBER, 2002 BY THE BOARD OF SUPERVISORS OF CANAAN TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA

ATTEST:

Township Secretary

Board of Supervisors