

**AN ORDINANCE OF CHANCEFORD TOWNSHIP,
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NUMBER 2002-02

Regulating Junk Dealers and the Establishment and Maintenance of Salvageyards including, but not Limited to, Junk Vehicles; Providing for the Issuance of Licenses for Junk Dealers and for the Maintenance and Operation of Salvageyards under Proscribed Conditions; Prescribing Remedies for the Abatement of Nuisances and Unlicensed Salvageyards; Prescribing Penalties for Violations; Providing for the Revocation of Licenses in the Event of Non-Compliance; and Repealing Previous Ordinances.

WHEREAS, the Board of Supervisors of Chanceford Township deems it to be in the best interests and necessary to the general welfare of the residents of Chanceford Township to regulate junk dealers, Salvageyards and the accumulation of junk, junk vehicles, scrap, and salvageable materials, so that these establishments and materials do not cause unreasonable inconvenience, annoyance, or injury to others in the legitimate enjoyment of their rights of person and property, and to protect the general health, welfare and safety of the community; and

WHEREAS, the Second Class Township Code, as amended, at 53 P.S. Section 66532(a)(4) authorizes Townships of the Second Class to regulate junk dealers, Salvageyards, and scrapyards; and

WHEREAS, the Board of Supervisors has previously adopted the "Chanceford Township Salvageyard and Refuse Ordinance" on July 6th, 1983, as amended on February 12th, 1992; and

WHEREAS, the Board of Supervisors desires to provide for regulation of junk dealers, Salvageyards, and storage of junk and junked vehicles consistent with the Township's authority to protect the general health, safety, and welfare of the public.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Chanceford Township as follows:

Section 1. Short Title. This Ordinance shall be known and may be cited as "Chanceford Township Salvageyard and Junk Vehicle Ordinance".

Section 2. Definitions. The following words and phrases when used in this Ordinance shall, for the purpose of this Ordinance, have the following meanings:

Section 2.1: Board - The Board of Supervisors of Chanceford Township, or a designated agent thereof.

Section 2.2: Junk - Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned, junked, damaged or wrecked motor vehicles, machinery, equipment, paper, glass, containers, building materials, and structures. “Junk” shall **not** include refuse or garbage kept in a proper container for the purpose of prompt disposal. “Junk” further shall **not** include hazardous wastes, residual wastes, agricultural wastes, or food processing wastes, as those terms are defined in the Solid Waste Management Act of 1980 (35 P.S. §§ 6018. 101 *et seq.*), as amended.

Section 2.3: Junk Vehicle - Two or more motor-driven vehicle which are incapable of being self-propelled or is unable to move under its own power upon the public roads of the Township or is incapable of being utilized for its intended purpose. The failure of any motor vehicle to bear a current state registration and/or a current official state inspection emblem issued by the Bureau of Motor Vehicles of the Commonwealth of Pennsylvania or of some other state, shall be *prima facie* evidence that such motor vehicle is a junked motor vehicle.

Section 2.3: Salvageyard - Any location where any junk as hereinafter defined is accumulated, stored, or disposed.

Section 2.4: Junk Dealer - Any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, storing, and dealing in junk, or who causes or permits damaged or wrecked motor vehicles to be stored upon premises owned or occupied by him, and who maintains and operates a Salvageyard within the Township of Chanceford.

Section 2.5: License - The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

Section 2.6: Person - Any natural person, partnership, association, firm, company, or corporation.

Section 2.7: Township - Chanceford Township, York County, Pennsylvania.

Section 3. License. No person shall within the Township engage in business as a Junk Dealer, or maintain a Salvageyard within the Township, without first having obtained a License from the Board, for which License fee as hereinafter set forth shall be paid to the Township for the use of the Township.

Section 3.1. License Term. The License shall be issued for the twelve (12) month period beginning January 1, and ending December 31, of each year, and each License must be renewed annually on or before the first day of January of each year.

Section 3.2. License Renewal. At least thirty (30) days prior to the expiration of the current existing License year, each licensee shall file a written application for renewal of his License with the Township Secretary, which application shall contain an affidavit under oath by the

licensee that he is not maintaining a Salvageyard within the Township in violation of the terms of this Ordinance. Upon receipt of an application for renewal of a License, the Board or its agent may inspect the premises of the applicant and shall have the right to refuse a renewal of any License where the applicant is not in compliance with the provisions of this Ordinance and any regulations adopted hereunder; provided, however, that such refusal shall be in writing and shall contain the reasons for such refusal. The applicant shall have a period of thirty (30) days from the date of said notice of refusal to renew his License to cure any deficiencies and/or to comply with the provisions of this Ordinance.

Section 4. Application for License. The License provided for in this Ordinance shall be issued by the Board or its agent after written application shall have been made therefor by the person desiring to be licensed. 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, directors, partners or natural persons having primary responsibility for the lawful day-to-day operation of the Salvageyard.
- b. The names and addresses of the owner or owners of the land on which the Salvageyard is to be laid out, along with written consent of the owner or owners, if different from applicant.
- c. A metes-and-bounds survey of the property showing the location of the property, together with a deed reference of the property, containing a layout of the proposed Salvageyard, and showing sufficient detail to establish compliance with this ordinance, the Chanceford Township Zoning Ordinance and Subdivision and Land Development Ordinances, and all other applicable ordinances, laws, and regulations.
- d. A complete plan including specifications of all fencing, water facilities, screening, access driveways, sewage disposal system, storm water management, proposed off-road parking for the proposed use, and location of the junk storage area upon receipt for a period of 48 hours, which is also the car crushing location. Such plan will be reviewed by the local Fire Department or the EMC for approval of the location and routing of the access drives for firefighting equipment and travel.
- e. Any other information in any format and in as many copies, as the Township may from time to time require.
- f. Historical use of this property whether used for farmland, crops, livestock, etc., and also the York County Tax Assessment use if in clean and green.

Section 5. Issuance of License. Upon receipt of an application by the Board, the Board or its designated agent shall inspect the premises of the applicant to determine whether or not the applicant is in complete compliance with all of the provisions and terms of this Ordinance and the regulations adopted hereunder. The Board or its designated agent shall then determine whether or not a License shall be issued or a renewal thereof shall be granted after an examination of the application and the inspection of the premises, and upon the fullest consideration of the suitability of the premises proposed to be used for the purposes of the license, the character of the property adjacent thereto and the effect thereon of the proposed use, taking into consideration the health, welfare, and safety of the residents of the Township and any potential hazard which may result to adjacent properties and structures thereon or to the residents of Chanceford Township. Unless the

Board or its agent shall determine that the premises of the applicant are in full compliance with such requirements, it shall not issue a License. In the event that the Board refuses to issue a License hereunder, it shall so notify the applicant in writing setting forth the reasons for such refusal. Upon issuance of a License, such License shall be posted conspicuously upon the premises licensed thereunder.

Section 6. License Fee. A License fee in the amount as stated in the Fee Schedule of Chanceford Township, as determined from time to time by the Board by resolution, shall be paid to the Township immediately upon the issuance or renewal of a License. No License shall be issued for the use of a tract of land (a) in excess of ten (10) acres, excluding setback areas, or (b) situated within two thousand (2,000) feet of any other tract of land for which a License has been issued.

Section 7. License Limitation. No person licensed under this ordinance shall, by virtue of one (1) license, keep more than one (1) place of business within the Township or maintain more than one (1) Salvageyard, for the purpose of buying, selling and dealing in Junk. No person shall engage in business as a Junk Dealer in any place other than the place designated upon his License, or maintain a Salvageyard in any place other than the place designated upon his License. Notwithstanding the fact that an applicant for a License may own property on both sides of a public road, the premises licensed hereunder shall be limited to that part of such property that is on one side of said public road only.

Section 8. Transfer of License. No License issued by the Board shall be transferable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his License shall notify the Board in writing, which notification shall be accompanied by an application for a License, as described in Section 4 of this Ordinance, by the transferee.

Section 9. 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 in an amount stated in the Fee Schedule of Chanceford Township, as determined from time to time by the Board by resolution.

Section 10. Records. Every person licensed under this Ordinance shall provide and shall constantly keep a book, in which shall be clearly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase, or receipt, and the person from whom such article or material was purchased, received or handled by such person, which book shall at any and all times be subject to the inspection of the Board and/or any official of the Township or other person authorized by the Board. Such records shall be retained by the licensee for a period of three (3) years.

Section 11. Delay in Disposal. Every person licensed under this Ordinance shall keep and retain upon the licensed premises, for a period of forty-eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him, and shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed.

Section 12. Regulations. Every person licensed under this Ordinance shall constantly maintain the licensed premises in accordance with the following regulations and any subsequent regulations adopted by the Board:

Section 12.1. 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 a place for the breeding of rodents, vermin, or insects. This premises must include a designated area where all junk is stored for the first 48 hours upon receipt, which shall be constructed of materials of concrete approved by the Township to account for fluid leakages. This area also will be designated for the crushing of automobiles or junk. In addition, this area is also the designated area for the removal of large mechanical parts that would have any possibility for fluid leakage during the removal, i.e. motors, transmission, steering units, radiators, rear ends, etc.

Section 12.2. No garbage or other organic waste shall be stored on such premises.

Section 12.3. All gasoline, oil, antifreeze, transmission fluid and other automotive fluids shall be drained from junk vehicles before such vehicles are stored as junk vehicles on the premises of the Salvageyard. Operator has the option to remove all salvageable parts from the junked motor vehicle containing the fluids and store indoors excepting the gasoline tanks. Such storage shall not be exposed to any leakage of fluids. 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 Protection in Title 25, Chapter 75, of the Pennsylvania Code relating to solid waste management, in the Solid Waste Management Act of 1980 (35 P.S. §§6018. 101 *et seq.*), as amended, and in regulations promulgated by 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. Violation of any of the previous laws and regulations, as determined by the general inspection report of any United States or Pennsylvania Department of Environmental Protection inspector, shall constitute *prima facie* violation of this Ordinance.

Section 12.4. No junk, scrap, junked vehicles, or other materials defined in this Ordinance shall be stored, maintained, situated, placed or otherwise located within twenty (20) feet of any river, stream, run, creek, or other natural water course. 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 other waste substances. 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 to facilitate access for fire-fighting purposes. Junked vehicles shall be spaced in rows with at least fifteen (15) feet of open space between each double row to permit movement of fire equipment, which open space shall be maintained as a stoned or mowed grass roadway. Junk shall not be piled to a height of more than eight (8) feet above the ground.

Section 12.5. Combustible materials of any kind shall not be kept or stored in such a way that the premises shall become a fire hazard, nor shall junk or materials be burned or otherwise disposed of in such a way as will result in pollution as the term is defined in the Solid Waste Management Act of 1980, as amended.

Section 12.6. No Salvageyard shall be operated on Sunday, nor between the hours of 8:00 PM and 7:00 AM, except to remove a wrecked automobile from a public highway. An adult attendant shall at all times during business hours remain on the premises.

Section 12.7. The area used for storing junk shall be completely enclosed with a solid board or metal fence, or by a mound of ground covered with plantings, or by a screen of trees, with a minimum height of ten (10) feet. All fencing or screening must be approved by the Board, which may approve such fencing or screening in view of natural contours and physical features of the land in question. Screening or fencing shall be kept back at least fifteen (15) feet from any adjoining premises and at least thirty (30) feet from the nearest edge of the cartway of any public road and highway. The area between the setback line and the cartway line shall be at all times kept clear and vacant. Failure to maintain screening shall result in revocation of the Salvageyard license.

Section 13. Additional Regulations. The Board may from time to time adopt such additional regulations to carry out the provisions of this Ordinance, as it deems necessary upon notice to existing licensees affected by such additional regulations. Upon issuance of this Salvageyard License, it shall be required for the applicant to submit to the Township office the records for the first 12 months of operation under this Ordinance as described in Section 10 of this Ordinance. These records shall be reported monthly throughout the first 12 months of operation and will be evaluated afterwards for further reporting. The Township shall be notified 2 weeks prior to the crushing of junked vehicles in order to witness and approve the proper disposal for environmental protection purposes.

Section 14. Violation and Revocation of License. The Board of Supervisors shall suspend any License issued hereunder upon failure of the licensee to comply with, or to maintain in 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 shall 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 by registered mail to the address shown on the application.

Section 15. Penalty for Violation. Any person violating any of the provisions of this Ordinance or neglecting to comply with this Ordinance shall be guilty of violating this Ordinance and upon being found liable therefore, in a civil enforcement proceeding commenced by the Township, pay a fine not to exceed Six Hundred (\$600.00) dollars, plus all court costs and reasonable attorney's fees incurred by Chanceford Township. Each violation of any of the provisions of this Ordinance shall constitute a separate offense and each day during which a violator neglects to comply with any order issued pursuant to any section of this Ordinance shall likewise constitute a separate offense punishable as aforesaid. If the violator neither pays nor timely appeals the judgment, Chanceford Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

Section 16. Partial Invalidity. If any provision of this Ordinance shall at any time or to any extent be declared invalid or unenforceable, the remainder of this Ordinance, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and this Ordinance shall be valid and be enforced to the fullest extent permitted by law.

Section 17. Repealer. All prior ordinances or parts thereof which are inconsistent herewith, are hereby repealed to the extent of such inconsistency.

Section 18. Effective Date. This Ordinance shall be effective five (5) days after approved and adopted by the Board of Supervisors of the Township of Chanceford, York County, Pennsylvania. Every Person subject to this Ordinance shall have six (6) months from the time this Ordinance becomes effective to comply with the provisions of this Ordinance.

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ORDAINED AND ENACTED into an Ordinance and passed by the Board of Supervisors of Chanceford Township on this 8th day of May, 2006.

Attest:

**CHANCEFORD TOWNSHIP
BOARD OF SUPERVISORS**

/s/ Brenda C. Gohn
Secretary

By: /s/ David E. Gemmill
Supervisor

By: /s/ Henry E. Tyson
Supervisor

By: /s/ Eric T. Bacon
Supervisor