

## Ordinance 103

### Ordinance Regulating Junk Yards

#### 103.1 DEFINITIONS

Definitions of words in this Ordinance are listed alphabetically in the Definitions Dictionary located at the beginning of the combined Ordinances of Delaware Township. These definitions are an integral part of the Ordinances of Delaware Township, which are incomplete without them.

#### 103.2 TOWNSHIP APPROVAL REQUIRED

It is unlawful for any person to establish or expand any junk yard without obtaining prior approval from the Board of Supervisors, who may impose conditions to be complied with by the applicant before approval is granted.

#### 103.3 LICENSE REQUIRED

No junk dealer shall transact business and no junk yard shall be operated unless a license has been obtained. Licenses may not be transferred to another person or to another location.

#### 103.4 APPLICATION FOR LICENSE

A. Applications for licenses must be made in writing to the Board of Supervisors on a form prescribed by it and which is available in the Township office. Applications must, among other things, include the name, residence address, business address, and telephone number of the applicant (this information must be listed for each member of a partnership or association and for each officer of a corporation) name and nature of the operation and the zoning, address, and legal description of the premises where the junk yard is to be located. The application must include the following statement: "The license applied for is subject to all provisions of the Codes and Ordinances of Delaware Township relating to junk or salvage operation." The application must be signed and sworn to by the applicant (by a general partner in the case of a partnership, and by an officer in the case of a corporation or an association) before a notary public or other official authorized to administer oaths. Finally, the application must be accompanied by a plan setting forth a description of the property on which the junk yard is to be located, the location of the junk yard itself, any other use of the property, all roads or access ways into the junk yard, and the locations of any fences or walls.

B. A new application must be submitted to expand an existing, licensed junk yard.

#### 103.5 ISSUANCE OF LICENSE

A. An initial license for a junk yard shall be for a one (1) year period and shall be issued by the Board of Supervisors upon receipt of the completed application accompanied by the designated fee, and after an inspection by the Board of Supervisors to insure that the premises are in compliance with this and any other applicable Ordinances of the Township, as well as the laws of the Commonwealth of Pennsylvania.

B. A license shall run from the date of issuance until December 31, or from January 1 until December 31, and shall be renewed annually upon application by the owner. Said application need not be accompanied by a plot plan, nor is an inspection by the Board of Supervisors necessary, unless complaints about the operation of the junk yard have been received by the Board during the preceding license period.

**103.6 REVOCATION OF LICENSE**

A. Any junk yard license is subject to revocation for the violation of any provision of this or any other Ordinance of the Township, or of any laws of the Commonwealth of Pennsylvania or Rules or Regulations of any agency thereof having appropriate jurisdiction, or for other cause shown.

B. If the enforcement officer determines that a violation exists, he/she shall notify the permittee of said violation and the permittee shall thereafter correct the said violation within thirty (30) days of the notice. If the violation is not corrected, then a hearing shall be conducted by the Board of Supervisors, upon thirty (30) days written notice to the permittee. At the hearing, the enforcement officer shall set forth all the facts and evidence for the purpose of determining whether a violation exists. A permittee shall have the right to be represented by counsel and to present such evidence as it may determine appropriate or relevant to show why no violation exists. At the conclusion of the hearing, the Board of Supervisors shall notify the permittee of its decision.

**103.7 FEES**

Fees required under the provisions of this Ordinance shall be set from time to time by resolution of the Board of Supervisors, along with a procedure for collecting them. No application shall be considered filed until all fees are paid.

**103.8 FENCING**

No junk yard may be operated unless the premises are entirely enclosed by a fence or wall, which shall meet the following specifications:

1. It must be no less than six (6') nor more than ten (10') feet high.
2. It must be made of masonry, metal, chain metal, or wood, or a combination of these materials, and, if not solid, must also include material that will effectively screen the junk yard from the adjacent property.
3. It must be maintained in a neat, substantial, and safe condition.
4. All gates must open inward and must be kept closed and secured when the premises are not open for business.

**103.9 OTHER REGULATIONS**

- A. No junk shall be stacked higher than, or placed outside of, the enclosing fence or wall.
- B. Junk must be arranged so that aisles or alleyways permit full access to all parts of the junk yard at any time by fire, health, police, and building authorities, which access junk dealer must permit at any reasonable time.
- C. Junk dealer must place and maintain a sign on the premises that can be read from the street right of way, listing the names and telephone numbers of one or more individuals who may be called to give admittance to the premises in case of emergency.
- D. Junk dealer must maintain a log of all vehicles acquired in connection with the operation of the junk yard, which log shall include, at a minimum, the serial number, manufacturer, model, body style, and color of each vehicle.

E. The following dimensional regulations apply:

Minimum lot size	5 acres
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Minimum lot width	500 feet
Maximum building height	35 feet
Minimum front yard setback	75 feet
Minimum rear yard setback	50 feet
Minimum side yard setback	50 feet

F. Outside lighting must be directed away from adjacent property.

#### 103.10 ENFORCEMENT OFFICER

The Building Inspector of the Township shall be charged with the responsibility for enforcing the provisions of this Ordinance, and shall have the authority to make required inspection and issue appropriate notice and orders.

#### 103.11 VARIANCES

The Board of Supervisors is authorized to grant a variance from the provisions of Sections 103.8 and 103.9, above, but only if unusual conditions exist on or adjacent to the premises that have not been created by the junk dealer and are not typical of the area nor may a variance be granted merely for financial reasons.

#### 103.12 PENALTY

Any person who violates any provision of this Ordinance or who resists or interferes with any officers, agents, or employees of the Township who, in accordance with the provisions of this Ordinance, are in the performance of their duty, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than three hundred dollars (\$300). Each day's continuance of each violation shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid to Delaware Township. See Ordinance 208.

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