

Chapter 110

JUNK AND JUNKYARDS

[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 2-3-1969. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances â€” See Ch. 124.

Zoning â€” See Ch. 184.

§ 110-1. Definitions.

Unless otherwise expressly provided, the following terms shall have the meanings indicated:

BOARD — The Supervisors of West Earl Township, Lancaster County, Pennsylvania.

JUNK — Any and all forms of rubbish, trash, waste, scrap, discarded or abandoned material of any nature or articles or parts thereof, whether or not the same are salvageable, usable or valuable as constituted or if altered, including for example, and not by way of limitation, junked automobiles or parts thereof.

JUNKYARD or DUMP — Any place where junk is deposited, stored, accumulated, processed, salvaged or disposed of.

§ 110-2. Compliance required.

From and after the effective date of this chapter, it shall be unlawful to establish, operate or maintain a junkyard or dump in West Earl Township, Lancaster County, Pennsylvania, except in compliance with the provisions hereof.

§ 110-3. License application.

Any person, firm or corporation proposing to establish, operate or maintain a junkyard or dump shall apply to the Board for a license to do so by a written sworn application setting forth the following:

- A. The applicant's name and address, together with the names and addresses of all other persons financially interested in the proposed junkyard or dump, or if the applicant is a corporation, the names, addresses and shareholdings of all officers and all shareholders owning more than twenty percent (20%) of the stock thereof.
- B. An accurate description of the improvements on the premises, or contemplated to be made, upon which the junkyard or dump is to be located, together with a plot plan or survey of said premises prepared by a licensed surveyor or engineer, and the names and addresses of the owners thereof.

- C. An accurate description of the type of junk which will be involved and the type and manner of the contemplated operation.
- D. A statement that the applicant will comply with this chapter and all other applicable laws and regulations.
- E. The name and address of the manager of the junkyard or dump if different from the applicant.
- F. The date of commencement of operations.

§ 110-4. License fee; filing.

The application shall be accompanied by payment of the license fee for the current calendar year or portion thereof as hereinafter provided and shall be filed with the Township Secretary or with the Board at any regular monthly meeting.

§ 110-5. Action on applications.

The Board may act on the application at any time, however, not later than the third regular monthly meeting after the application is filed.

§ 110-6. Noneligibility.

The license shall not be granted to an applicant who shall have committed three (3) violations of the terms of this chapter nor to a corporation if the major stockholder or chief executive officer or the junkyard or dump manager has committed three (3) violations.

§ 110-7. License applicability.

The license shall apply to only one (1) junkyard or dump and shall not authorize the establishment, operation or maintenance of any junkyard or dump except as set forth therein.

§ 110-8. License nontransferable.

The license shall not be transferable either as to the site or as to the licensee.

§ 110-9. Expiration of licenses.

All licenses shall be effective for and during one (1) calendar year and shall expire each December 31.

§ 110-10. Display of license.

Such license shall be at all times conspicuously displayed upon the junkyard or dump premises.

§ 110-11. Annual license fee. ¹

The annual fee for a license shall be calculated in accordance with a fee schedule, adopted from time to time by resolution or ordinance of the Board of Supervisors, based on the actual land area proposed to be used.²

§ 110-12. Proration of annual fee.

When the application is made during a calendar year, the fee shall be the pro rata portion of the stated annual fee.

§ 110-13. Restrictions.

Every junkyard or dump shall be established, operated and maintained in accordance with the regulations hereinafter set forth in either Subsection A or B:

- A. A junkyard or dump shall be operated and maintained entirely inside an enclosed building or buildings which shall be of ratproof construction.
- B. A junkyard or dump shall be completely enclosed by a fence of heavy-duty chain link or wire mesh at least six (6) feet in height with gates of similar material, which gates shall be securely locked except during business hours when an adult attendant, employed as such, is on the premises. Such fence shall have maximum openings of four (4) square inches, and the wire mesh shall be of a minimum size and strength of No. 10 gauge steel wire.
 - (1) Whenever a junkyard or dump is visible from a public road or an adjoining property, a landscaped screen of evergreen trees, such as arborvitae, each of which is capable of attaining a continuous height of at least six (6) feet within two (2) years, shall be planted on the outside of the fence referred to above, close enough together so as to completely obscure such visibility.
 - (2) Vegetation shall be removed from the surface of the junkyard or dump premises, and the surface of the premises shall be paved with asphalt, concrete or some other material which will prevent the growth of weeds, and adequate provision shall be made for the drainage of surface water.
 - (3) All junk shall be stored in rows or piles not exceeding ten (10) feet in height and shall be segregated from buildings and equipment by an open space of twenty (20) feet. All junk shall be stored and set back at least twenty-five (25) feet from any adjoining premises and at least fifty (50) feet from the right-of-way of any public road or highway.³
 - (4) No article shall be stored in a position so as to collect rainwater.

1. Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Art. I.

2. Editor's Note: See Ch. A190, Fees.

3. Editor's Note: Amended at time of adoption of Code; see Chapter 1, General Provisions, Art. I.

§ 110-14. Accumulation of garbage; burning.

No garbage or organic waste shall be stored or accumulated on the junkyard or dump premises, and there shall be no burning except in compliance with the regulations of the Department of Health, Commonwealth of Pennsylvania.

§ 110-15. Oil and gasoline.

All oil and gasoline shall be drained from automobiles within twelve (12) hours of arrival at junkyard premises. No more than an aggregate of ten (10) gallons of oil and gasoline may be stored above ground, and this should be in containers approved by the Board.

§ 110-16. Operation and maintenance.

The junkyard or dump shall at all times be operated and maintained so as not to constitute a nuisance or to cause a menace or hazard to the health or safety of any person off the premises; nor to cause any sound, odor or sight offensive to a person of ordinary sensitivity off the premises; nor to constitute a breeding or harboring place for or become infested with rats, mice or other vermin; nor to become a breeding place for mosquitoes; nor to constitute a violation of any health, safety or sanitary law, ordinance or regulation of any governmental body having jurisdiction, including the Department of Health, Commonwealth of Pennsylvania.

§ 110-17. Records to be kept.

The operator of a junkyard or dump shall keep a permanent daily record in which shall be noted, at the time of receipt, an accurate description of each article received, the name and address of the person from whom the same is received, the place and hour of receipt and the price paid therefor, if any. Such record shall contain space for notation of the disposition made of such article and the date and time thereof, in which a notation thereof shall be made at the time of disposition.

§ 110-18. Right of entry.

Any member of the Board or a duly authorized agent of the Board, including representatives of the Department of Health, Commonwealth of Pennsylvania, which Department and its agents are hereby authorized as agents of the Board, may at any reasonable time enter upon and inspect any premises upon which a junkyard or dump is maintained or operated, and the operator thereof shall admit such agent and display the junkyard records to him.

§ 110-19. Enforcement.

The Board or any person may take any appropriate action at law or in equity, civil or criminal, to enforce the provisions of this chapter, and this chapter shall in no way restrict any remedies otherwise provided by law.

§ 110-20. Violations and penalties. [Amended 8-9-1993 by Ord. No. 101; 6-24-1996 by Ord. No. 116; 4-28-1997 by Ord. No. 129]

If the Board of Supervisors or the officer designated to enforce this chapter by the Board of Supervisors determines that a person has committed or permitted the commission of a violation of this chapter, the Board of Supervisors or such enforcement officer shall inform such person, in writing, of the violation, shall notify such person to cease the violation of this chapter and shall inform such person that he or she must pay a civil penalty to the township within the range of the amounts set forth below to settle the violation. The penalty for a first offense shall be not less than \$50 and not more than \$600; the penalty for a second offense shall be not less than \$100 and not more than \$600; and the penalty for a third or greater offense shall be not less than \$200 and not more than \$600. If such person fails or refuses to remit the penalty to the township within 10 days from the date of the written notice of the violation of this chapter, the township may commence a civil enforcement proceeding seeking penalties and costs for the violation of this chapter and/or may commence an action in equity. The township shall seek a judgment for the penalty previously imposed together with additional daily penalties for continuing violations, plus all court costs, including the reasonable attorneys' fees incurred by the township in the enforcement proceedings. Each day that a violation continues shall constitute a separate violation, and each section of this chapter which is violated shall constitute a separate violation. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure.