

Rec. 1/22/92

Ordinance No. 1991-1

AN ORDINANCE OF THE TOWNSHIP OF BROOKLYN, DEFINING, REGULATING, AND LICENSING JUNKYARDS; AUTHORIZING THE ESTABLISHMENT OF LICENSE FEES AND REQUIRING THE POSTING OF LICENSES; REGULATING OPERATIONS AND STORAGE FACILITIES; RESTRICTING BURNING AND PROHIBITING THE STORAGE OF CERTAIN MATERIALS; PRESCRIBING FENCING, SCREENING, AND MAINTENANCE STANDARDS; SETTING TIME LIMITS FOR THE STORAGE OF CERTAIN MATERIALS AND FOR COMPLIANCE HEREWITH; AUTHORIZING INSPECTIONS BY DESIGNATED OFFICIALS; PROVIDING CERTAIN EXCEPTIONS FOR PRE-EXISTING JUNKYARDS; AND PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.

The Township of Brooklyn hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FARM MACHINERY - all types of machinery and equipment originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

JUNK - any discarded or salvageable article or material including, but not limited to, scrap metal, papers, rags, glass, containers, scrap wood, household appliances, motor vehicles, trailers, machinery and equipment, with the exceptions of farm machinery and mobile homes or house trailers that are occupied or are properly placed and planned for occupancy.

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 municipality.

JUNKYARD - any place where junk as herein defined is stored or accumulated. Any premises as herein defined having four (4) or more unlicensed motor vehicles and/or unlicensed trailers thereon shall be deemed to be a junkyard, except that the foregoing shall not apply to duly licensed automobile or mobile home dealers having operable vehicles on their premises for resale. Such exception shall not apply to inoperable vehicles or mobile homes being stored primarily for salvage purposes.

MOTOR VEHICLE - All types of automobiles, trucks, and tractors, including self-propelled machinery of all kinds, with the exception of farm machinery.



PERSON - any natural person, partnership, firm, company, corporation or other legal entity.

PREMISES - any parcel of land situated in the Township of Brooklyn having a separate tax map parcel number for county assessment purposes.

SOLID WASTE - any waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semi-solid, or contained gaseous material.

TRAILER - any wheeled vehicle not self-propelled, drawn by a motor vehicle.

In this ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

Section 2. License Required; Fees. No person may operate a junkyard as defined within the Township without first obtaining a license as herein described.

1. Any person desiring to operate a junkyard in the Township of Brooklyn shall first make written application to the Supervisors. Such application shall be in the form established by the Township, shall set forth the applicants' name and address, and shall include an accurate description of the premises on which the junkyard is to be located, including the County tax map parcel number(s), a statement that the applicant will comply with this ordinance and any other regulations adopted pursuant to this ordinance, and such other information as the Township may require. (State D.E.R. requires persons to apply to the state for a license when a junkyard is to be within 1000 feet of a federal highway.)

2. An application for license under this ordinance shall be examined by the Supervisors and a license issued or denied within sixty (60) days of submittal of the application. Examination of the application shall include consideration of the suitability of the property proposed to be used for the purpose of the license, the character of nearby properties, and the effect of the proposed use upon the zoning regulations of the Township. When the application is found to be in compliance with the provisions of this ordinance, the Supervisors shall issue a license to the junk dealer applicant for the operation of the junkyard as described in this application.

3. The required fees shall consist of the application fee, which shall not be returnable in the case of refusal of the license, and the annual license fees that shall be established pursuant to a resolution of the Township. All fees are due, payable to, and for the use of the Township at the time of application. The Supervisors may waive the application fee when issuing renewed licenses. The terms of any license issued under this ordinance shall be for one calendar year or portion thereof, and shall terminate on December 31st of the year in which issued.



4. Licenses issued under this ordinance are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in such a form as may be required by the Township, and accompanied by the license fee. Renewal applications are subject to complete re-examination and consideration by the Supervisors for continued compliance with the terms of this ordinance.

5. No person licensed under this ordinance shall, by virtue of one license, operate more than one business or junkyard within the Township. No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are non-transferrable, either as to junk dealer or as to junkyard premises. The permitted size of a junkyard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and property, and shall not be in excess of twenty (20) acres, excluding setback areas.

Section 3. Posting of Junkyard Licenses; Operating Procedures. The license under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

1. Permanent records of all motor vehicles and mobile homes received in or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered, the date thereof, and identifying serial number (VIN). Such records shall be open to inspection at all reasonable times by the Supervisors or by any law enforcement officer.

2. Junkyards and businesses licensed under this ordinance may not operate between the hours of 9:00 p.m. and 7:00 a.m., except to remove any wrecked automobile from any public highway.

Section 4. Storage Requirements for Junk. All junk in junkyards licensed under this ordinance shall be stored as herein provided:

1. All junk shall be set back at least forty (40) feet from any adjoining premises and at least sixty (60) feet from the nearest right-of-way of any public street, road, or highway.

2. All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows with at least twenty (20) feet between double rows; other junk shall be stored in piles or tiers, which shall be separated by aisles or cleared areas of no less than ten (10) feet.

3. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than fifteen (15) feet from the ground. No junk shall be stored underground.



4. All gasoline and batteries shall be removed from junked motor vehicles within forty-eight (48) hours of arrival on premises. All gasoline, oil, and batteries shall be stored at only one location on the premises. Not more than one hundred (100) gallons of gasoline and not more than one hundred (100) gallons of oil, in proper containers, may be stored aboveground. Not more than one hundred (100) batteries in the aggregate may be stored on the premises, and they must be stored in a dry area, stacked upright on a pallet.

5. Paper, rags, plastics, and similar materials for salvage shall be stored indoors.

Section 5. Time Limit for Allowing Certain Materials to Remain on Premises. Paper, rags, plastic, and similar materials for salvage shall not be accumulated or remain on the junkyard premises for more than sixty (60) days. Materials separated as solid waste shall not be accumulated for more than thirty (30) days.

Section 6. Burning Restrictions. Not more than one motor vehicle or its equivalent may be burned at any one time. Gasoline, grease, oil, tires, or similar materials that could be dangerous or tend to produce obnoxious smoke or odors shall not be burned at any time. Any and all burning or melting on junkyard premises shall be properly attended and controlled at all times.

Section 7. Certain Materials Not to be Received or Stored in Junkyard. Garbage, organic waste, or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvagable material and shall be promptly disposed of as herein provided.

Section 8. Fencing and Screening; Maintenance. Every junk dealer licensed under this ordinance shall enclose and maintain his junkyard as herein provided:

1. Every junkyard premises shall be completely enclosed by a fence. Such fences shall be set back in accordance with the provisions of section 4, subsection 1, of this ordinance, shall be at least six (6) feet in height, and shall be of wood or wire with maximum lineal openings of three (3) inches. Entrance gates shall be of similar material, shall be well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its entire length at all times.

2. Junkyard premises that have open-wire fence enclosures visible from an abutting public thoroughfare or from abutting residential property within five hundred (500) feet of the fence shall have a landscaped screen of trees and/or shrubs of varieties capable of attaining a continuous height of six (6) feet within two (2) years, planted along the fence or section of fence. All required open areas between fence and lot lines of the premises shall be maintained continuously in good order, free of weeds and scrub growth.



3. The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and shall not be permitted to go to seed.

4. All junkyard premises shall be maintained in such a manner so as not to cause a public or private nuisance; or shall they cause any menace to the health or safety of persons off the premises; or shall they cause any excessive or offensive or noxious odors or sounds; or shall they cause the breeding, harboring, or infesting of rats, rodents, or vermin; or shall they be in violation of any health, sanitation, or environmental law or ordinance or regulation of any governmental body.

Section 9. Right of Entry for Inspection; Additional Regulations Authorized. Every junk dealer and junkyard licensed under this ordinance is subject to inspection and regulation as herein provided:

1. Any member of the Board of Township Supervisors or their designees may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.

2. The Township may from time to time, pursuant to this resolution, adopt regulations to carry out the provisions of this ordinance, upon giving notice to the licensees affected by such regulations.

Section 10. Exceptions for Existing Junkyards. The township may waive the setback requirements as established by subsection 1 of section 4, the fencing requirements as established by subsection 1 of section 8, and the planting requirements as established by subsection 2 of section 8, for junkyards in existence at the time of the enactment of this ordinance, if the junkyard is in compliance with and remains in compliance with the other requirements as provided by this ordinance, and if, in the Township's judgement, compliance with said setback, fencing, or planting requirements would cause undue hardship to such existing junkyard. Only the area used as a junkyard as of the date of passage of this ordinance may be exempt from fencing and planting requirements.

Section 11. Time Limit for Existing Establishments to Comply and Obtain License. Junk dealers and junkyards operating and existing in the Township as of the effective date of this ordinance shall be required to comply with the provisions of and obtain a license under this ordinance within six (6) months from the effective date. However, an extension of the time allotted for complying with the terms of this ordinance may be granted at the discretion of the Township Supervisors. Such extension shall be for good reason, and shall not exceed six (6) months.

Section 12. Abandoned or Non-operating Junkyards. If, in the judgement of the Board of Supervisors, a junkyard is deemed to be abandoned or otherwise non-operating, the Board of Supervisors may notify the owner, operator, or lessee of the junkyard, by letter, to request that all junk be removed from the premises within sixty (60) days of said notification. Failure of said owner, operator, or lessee to comply with such a request shall be a violation of this ordinance.

Section 13. Penalties. Any person, firm, or corporation who violates any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 14. Enforcement Remedies. The Township may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by the law.

Section 15. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof been included herein.

Section 16. Effective Date. This ordinance shall become effective on

December 22, 1991

BE IT ENACTED AND ORDAINED this 17 day of December, 1991.

SUPERVISORS

Richard A. A. Jr.  
James Fluck  
Thomas P. Ely

Attest:

Dana Fluck  
Secretary