

# Clinton Township

## Ordinance No. 2021-05

### Amendments to Zoning Ordinance

#### Regulation of Junk Dealers and Junkyards

##### **Purpose**

The purpose of this Ordinance is to regulate the depositing, accumulation, storage and sale of junk and/or junk vehicles in order to minimize safety hazards created by the same, to prevent blight and property deterioration, to prevent nuisances, to protect property values, to enhance the appearance of properties within the Township, and to otherwise protect the general health, safety and welfare of the residents of the Township. All Junk Dealers, Junkyards, or Salvage Yards in existence prior to the adoption date of this Ordinance and registered as a valid business with the Commonwealth of Pennsylvania are deemed in compliance with this Ordinance and will remain so until such time that ownership of the business changes.

##### **Definitions Added to Section – 185-80**

As used in this chapter, 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 which were 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, unusable, scrap or abandoned man-made or man-processed materials or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used appliances, used motor vehicles and parts, worn-out machinery and equipment, used containers, and scrap building materials.

##### **Junk Dealer**

Any person who buys, sells, salvages, stores, or in any way deals in junk; or owns, leases, operates or maintains a junkyard/salvage yard within the municipality.

##### **Junk Vehicle**

Includes any vehicle or trailer that does not display a current state license and registration and that meets any of the following conditions: (1) cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs; (2) cannot be towed, in regards to a trailer designed to be towed; (3) has been demolished beyond repair; (4) has been separated from its axles, engine, body or chassis.

##### **Junkyard**

A lot, land or structure, or parts thereof used for the collection, storage, dismantling, salvage, or sale of used and discarded materials, including, but not limited to, scrap metal, or the scrap, salvage, or discarded material from vehicles or machinery. Any place where junk, as herein defined, is stored or accumulated. The foregoing shall not apply to duly licensed automobile dealers having operable vehicles on their premises for resale. Such exception shall not apply to inoperable vehicles 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 Clinton, having a separate Tax Map parcel number for county assessment purposes.

**Salvage Yard**

Same as "junkyard," see definition of "junkyard" above.

**Solid Waste**

Any waste, including, but not limited to, municipal, residual or hazardous waste, including solid, liquid, semisolid or containing gaseous material.

**Trailer**

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

**New Section 185-45.1**

**Permitting of Junkyards and Salvage Yards**

- A. These regulations shall apply to all junkyards or salvage yards legally operating in the Township.
- B. All persons operating a junkyard or salvage yard must obtain a Permit issued by the Township. All junkyards or salvage yards legally operating in the Township on the effective date of this Ordinance shall make application for the Permit required by this Ordinance within 60 days after the effective date of this Ordinance.
- C. The Permit will be effective for one year from date of issuance. The Permit is subject to renewal upon reapplication and compliance with this Ordinance.
- D. Prior to issuance of a Permit, applicants must first obtain all zoning approvals required by the Clinton

Township Zoning Ordinance, if any.

- E. Initial application for a Permit must be submitted to the Zoning Officer, who will review the application to determine compliance with this Ordinance and make a recommendation to the Board of Supervisors. The Zoning Officer shall act upon the application within 30 days after the date upon which the application was made. If the Zoning Officer recommends approval of the application, the application along with any pertinent restrictions or requirements will be submitted to the Board of Supervisors for final approval.
- F. In the event an application is not recommended for approval by the Zoning Officer, the Zoning Officer shall so notify the applicant in writing stating the reasons for the denial of approval, whereupon the applicant can withdraw the application or proceed to submit the application to the Board of Supervisors of Clinton Township for final decision.
- G. The Board of Supervisors shall act upon the application within 60 days after receiving the Zoning Officer's recommendation. In the event the application is not approved by the Board of Supervisors of Clinton Township, the Board shall so notify the applicant in writing stating the reasons for the failure of approval or denial, whereupon the applicant shall then have 30 days to file an appeal, in writing, to the Court of Common Pleas of Butler County, Pennsylvania, as provided by law.
- H. An initial Permit application will include the following:
  - (1) A plot plan showing the layout of the junkyard or salvage yard and the location of key business operations, including storage areas, parking areas, point of access from the nearest public road or roads and any other areas pertinent to the business. This plot may be hand-drawn by the owner or operator and need not be professionally prepared.
  - (2) A written plan for prevention of accumulation of rubbish.
  - (3) The measurement of the area to be used by the junkyard or salvage yard.
  - (4) The type and number of buildings to be used.
  - (5) The type and number of storage areas to be used, if any.
  - (6) The type of fencing or natural barriers to be used to satisfy the requirements of this Ordinance and maintain the beautification of the area.
  - (7) If application is for a junkyard or salvage yard, the plot plan must show a layout of rows and roadways within the junkyard or salvage yard as are necessary to Permit movement of emergency equipment and facilities to safely accept and store any toxic or hazardous materials.
- I. If a Permit is issued, such Permit shall, at all times, be conspicuously displayed at the junkyard or salvage yard premises.

- J. The Permit will be nontransferable both as to the junkyard or salvage yard premises and the operator or salvage yard or junkyard dealer.
- K. No person granted a Permit under this Ordinance may operate more than one junkyard or salvage yard within Clinton Township under the same Permit, and that junkyard or salvage yard must be at the location specified on the permit.
- L. Application for renewal of the Permit will be filed in writing with the Township Manager or Zoning Officer and will list any changes made since the original application or in the last application. The Manager or Zoning Officer will inspect the property to determine if the junkyard or salvage yard has complied with the regulations in this Ordinance. If action needs to be taken by the junkyard operator or salvage yard operator in order to come into compliance with this Ordinance, such action shall be completed before the renewal Permit will be issued.

### **Annual Permit Fee**

An annual fee as set forth in the Township's fee schedule adopted by the Board of Supervisors will be charged for each Permit

### **Junkyard Maintenance**

Every junk and salvage dealer permitted to operate under this Ordinance will maintain the junkyard and salvage yard as hereinafter generally provided:

- A. All junk or salvage will be stored behind an opaque fence, structurally stable enough to withstand category F2 Tornado wind events and at least eight feet in height, supplemented by screening material creating a visual barrier.
- B. The fence shall be so constructed as to Permit an entrance which shall be closed off by means of latching a gate of similar construction to the required fence.
- C. The Planning Commission will analyze the screening and/or fencing required for each site as represented on the Permit Application and submittal to the Township, and comment on the screening and fencing for compliance with Township Ordinances.
- D. To maintain Township beautification and for safety purposes, the operator will line public highway and property boundaries with a natural barrier of shrubbery, evergreens, or arborvitae in conjunction with any existing trees.
- F. For junk or salvage yards located in the Township's Industrial Zoning District, fence and barrier must be installed as close to the rear and side yard established property lines as possible and 40 feet from the edge of the road right-of-way nearest the front property lines of the premises occupied by the junk or salvage yard. However, if the junk or salvage yard in the Industrial Zoning District abuts property in a different Zoning District, then fencing along the side of the junk/salvage yard abutting that adjacent property, fence and barrier must be installed 50 feet from the established side or rear property line for

the adjacent property.

- G. The Township will not be responsible for the preservation or maintenance of required screening.
- H. All salvage will be stored and arranged so as to permit access by emergency equipment and to prevent accumulation of stagnant water and to preclude accidental runoff of hazardous materials.
- I. Gasoline, oil or other combustible material will be stored in only one location on the premises. State and/or federal regulations for storage will apply.
- J. Hours of Operation for public sales and service shall be 7:00 AM to 7:00 PM.

BE IT ORDAINED AND ENACTED BY THE CLINTON TOWNSHIP BOARD OF SUPERVISORS this 13<sup>th</sup> day of December, 2021, that the preceding shall be enacted as part of the Clinton Township Consolidated Ordinances, entitled "Regulation of Junk Dealers and Junkyards".

ATTEST

CLINTON TOWNSHIP

BOARD OF SUPERVISORS

*Manson J. Hrdtovic*

Township Manager/Secretary

By: *[Signature]*

Chairperson

By: *[Signature]*

Vice Chairman

By: *[Signature]*

Supervisor

(SEAL)

