

## Chapter 140

### JUNK- AND SALVAGE YARDS

- § 140-1. Title.
- § 140-2. Definitions.
- § 140-3. License required; term; failure to pay license fee.
- § 140-4. Application for license.
- § 140-5. Issuance of license.
- § 140-6. License fee.
- § 140-7. License limitations.
- § 140-8. Transfer of license; fee.
- § 140-9. Records; inspection.
- § 140-10. Delay in disposal required.
- § 140-11. Regulations for operation and maintenance.
- § 140-12. Violations and penalties.
- § 140-13. Abatement of nuisances.

[HISTORY: Adopted by the Board of Supervisors of the Township of West Deer 4-13-1987 by Ord. No. 185; amended in its entirety 10-4-2006 by Ord. No. 349. Subsequent amendments noted where applicable.]

#### GENERAL REFERENCES

Solid waste — See Ch. 181.  
Abandoned vehicles — See Ch. 198.  
Zoning — See Ch. 210.

**§ 140-1. Title.**

This chapter shall be known and may be cited as the "West Deer Township Salvage Yard Ordinance."

**§ 140-2. Definitions.**

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings herein indicated:

**BOARD** — The Board of Supervisors of West Deer Township.

**NATURAL LANDSCAPE SCREENING** — A natural visual barrier consisting of natural trees and vegetation not planted (occurring by nature) that meets the intended purpose (See § 140-11G.) of effectively screening during all seasons of the year the fenced licensed area from all roads and abutting properties, making the licensed fenced area appear as natural as possible.

**PERSON** — Includes any natural person, partnership, association, firm or corporation.

**SALVAGE** — Any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles (including tires and other parts therefrom), machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

**SALVAGE DEALER** — Any person, as heretofore defined, who shall engage in the business of selling, buying, salvaging, and dealing in salvage and who maintains and operates a salvage yard within the Township of West Deer.

**SALVAGE YARDS** — Any outdoor area where scrap metal, paper, rags, tires, and other waste and/or used materials are bought, sold, exchanged, stored, bailed, packaged, disassembled or handled; or where inoperable machinery or motor vehicles are collected, dismantled, stored or sold for parts.

TOWNSHIP — West Deer Township, Allegheny County, Pennsylvania.

TYPE A SCREENING — A visual barrier consisting entirely of planted evergreen, or evergreen and deciduous trees planted in the manner described in Ch. 210, Zoning, Type A screening.<sup>1</sup>

**§ 140-3. License required; term; failure to pay license fee.**

- A. No person shall engage in business as a salvage dealer or shall maintain a salvage yard without first having obtained a license from the Board and paying the fee required by § 140-6 of this chapter. No property owner shall permit his property to be used by a tenant or any other person as a salvage yard unless such other person obtains a license hereunder and fully complies with the provisions of this chapter.
- B. The license shall be issued for the period beginning February 1 and ending the following January 31. Each license holder must submit his application for renewal and pay the yearly license fee on or before the first day of December of each year following the initial issuance of the license.
- C. Failure to pay said fee and submit a fully completed application by the first day of December shall result in the penalty of a surcharge of 25% of the required fee, if the fee is paid, and the application submitted, on or before December 31. An additional penalty of a surcharge of 10% of the required fee shall be added for every month, or any part of a month, after December 31 during which the license fee remains unpaid.
- D. Failure to pay the yearly license fee and submit the completed application form by January 15 of each year shall result in the automatic termination of the existing license.

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1. Editor's Note: See § 210-122, Development standards.

- E. An applicant applying for a first-time license may submit an application at any time during the year, and the license, if issued, will be for the period beginning on the date of issuance and ending the following January 31.

**§ 140-4. Application for license.**

- A. The license provided for in this chapter shall be issued by the Board after review and approval of the applicant's written application therefor. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted or such salvage yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder.
- B. The written application form for such license is to be obtained from the Township, every question of which must be answered completely.
- C. The applicant shall submit with said application form, a check or money order in the proper amount as set forth in § 140-6 below, a professionally prepared site plan of the premises, drawn to scale, including, but not limited to, the position and types of all structures on the property, the areas designated for location of salvage, and any other information requested by the Board.

**§ 140-5. Issuance of license.**

Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefor after an examination of the application, an inspection of the salvage yard (including the required records) by the Code Enforcement Officer and taking into consideration compliance with the requirements of this chapter, the suitability of the property proposed to be used for the purpose of the license, and the impact on the health, safety and welfare of the Township. The Board may reject a license based upon

past violations of this chapter, or any predecessor ordinance, by the applicant, if the applicant cannot demonstrate to the Board his intent and ability to comply with this chapter in the future. The applicant is responsible for demonstrating that the property at issue is zoned for the proposed activity or that it is registered under Ch. 210, Zoning, as a valid nonconforming use. In the event the Board shall issue a license, it may impose upon the license and the applicant such additional terms and conditions to those herein contained and adopted pursuant to this chapter as may be deemed necessary to carry out the spirit and intent of this chapter including, but not limited to, reasonable regulations pursuant to § 140-11 hereof.

**§ 140-6. License fee.**

- A. The license fee shall be paid at time application for the license is made hereunder. The amount of the license fee shall be calculated in accordance with the following schedule as determined by the actual land to be used in the operation or maintenance of the salvage yard, excluding all setback areas:
- (1) Less than 15,000 square feet: \$250.
  - (2) Fifteen thousand to 40,000 square feet: \$400.
  - (3) More than 40,000 square feet: \$500.
- B. No license shall be issued for the use of a tract of land in excess of three acres, excluding setback areas, unless said license is for the renewal of a currently licensed salvage yard already in excess of three acres.
- C. The license fee for a first time (nonrenewing) applicant, where application is made after September 1 shall be 1/2 of the above rates for the balance of the year.

**§ 140-7. License limitations.**

- A. No persons licensed under this chapter shall, by virtue of one license issued hereunder, keep more than one salvage yard or other related business within the Township.
- B. Each person operating a salvage business on the same property shall be required to obtain a separate license.
- C. No person shall engage in business as a salvage dealer in any place other than the place designated upon his license, or maintain a salvage yard in any place other than the place designated upon his license, or use any other salvage yard within the Township in order to store excess salvage from his licensed yard.

**§ 140-8. Transfer of license; fee.**

- A. No license issued by the Board shall be transferable by the licensee to any other person unless such a transfer is first authorized by the Board in writing. 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 § 140-4 of this chapter, by the transferee.
- B. In the event that the Board shall approve the transfer of a license, the transferee shall immediately pay to the Township a transfer fee of \$250 and shall become immediately responsible for any unpaid or future license fees due to the Township.

**§ 140-9. Records; inspection.**

- A. Every person licensed under this chapter shall provide and keep a book in which shall be recorded in the English language, at the time of purchase or receipt of any item(s) of salvage, the following:

- (1) A description of the item(s) or material purchased or received. If the item is a motor vehicle, the description shall include the trade name, motor and body manufacturers' numbers and any other serial numbers, the style of body, model, color and license number.
  - (2) The date and hour of purchase/receipt.
  - (3) Proper identification of the person from whom such item(s) or material was purchased/received. This identification shall be in the form of a photocopied state identification card. If the item is a motor vehicle, a description of the person from whom purchased/received shall be included.
- B. Such book shall at all times be subject to the inspection of any official of the Township or any police officer of the Commonwealth of Pennsylvania or its subdivisions.
- C. Inspection and right of entry. At the time a license application is submitted (and at reasonable times during the term of any license), the applicant must make the premises available for inspection by the Township Code Enforcement Officer and/or police officers to determine if the yard is operating within full compliance of this chapter. During the term of the license, upon request of the Township Code Enforcement Officer and/or police officers of the Township made during the licensee holder's regular business hours, a license holder shall produce the records required hereunder for inspection and copying and shall permit the officers to examine any vehicles or parts of vehicles that are on the premises and subject to the recordkeeping requirements hereof. The above-referenced inspections may be performed at any time of the day when the salvage yard is open for business or in operation.

**§ 140-10. Delay in disposal required.**

Every person licensed under this chapter shall keep and retain upon the licensed premises, for a period of 48 hours after the purchase or receipt thereof, all salvage received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of 48 hours shall have elapsed.

**§ 140-11. Regulations for operation and maintenance.**

Every person licensed under this chapter shall constantly maintain the licensed premises in accordance with any special provision imposed by the Board and in the manner prescribed by this section and any subsequent regulations adopted by the Board:

- A. Conditions. Such premises shall at all times be maintained so as not to constitute a hazard to the health of the community or a place for the breeding of rodents and vermin.
- B. Storage. All salvage, by-products and equipment related to the salvage yard shall at all times be kept, stored and arranged within the fenced yard as described throughout this chapter and as in the application for said license.
  - (1) No garbage or other organic waste shall be stored in such premises.
  - (2) The manner of storage and arrangement of salvage and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises.
  - (3) Fifteen-foot fire truck access alleys must be maintained at all times between rows of salvage no greater than 40 feet in width to facilitate access for fire-fighting purposes. The local fire department will also have the right to request and enforce other

fire-fighting regulations it deems necessary for safe fire-fighting purposes.

- (4) No salvage is to be stored in a manner that allows it to protrude above the fence described in Subsection G.
  - (5) All salvage, by-products and equipment related to the salvage yard, including but not limited to inoperable vehicles, flatbed trucks, tow trucks, tractor trailers, storage trailers or containers, tires, loading equipment, dumpsters, etc., shall be kept within the confines of said fence (Subsection G) at all times unless in motion by transport to or from the site.
  - (6) All fluids must be removed from any and all salvage before being dismantled or crushed and collected in a manner that best prevents the fluids from reaching the ground and entering the groundwater. All hazardous fluids, including, but not limited to, motor oil, transmission fluid, brake fluid, hydraulic fluid, gasoline, antifreeze, etc., must then be labeled and stored until removed from the site for disposal or recycling in a manner approved by the local fire department.
  - (7) Tires shall be covered so as to prevent infestation by mosquitoes, and no more than 500 tires may be stored on the licensed premises.
- C. Gates/access. The fenced (Subsection G) premises to be licensed shall have a keyed locking access gate at least 16 feet wide for fire-fighting purposes. The gate shall be locked at any time the salvage yard is unattended and during all nonoperating hours. The gate shall comply with the requirements of Subsection G.
- D. Operating hours. The operating hours of the salvage yard to be licensed shall be limited to between 8:00 a.m. and

6:00 p.m. Monday through Saturday. No operating hours will be permitted on Sundays.

- E. Burning of material. No material of any kind for any reason shall be burned within the salvage yard at any time.
- F. Setbacks. The premises to be licensed shall be set back a minimum distance of 50 feet from the center of any road on which the property abuts; provided, however, that if Ch. 210, Zoning, provides for a greater setback distance, such greater distance shall apply. The center of the roadway shall be indicated by the yellow or white center roadway line or, if no line is present, by a distance 1/2 the width of the actual road. All buildings must comply with side yard requirements as established under the current Township Zoning Ordinance.
- G. Fencing and screening. The premises to be licensed shall, at the setback lines, be enclosed by a proper opaque fence not less than seven feet nor more than 12 feet in height, constructed and maintained so that no dust or other material may pass through and so that children cannot enter the licensed premises. Said fence shall be completely surrounded by natural landscape screening or Type A screening, or a combination of both. Said landscape screening must meet or exceed Type A screening as described in Ch. 210, Zoning.<sup>2</sup> When such Type A screening is not possible due to the lack of space between the area to be screened and a road or property line (This would apply to only currently legally operating nonconforming salvage yards.), the screening must be planted to reflect as closely as possible Type A screening specifications as the obstructing road or property line will legally allow. The purpose of the required screening is to lessen the visual impact of the salvage yard from all roads and abutting properties during all seasons of the year by effectively visually screening the fenced licensed area, making such

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2. Editor's Note: See § 210-122, Development standards.

area appear as natural as possible. The Board of Supervisors may modify these screening requirements with respect to an applicant who demonstrates that existing screening and/or land conditions on the premises provide an adequate substitute for the screening requirements set forth herein. In order to avoid economic hardship to an applicant, an applicant shall be permitted to comply with these landscape screening requirements pursuant to the following schedule. Before any license will be granted, a minimum of 1/3 of the area to be licensed must have landscape screening in place. The Board of Supervisors shall determine the location of the landscape screening to be first completed. Two-thirds of the landscape screening must be completed before the second license renewal year following the passage of this chapter. All landscape screening must be completed by the third license renewal year following the passage of this chapter. No license will be awarded or renewed unless the above-said screening schedule has been met. All landscape screening, both natural and planted, must be maintained in such a condition so as to maintain effective visual screening throughout all seasons of the year. Dead or fallen trees or trees missing enough limbs so as not to provide an effective visual screen (whether planted or natural) must be replaced within 90 days of written notice from the Township. No notice will be delivered by the Township to replant during the months of November, December or January.

**§ 140-12. Violations and penalties.**

- A. Any person who shall violate any provision of this chapter shall be notified in writing by the Code Enforcement Officer or any police officer of the Township. Such notice should be served upon the violator at his place of business or residence. If such violation is not corrected within two weeks of such notice, a fine in the amount of \$600 shall be imposed. Each day's violation of a provision of this chapter shall constitute a separate offense. If such violation has

not been corrected within two weeks of imposition of the fine, any license issued pursuant to § 140-5 hereof shall be automatically revoked.

- B. If a person is found guilty by a court of competent jurisdiction of two or more violations of this chapter in any twelve-month period, then such person shall be ineligible to apply for or hold a license for a period of one year. Such person may only reapply for a license if he adequately demonstrates his intent and ability to comply with the chapter.
- C. If a person's license is revoked two times under the terms of this chapter, such person shall be permanently prohibited from obtaining a license hereunder.

**§ 140-13. Abatement of nuisances.**

In addition to the remedies provided in § 140-12, above, the Township may remedy continued violations of this chapter by such action as may be required to remove such violation, the reasonable costs of which shall be assessed against the violator by means of a municipal claim. If a licensed salvage yard is found to be a nuisance by any court of competent jurisdiction, the license shall be automatically revoked.