

**FIRST AMENDMENT TO ORDINANCE NO. 70**  
**OF THE TOWNSHIP OF WASHINGTON,**  
**COUNTY OF WESTMORELAND,**  
**COMMONWEALTH OF PENNSYLVANIA**

Be it hereby ordained and enacted by the Board of Supervisors of the Township of Washington, County of Westmoreland, Commonwealth of Pennsylvania by authority of and pursuant to the provisions of the Act of General Assembly No. 69 of May 1, 1933, P.L. 103 §1532, as amended, and 53 Pa. S.A. §66532, Ordinance No. 70 regulating the establishment and maintenance of salvage yards and junk yards and accumulation of rubbish and junk at businesses and residences is hereby amended as follows:

1. SECTION 1. DEFINITIONS: S. VEHICLES: is amended to read as follows:

S. VEHICLES: Every device in which, upon which or by which any person or property is or may be transported or drawn upon a highway and is ordinarily required to be currently registered and/or inspected with the Commonwealth of Pennsylvania except devices used exclusively upon rails or tracks.

2. SECTION 5. BUSINESS REGULATIONS: C. is amended to read as follows:

C. There must be no accumulation of abandoned equipment, vehicles without current registrations or inspections or material that will not be used within a period of time reasonable for that particular business.

3. SECTION 6. RESIDENTIAL REGULATIONS: B. is amended to read as follows:

B. A residence may have no more than two (2) currently unregistered or uninspected vehicles outside an enclosure or building on a premises at one time. This allows for two (2) vehicles used for hobby purposes, i.e., racing, refurbishing or repairing, to be stored outside an enclosure or building on the premises.

4. In all other respects, except to the extent inconsistent herewith, Ordinance No. 70 of the Township of Washington titled "AN ORDINANCE TO REGULATE THE ESTABLISHMENT AND MAINTENANCE OF SALVAGE YARDS and JUNK YARDS AND THE ACCUMULATION OF RUBBISH AND JUNK AT BUSINESSES AND RESIDENCES" shall remain in full force and effect.

Ordained and enacted into law by the Board of Supervisors of the Township of Washington and lawful session assembled this 9th day of August, 2001.

TOWNSHIP OF WASHINGTON  
BOARD OF SUPERVISORS

By Joseph P. Dalsass  
Joseph P. Dalsass, Chairman

By Richard C. Gardner  
Richard C. Gardner, Vice-Chairman

By Burl L. Slaughenaupt  
Burl L. Slaughenaupt, Member

ATTEST  
Audrey A. Saphir

WASHINGTON TOWNSHIP  
WESTMORELAND COUNTY, PENNSYLVANIA  
ORDINANCE NO. 70

AN ORDINANCE TO REGULATE THE ESTABLISHMENT AND MAINTENANCE OF SALVAGE YARDS AND JUNK YARDS AND THE ACCUMULATION OF RUBBISH AND JUNK AT BUSINESSES AND RESIDENCES.

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland, State of Pennsylvania, find it desirable for the health and safety of the Township residents and beautification of the Township to regulate the establishment and maintenance of salvage yards and junk yards and the accumulation of rubbish and junk at businesses and residences in said Township;

NOW, THEREFORE, it is hereby ordained by the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania, pursuant to the Act of General Assembly No. 115 of May 23, 1961, P.L. 215, 53 Purdon's Statutes Section 65758, as follows:

SECTION 1. DEFINITIONS:

A. ANTIQUE VEHICLE: A vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year and which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications, and is registered and licensed as such.

B. BOARD: The Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania.

C. **BUSINESSES:** Construction and construction related, retail, fabricating, repair and manufacturing but not limited to these.

D. **CLASSIC VEHICLE:** A vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications, and is registered and licensed as such.

E. **JUNK:** Any and all forms of waste and refuse of any type of material; including scrap metal, abandoned and worthless household appliances, motor vehicles and construction machinery and parts for same, glass, industrial waste, packaging materials and scrap materials for manufacturing.

F. **JUNK DEALER:** Any person who buys, sells, collects, sorts, stores or in any way deals in junk or owns, leases, operates or maintains a junk yard within the Township.

G. **JUNK YARD:** Any location where a junk dealer conducts his business.

H. **NUISANCE:** Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs any public park, square, street or highway.

I. **OPERABLE:** Capable of being used for its original intended purpose.

J. PERMIT: A license issued by the Board which allows for accumulation, storage and disposal of salvageable or unsalvageable material, junk, rubbish or scrap materials in accordance with this ordinance.

K. PERSON: Any natural person, partnership, firm, corporation or other legal entity including singular and plural, male and female.

L. PREMISES: Any parcel of land situated in Washington Township, Westmoreland County, Pennsylvania having a separate tax map parcel number for county assessment purposes.

M. RESIDENCE: A location where the primary purpose is for maintaining a household and not for conducting business.

N. RUBBISH: All discarded metal, plastic, glass, ceramic and organic materials; papers; pasteboard; rags; mattresses; discarded furniture or appliances; discarded clothes, shoes and boots; leather; carpets; broken glass; crockery; bottles; excelsior; floor sweepings; metal packing boxes and barrels and broken parts thereof; cans; tires; household refuse generally, including garbage; demolished building material; and any other material which by reason of its nature might give off toxic chemicals, obnoxious odors or dust or be unsightly or a fire hazard or harbor rats, vermin, insects or termites to the detriment of the health, safety or general welfare of the residents of Washington Township.

O. SALVAGE: Vehicles, vehicle parts or other materials that have value for recycling purposes.

P. SALVAGE DEALER: Any person who buys, sells, collects, salvages, stores or in any way deals in salvage or owns, leases, operates or maintains a salvage yard within the Township.

Q. SALVAGE YARD: Any location where a salvage dealer conducts his business.

R. TOWNSHIP: The Township of Washington, Westmoreland County, Pennsylvania.

S. VEHICLES: Every device in which, upon which or by which any person or property is or may be transported or drawn upon a highway and is ordinarily required to be currently registered with the Commonwealth of Pennsylvania except devices used exclusively upon rails or tracks.

## SECTION 2. PERMIT:

A. All persons operating a junk yard or salvage yard must obtain a permit issued by the Township. All persons operating junk yards or salvage yards beginning operations after the adoption of this ordinance must have a permit before beginning operations. All persons operating junk yards or salvage yards in operation before the adoption of this ordinance must obtain a permit by January 1, 1989.

B. 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.

C. Initial application for a permit must be submitted to the Planning Commission which will review the application to determine compliance with this Ordinance. The Planning Commission shall act upon the application within sixty (60) days. If the Planning Commission recommends approval of the application, the application, Planning Commission approval recommendation and any Planning Commission restrictions and requirements will be submitted to the Board for final approval.

D. In the event an application is not approved by the Planning Commission, the Planning Commission shall so notify the applicant in writing stating the reasons for the failure of approval whereupon the applicant shall then have thirty (30) days to file an appeal, in writing, with the Board of Supervisors of Washington Township.

E. The Board of Supervisors shall act upon the application or appeal within sixty (60) days. In the event the application is not approved by the Board of Supervisors of Washington Township or in the event that the appeal is denied by the Board of Supervisors of Washington Township, the Board shall so notify the applicant in writing stating the reasons for the failure of approval or denial of appeal whereupon the applicant shall then have thirty (30) days to file an appeal, in writing, to the Court of Common Pleas of Westmoreland County, Pennsylvania as provided by law.

F. An application will include the following:

(1) A plot plan showing the layout of the junk yard

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 plan 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 junk yard 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 junk yard or salvage yard, the Plot Plan must show a layout of rows and roadways within the junk yard or salvage yard as are necessary to permit movement of emergency equipment and facilities to safely accept and store any toxic or hazardous materials.

G. Such permit will at all times be conspicuously displayed at the junk yard or salvage yard premises.

H. The permit will be non-transferable both as to the junk yard or salvage yard premises and the operator or salvage or



junk yard dealer.

I. No person granted a permit under this Ordinance will by virtue of one permit maintain or operate more than one junk yard or salvage yard within the Township of Washington, nor will any person be a junk dealer or be a salvage dealer or operate or maintain a junk yard or a salvage yard in any place other than the place designated upon his permit.

J. Application for renewal of the permit will be filed in writing with the Secretary of the Board and will list any changes made since the original application or in the last application. The Board or its Code Enforcement Inspection Officer will inspect the property to determine if the junk yard or salvage yard has complied with the regulations in this Ordinance. If action needs to be taken by the junk yard operator or salvage yard operator in order to come into compliance with this Ordinance, it must be completed before the renewal permit will be issued.

#### SECTION 3. FEE:

A. A yearly fee of fifty dollars (\$50.00) will be charged for each permit.

#### SECTION 4. JUNK YARD AND SALVAGE YARD REGULATIONS:

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

(1) All junk or salvage will be stored behind screening or a fence.

(5) The fence or barrier will be set back at least twenty (20) feet from all established side and rear property lines and thirty (30) 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.

(6) All required open areas between fence and boundary lines will be maintained continuously in good order. All weeds within the junk or salvage yard will be kept under control and to a maximum height of fifteen (15) inches.

(7) The Township will not be responsible for the preservation or maintenance of required screening. When screening is subsequently removed or becomes ineffective, the junk or salvage dealer will be notified in writing by the Board to provide the maintenance required to bring the business in conformance with the approved application on record.

(8) 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.

(9) Vehicles constituting salvage will be spaced in rows with at least fifteen (15) foot roadways to permit movement of emergency equipment.

(2) The Planning Commission will analyze the screening and/or fencing required for each site and in conjunction with the owner or operator the Planning Commission will develop a plan of control which meets the requirements of this Ordinance and Federal and State laws, rules and regulations.

(3) To maintain Township beautification, to reduce the possibility of junk, rubbish or salvage from the property being blown by winds to adjoining property and scattered about the Township and to provide for public safety including to prevent children from entering and playing in the salvage or junk, the operator will line public highway and property boundaries with a natural barrier and a fence of not less than six (6) feet in height. It is recognized that sometimes a complete vision blockage of the junk or salvage yard may not be possible or desirable. The fence shall be so constructed as to permit an entrance of not more than thirty (30) feet in width which shall be closed off by means of a gate of similar construction to the required fence. Such a barrier must be shown in the permit application.

(4) A barrier will be of any approved type as herein described. Construction of said barriers will not be so costly as to jeopardize the junk or salvage dealer's livelihood. Approved natural barrier materials are shrubbery, evergreens, arborvitae and existing trees.

(10) Salvage will not be piled to a height of more than thirteen feet six inches (13 feet 6 inches) from the ground.

(11) 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. Provisions will exist to preclude accidental runoff of combustible liquids.

(12) All gasoline shall be promptly drained and removed from salvage and either stored or properly disposed of.

(13) Any vehicle being dismantled shall have the gas tank removed.

(14) There shall be no holding or storage of any quantities of rubbish or junk except for a reasonable time as required for disposal.

#### SECTION 5. BUSINESS REGULATIONS:

A. It will be unlawful for the owners or operators of a business to place or accumulate rubbish, junk, offal or offensive material of any character around buildings, in streets, lanes, alleys, yards, on business property or on vacant ground in Washington Township or cause or permit any of such materials to be accumulated.

(1) Animal boarding establishments must remove offal every ninety (90) days or less.

B. Certain businesses, i.e., construction or construction

related businesses, vehicle repair businesses, but not limited to these, which by the very nature of the business must store equipment, vehicles or material will situate such items at least twenty (20) feet from all established property boundaries of the premises occupied by the business.

C. There must be no accumulation of abandoned equipment, vehicles without current registrations or material that will not be used within a period of time reasonable for that particular business.

D. Businesses which must store quantities of equipment, vehicles or material, or businesses which must hold quantities of rubbish or junk for a reasonable time for disposal may be requested in writing by the Planning Commission to erect a natural barrier. If such a barrier is requested, Section 4A2,3,4, 5 and 6 of this Ordinance will apply as to the erection and maintenance of such a barrier.

#### SECTION 6. RESIDENTIAL REGULATIONS:

A. It will be unlawful for the occupiers of residences or other buildings, or the owners or agents of owners of property to place or accumulate rubbish, junk, offal or offensive material of any character around residences, around buildings, in streets, lanes, alleys, yards or on vacant ground in Washington Township or cause or permit any of such materials to be accumulated such that it would constitute a nuisance.

(1) Farms not actively used for farming establishments must remove offal every ninety

(90) days or less.

B. A residence may have no more than two currently unregistered vehicles outside an enclosure or building on a premises at one time. This allows for two vehicles used for hobby purposes, i.e., racing, refurbishing or repairing, to be stored outside an enclosure or building on the premises.

C. This Ordinance is not written to prohibit a business being conducted in a residence. However, if a business is conducted in/on a residence premise, every part of Section 5 of this Ordinance will apply.

D. Farm machinery and equipment and farm products and by-products are exempt from the operation of this section provided that they are located on a farm which is actively used for farming.

#### SECTION 7. VIOLATIONS:

A. Persons observing a violation of this Ordinance should file a complaint in writing with the Board.

B. The alleged violator of any part of this Ordinance will be notified of such alleged violation by the Board by certified mail or by personal service of notice of the alleged violation. The notice of alleged violation will state the nature of the alleged violation, the proposed remedy, will request that an appointment be made with the Code Enforcement Officer to discuss the problem and will allow thirty (30) days to remedy or resolve the alleged violation prior to

the revocation of the permit or the filing of any civil or criminal proceedings.

C. If a property is in violation of this Ordinance at the time of a planned sale or transfer, such violation must be cleared before the sale or transfer or provisions for compliance made before transfer. The Municipal Lien Letter required of the Township at the time of the sale or transfer of property must state whether or not the property is in compliance with this Township Ordinance at the time of issuance of the Municipal Lien Letter or that the Board has approved a plan submitted by the buyer and the seller to bring the property into compliance with this Ordinance.

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

#### SECTION 8. PENALTY:

A. Any person violating any of the provisions of this Ordinance shall, upon summary conviction thereof before a District Magistrate, pay a fine not exceeding One Thousand Dollars (\$1,000.00) together with costs of prosecution and in default of payment of such fine and costs of prosecution, shall be imprisoned for not more than thirty (30) days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof before a District Magistrate, suffer, at the discretion of the Board of Supervisors of Washington Township, revocation of the permit issued pursuant to this Ordinance.

SECTION 9. SEVERABILITY:

A. All sections and parts of this Ordinance are severable, and if any section or portion shall be declared invalid the same will not affect the validity of any and all other sections and portions.

SECTION 10. REPEALER:

A. Township Ordinance No. 12 and all Washington Township Ordinances or parts of Ordinances inconsistent with any of the provisions of this Ordinance are hereby repealed.

SECTION 11. EFFECTIVE DATE:

A. This Ordinance will become effective five (5) days after adoption by the Board.

ORDAINED and ENACTED into law by the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania, this 10th day of November, 1988.

Leland S. Hill  
Chairman

Paul J. Hangerhant  
Vice-Chairman

Herbert J. Coeletter  
Member

ATTEST:

Andrew R. Schuster  
Secretary  
TOWNSHIP OF WASHINGTON  
WESTMORELAND  
COUNTY, PA.