

Planning Commission Meeting Minutes (Final)
November 4, 2015

Members present: Scott Douglas, Bruce Fritchman, Jay Fuggiti, Karen Bedics, Stephen Smith, Bobb Carson, Curtis Reiss

Also present- Mike Brown Manager; Mrs. Callum- Applicant

Call to order- 7:05 pm

Minutes- October 2015 Minutes approved with two amendments: add McFarland's names and also Planning Commission last names throughout minutes. Motion to approve by Stephen Smith; second by Jay Fuggiti.

No public comment (on agenda items)

No Sketch Plans

Confirmed Appointment- Ms. Amy Callum

Ms. Callum is going before the Zoning Hearing Board for a variance. She constructed a shed/barn on her property, then applied for a permit which was denied. Denial was due to shed not meeting setback requirements (it is located 55 feet from center of roadway instead of 65 feet). She also would like to have 3 horses on property and there are currently only 2 allowed according to zoning regulations. After discussion with Planning Commission; the PC member voted: two opposed her request, two members supported her request, and three members took "no position" - wishing to let the Zoning Hearing Board decide the matter. Members agreed that the number of animals allowed on a property needs to be reviewed and clarified.

No Informal Reviews

No Old Business

Correspondence- Booklet from the Lower Delaware Wild and Scenic Partnership.

Public Comments - None

Planning Commission Comments and Project Reports - None

Adjournment - 7:25

Work Session Opened- 7:30

Junkyard Ordinance Review (continued from October 2015)

Accept the ordinance edits from Bobb Carson unless noted herein.

Article I- Purpose- remove number 3 in its entirety.

Article III-1C- change to "license will be renewed"

#2 change "Secretary of the Board " to "Township"

#4 Introduction - Scott MacNair to add details of "more than one place of business" to clarify.

Strike all of **#6** (lot size restrictions)

Article 4- Operations

4 remove last sentence about pile heights

6 add "comply with State of PA noxious weed laws".

11 remove "tires"

15 tire storage- should limit dimensions and specify that tires should be moved off site within 6 months-need further discussion.

Article V - Records

First paragraph- remove last sentence regarding certificates of junk.

Second paragraph- remove all wording after "Pennsylvania Department of Revenue"

But provisions must be made to allow for inspection and identification of hit/run vehicles that may be junked to avoid prosecution.

Article VI- Inspections

Second paragraph- change "semi-annual" to "annual"

Article VII- Violations and Penalties-

Scott MacNair to give input on this section.

Article IX- Exemptions

Delete entire section

Mike Brown suggested that it would be a good policy to invite the junkyard owners to the planning meetings to give input and insight on the changes to the ordinance.

Home Occupation discussion- tabled

Zoning Ordinance Article 11 revisions - tabled

Comments- Karen Bedics mentioned the Board of Supervisors future vote on refunding all the stormwater "in-lieu of" fees to all who paid such into the special fees fund. She is not in favor of refunding fees, in case any existing stormwater management systems fail and the township might be responsible for remediating the problem. She wanted input from Planning Commission members on importance of these fees and also reasons and support to keep the funds. Bruce Fritchman feels that township should have source of funding for inspection of stormwater management structures. The Planning Commission reached *no resolution* pertaining to this issue.

Meeting adjourned at 9:50

Motion by Curtis Reiss; second by Scott Douglas

**Addendum - Model Junkyard Ordinance (Jay Fuggiti- 10/29/2015)

Minutes amended 12/2/2015

Respectfully submitted,
Karen M Bedics/ Secretary

Article I - Purpose

The Board of Supervisors of the Township of Springfield, a Second Class Township of the County of Bucks, Pennsylvania, wishes to regulate and license junk dealers within the Township. The purpose of this ordinance is to establish a permit procedure and set forth reasonable rules and regulations for the establishment, operation and maintenance of a junk/salvage yard. More specifically, this ordinance is adopted for the following purposes:

Comment [BC1]:

1. To protect and provide for the public health, safety and general welfare of the Township.
2. To ~~promote the harmonious development of the Township and to secure safety from fire, flood, and other dangers~~ minimize hazards of all types.
3. To protect and conserve the value of land throughout the Township.
4. To prevent the pollution of air, streams, and other water bodies; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of the natural and visual resources throughout the Township in order to preserve the integrity, stability and natural beauty of the community.
5. To ~~provide enforceable guidelines. guide future growth and development in accordance with the comprehensive plan.~~

Comment [BC2]:

Article II – Definitions: Unless otherwise expressly provided, the following words shall for purposes of this ordinance have the following meanings:

1. JUNK: The term “junk” shall include, but not be limited to abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery being salvaged for parts, household appliances, abandoned manufactured/mobile homes and the following old, scrap, or used items: metal; ~~rope; rags;~~ batteries; ~~paper; cardboard;~~ plastic; rubber; pallets; motors; industrial or commercial fixtures; wrecked, dismantled or disabled motor vehicles or parts thereof.
2. ~~AUTOMOBILE~~ MOTORIZED VEHICLES: Any and all types of motor vehicles, including self-propelled machinery of all kinds, with the exception of useable farm machinery.
3. PERSON: Any natural person, partnership, firm, corporation or other legal entity, including singular and plural, male and female.
4. TOWNSHIP: The Township of Springfield, Bucks County, Pennsylvania.

Comment [BC3]:

5. BOARD: The Board of Supervisors of Springfield Township, Bucks County, Pennsylvania.

6. JUNK/SALVAGE YARD: Any establishment, place of business or place which is maintained, operated, or used for storing, keeping, buying or selling junk, or for maintenance or operation of ~~an automobile~~ motorized vehicle graveyard. An establishment or place of business which stores or keeps, for a period of 90 days or more, materials within the meaning of “junk” as defined in this section which had been derived or created as a result of industrial or commercial activity shall be deemed to be a junk yard ~~junk/salvage yard~~ within the meaning of this Ordinance. A junk yard ~~junk/salvage yard~~ shall be presumed to have been created when an area of 600 square feet or more of “junk materials” are kept or stored at any given place whether for profit or not. For the purpose of this ordinance, properly licensed sanitary landfills are exempt. Junkyard and salvage yard are synonymous terms.

7. PREMISES: Any parcel of land situated in Springfield Township, Bucks County, Pennsylvania having a separate tax map parcel number for county assessment purposes.

8. JUNK DEALER: Any person who buys, sells, salvages, stores, or in any way deals in junk or owns, leases, operates, or maintains a junk yard ~~junkyard~~ within the Township.

9. GARAGE/SERVICE STATION: Any establishment or place of business which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles.

10. FARM: Singularly or jointly owned land parcel or contiguous parcels on which agricultural operations are conducted as the primary use. Agricultural operations include but are not limited to cultivation of crops, the husbandry of livestock, and forestry.

Article III – License

1. License required.

- a) No person shall engage or continue to engage in business as a junk dealer or establish or operate a junkyard in the Township except as authorized by this ordinance and without first having obtained a license to operate a junk yard ~~junkyard~~ from the Board. The license shall be issued for a term of one year beginning January 1 and ending December 31.
- b) The license fee shall consist of two parts: the initial application fee for new or expanded facilities ~~shall be \$500, and it which~~ is not returnable in case of refusal of license; and the annual renewal license fee, ~~shall be \$100, per year – Should this graduate based on size? The dollar amount of these fees will be set by annual resolution approved by the Board.~~

Comment [BC4]:

- c) License is subject to renewal upon reapplication, provided that all conditions of this ordinance are satisfied at the date of the reapplication.
- d) The license shall be posted conspicuously upon the premises to which it applies.

2. Application For License

Application for a license or any renewal thereof shall be made and filed, in writing, by the proposed licensee with the Secretary of the Board, on a form supplied by the Board Township. The annual application shall include the following information:

Comment [BC5]:

- a) The name, address, and length of residence at such address of the applicant
- b) The address of the premises upon which such business is to be conducted or upon which such junkyard is to be established or operated, including the Bucks County Tax Map parcel number
- c) The name of the owner or owners of said premises if other than the applicant and all other persons with an interest in the business.
- d) A description of the operation plan, and an accounting of acquisitions and sales for the previous year.
- e) For new applications (not renewals), in addition to the information cited in 2(a) – 2(d) above, a description of the premises upon which the junkyard is to be established or operated, showing 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, fences, buffer yards, point or points 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) The type and number of buildings to be used
 - (3) The type and number of storage areas to be used, if any
 - (4) Dwellings erected upon adjacent premises and property thereto
 - ~~(5)~~ (6) A description of the grade or slope of the premises
 - ~~(5)(6)~~ Lot line measurements.

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3. Issuance of License

The Board, upon receipt of an application for a license under this article, within 15 days, shall determine whether or not a license shall be issued or a renewal thereof shall be granted after an examination of the application and upon the fullest consideration of the suitability of the ~~premises~~ proposed premises ~~to be used~~ for the purposes of the license, the character of the adjacent properties, the effects of the proposed use, and the effect of the grade or slope of the premises upon occupants thereof or the neighbors of the premises, taking into consideration the health, welfare, and safety of the residents of the Township and any potential hazard which may result to adjacent properties and structures or to the citizens of the Township. Such license shall be issued upon the

condition that the same may be summarily revoked in the event that the licensee is found to have given any false information or in any way misrepresented any material fact upon which the Board or its duly authorized agent has relied in granting such license. Such license shall at all times be conspicuously displayed upon the ~~junk yard~~junkyard premises.

4. License Provisions

No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business or maintain or operate more than one ~~junk yard~~junkyard within the Township of Springfield, nor shall any person engage in business as a junk dealer or operate or maintain a junkyard in any place other than the place designated upon his ~~or her~~ license, nor shall any person operate upon any of the roads or highways in ~~Springfield the Township Of Springfield~~, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or itinerant seller of junk . The permitted size of a junkyard/salvage yard shall be fixed at the time of license issuance.

5. Transferability of License

No license issued by the Board shall be transferable or assignable by agreement, will, or otherwise unless approved by the Board.

6. Lot Size Restrictions

- a. No license shall be issued for the use of a tract of land less than three acres excluding setback areas, nor for the use of a tract of land in excess of fifteen acres excluding setback areas.
- b. ~~Junk yard~~Junkyards existing prior to the effective date of this ordinance shall be exempt from the lot size restriction but may not expand in excess of these limitations.

Comment [BC6]:

Article IV - ~~Operations~~

Comment [BC7]:

Every junk dealer licensed under the ordinance shall maintain the licensed ~~junk yard~~junkyard and conduct business as hereinafter provided:

1. Every ~~junk yard~~junkyard shall have a suitable fence at least ~~six (6) eight (8)~~ feet in height along that portion of the ~~junk yard~~junkyard which fronts on or abuts any public highway, street, or right-of-way with a gate of not more than 30 feet which may be securely fastened or

locked to prevent access to the same. In addition, such fence shall extend in depth along the sides of the ~~junk yard~~junkyard from public highway, street, or right-of-way for a depth of at least one hundred fifty (150) feet. The gate shall be securely locked except during business hours. ~~Junkyard premises which have open wire fence enclosures visible from an abutting public thoroughfare or from an 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 such 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, trash and debris.

2. ~~No junk yard~~junkyard, either now established or hereafter to be established, shall be operated contrary to the terms and provisions of the Bucks Springfield Township County Zoning Ordinance and its subsequent amendments. ~~All the facility's activities and storage must remain behind the fence listed above.~~

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3. No ~~junk yard~~junkyard shall be operated on Sunday, nor between the hours of ~~8~~7:00 P.M. and 7:00 A.M. ~~except during Daylight Saving Time when operation may continue until 9:00 P.M.~~ Nothing herein contained shall prohibit the removal from the public highway of any wrecked automobile.

4. All junk shall be stored and arranged so as to permit access by fire fighting equipment, and to prevent accumulation of stagnant water. Junked automobiles shall be spaced in rows with at least fifteen (15) feet between each double row to permit movement of fire equipment. Junk shall not be piled to a height of more than ~~eight~~eight twelve (12) feet from the ground in a stable configuration; provided, however, that when first brought into the yard, junk may be piled to a height of greater than ~~eight~~eight twelve (12) feet for a period not to exceed 24 hours .

5. All gasoline fluids shall be drained above an impervious pad from any junked automobile motorized vehicle into containers and removed from the vehicle within twenty-four (24) hours from arrival on the premises. For firefighting and emergency purposes, all gasoline and oil shall be stored at a single clearly marked, accessible location on the licensed premises in clearly marked containers. No more than 275 gallons in aggregate of gasoline and ~~Oil~~oil shall be stored above ground. If used oil is retained for on site heating in the winter, this limit may be exceeded until June 1 at which time the accumulated oil and gas must be less than or equal to the 275 gallon limit. Beginning July 1, the facility may begin accumulating oil for the following winter.

6. All weeds on any ~~junk yard~~junkyard shall be ~~kept under control and to a maximum height of 15 inches.~~mowed and shall not be permitted to go to seed.

7. A person 18 years or older must be in charge and on site of the licensed premises at all times during business hours .

9. No garbage or organic waste shall be permitted to be stored on any ~~junk yard~~junkyard.

10. ~~No burning or melting of junk shall be allowed, limited to two days per week, and in no case shall junk be burned or melted on Saturday, Sunday, Monday or on legal Federal holidays. All burning or melting must be done between the hours of 10:00 o'clock A.M. and 4:00 P.M., and no smoke shall be emitted after 4:00 o'clock P.M.~~

Comment [BC8]:

11. Paper, rags, plastic materials, tires, and rubbish shall not be stored outside, and shall not be accumulated or remain on any ~~junk yard~~junkyard premises for more than one month.

12. ~~Junk yard~~Junkyards shall at all times be maintained in such manner as to cause no public or private nuisance, nor to cause any menace to health or safety of any persons off the premises; nor to cause any excessive or offensive or noxious sounds or odors; nor to cause the breeding, harboring or investing of rats, rodents or vermin; nor to cause a violation of any health or sanitation law, ordinance or regulation of any governmental body. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises

Comment [BC9]:

Comment [BC10]:

13. No facility may cause a violation of any health or sanitation law, ordinance or regulation of any governmental body. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises ~~The premises to be licensed shall be set back a minimum distance of 25 feet from the right-of-way lines on all streets or roads and a minimum distance of 35 feet from all other property lines. The area between the setback line and the right-of-way line and all streets and roads and all other property lines shall be at all times, kept clear and vacant.~~

Comment [BC11]:

14. ~~No new or expansion of an existing junk yard~~junkyard may be established within 500 feet of an existing dwelling or retail business establishment, church or school. Batteries must be placed on pallets, stacked no higher than 4 high per pallet and the pallets must be resting on an impervious pad. Pallets may be stacked two high.

15. ~~The Board of Supervisors may waive the setback requirements and the planting requirements as established Article IV, items thirteen (13) and one (1) respectively for those junkyards in existence at the time of the enactment of this ordinance, if such junkyard is in compliance with the other requirements as provided by this ordinance, and if, in the Board of Supervisors' discretion, compliance with said setback and planting requirements would cause undue hardship to such existing junkyards' business. To prevent the accumulation of water, tires must be stored on rims or under cover. If water collects in the tires under cover, the cover will be considered non-compliant.~~

16. ~~An owner/operator of a salvage yard shall not cause or permit noise levels which exceed those specified in the following table:~~

Maximum Allowable Noise Levels (dBA)			
for Receiving Land Use Categories			
Day/Night	Industrial	Commercial	Residential

Day	75	67	65
Night	75	62	55

Comment [BC12]:

Article V – Records

Permanent records of all junk received or removed from any junk yard/junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered and the date thereof, and a description of the junk, which shall at all times be open to inspection by any member of the Board, or its duly authorized agent or any law enforcement officer. The provisions of this Article shall not apply to vehicles for which certificates of junk have been or are to be issued by the Pennsylvania Department of Revenue.

Comment [BC13]:

With the exception of vehicles for which a certificate of junk has actually been issued by the Pennsylvania Department of Revenue, no junk shall be removed from any junk yard/junkyard, nor broken up, reduced or altered in shape or form for a period of 48 hours after the same is placed on the junk yard/junkyard premises.

Comment [BC14]:

Article VI - Inspection

Any member of the Board, a duly authorized agent thereof, or a law enforcement officer may at any reasonable time enter upon any junkyard premises and inspect the same in connection with the enforcement of the provisions of this ordinance.

The Township Supervisors shall appoint a Township employee to make semi-annual inspections of all junk yard/junkyards licensed pursuant to the terms of this ordinance and to file with the Board of Supervisors a written report on each such inspection. In making such inspections, the inspector shall ascertain whether the provisions of this ordinance are being complied with, shall note any violations thereof on his Rreport of Inspection, shall check the licensee's records of junk received and removed with his Inventory, and shall check into such other matters as come within the scope of this ordinance.

Article VII – Violations and Penalties

- I. Any person, firm or corporation who shall violate any provision of this chapter/ordinance, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$500 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

2. The license shall be subject to suspension by the Board for failure to comply with this ordinance, ~~and, a~~ A license may be reinstated by the Board for the balance of the year for which it was issued, upon renewed compliance with the provisions of this ~~chapter~~ordinance.
3. The Board may refuse to renew the license of any ~~person-owner or operator~~ who fails to maintain ~~his-a~~ junkyard in accordance with Township regulations, or fails to maintain ~~his-a~~ junkyard so as to conform to the plan under which ~~his-the~~ license was issued
4. The Springfield Township Board of Supervisors may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this ordinance and recover the fees, expenses and costs associated with the enforcement. This ordinance shall in no way restrict any remedies, including but not limited to injunctive remedies, otherwise available and provided by law.

Article VIII - Appeals

Any person who has been denied a license or whose license has been suspended or revoked may appeal the denial, suspension or revocation to the Board of Supervisors. Such appeal shall be made in writing within ten (10) days after such decision has been made. The appeal shall be verified by an affidavit and shall be filed with the Township Manager. The appellant or his representative shall have the right to appear and be heard, if such right is requested in the written appeal. The appeal shall be accompanied by the appeal fee established by resolution or ordinance of the Board of Supervisors, and no appeal shall be considered complete without payment of the appeal fee. A prompt decision on such appeal shall be made by the Board of Supervisors

Article IX – Exemptions

The following uses and activities are exempted:

Comment [BC15]:

1. Bona fide service stations or garages as defined by this Ordinance.
2. All bona fide farms and farm related uses.
3. Recycling centers using enclosed structures or solid waste containers, bins, truck trailers and rolling stock to store materials and equipment.
4. Salvage material or junk cars in enclosed buildings.

Article X – Effective Date

This ordinance shall become effective 10 days after its adoption.

Article XI – Severability

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

ENACTED AND ORDAINED this 9th day of December, A.D., 2015 .

Anthens <http://ecode360.com/8108341>

Honey Brook <http://www.keystatepub.com/keystate-pdf/PA/Chester/Honey%20Brook%20Township/Chapter%2010%20Health%20and%20Safety.pdf>

See definitions, below

Is this a valid and defensible planning objective?

Why not label 2. “Motorized Vehicles” if the term is to include trucks, buses, motorcycles, golf carts, etc. as well as automobiles???

Rather than specify the dollar amount in this ordinance, might fees be better set in an annual resolution??

Is this the right person???

Does this imply that a property less than 3 acres doesn't need a license to operate a junkyard?
See Article IX. Exemptions.

We need to specifically prohibit the storage of tires in junkyards as (1) a fire hazard and (2) a health hazard (mosquito breeding sites and leaching of toxic chemicals/compounds into groundwater).

I don't believe we should allow any burning or melting. Period. If burning or melting is part of a recycling operation, it is properly the function of a recycling facility, whose functions ought to be regulated by another ordinance (which might well cite air quality standards).

Unenforceable?? standards should be identical to ST Zoning Ordinance 507A and 507B. Or cite those sections.

Will require inspection after rainfall.....

Will require inspection after rainfall.....

Should be identical to noise levels permitted in ST Zoning Ordinance (as amended) Section 507B.

I don't understand the intent of this sentence. Why not require records for these vehicles?? It would seem that a complete record of acquisitions and sales would be useful in assessing the validity of the annual license application or in performing the semi-annual inspection.

What's the intent of this provision? And how would it be enforced??

Should we set a maximum outside area that can be used to store junk for these exempted uses? For example, could a 50 acre active farm also run a 5 acre junkyard exempt from this ordinance, or could a bona fide garage/service station also run a 2-4 acre junkyard???