

ORDINANCE NUMBER 2025 - 24

OAKLAND TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE REVISING REGULATIONS REGARDING JUNKYARDS AND THE COLLECTION, STORAGE, PROCESSING, DISPOSAL AND SALE OF JUNK, REQUIRING PERMITS AND INSPECTIONS, PROVIDING PERMIT SUSPENSION AND REVOCATION AND ENFORCEMENT PROCEDURES, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Board of Supervisors deems it to be in the best interests of the Township to regulate junkyards and the collection, storage, processing, disposal and/or sale of junk, scrap, salvageable ferrous or nonferrous material, junked vehicles and used vehicle parts so as not to cause unreasonable inconvenience, annoyance or injury to others in the legitimate enjoyment of their rights of person and property, and to protect the general health, welfare and safety of the community; and

WHEREAS, Section 1532(4) of the Second Class Township Code, as amended, authorizes Townships to regulate the establishment and maintenance of junkyards and scrapyards; and

WHEREAS, the Board of Supervisors desires to regulate the establishment, use, maintenance and operation of junkyards and scrapyards in order to better protect the general health, safety, and welfare of the public.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, that Chapter 11, Licenses and Business Regulations, Article 1, Junk Yards, of the Township of Oakland Codification of Ordinances is hereby revised in its entirety to read as follows:

CHAPTER 11 LICENSES AND BUSINESS REGULATIONS

ARTICLE 1 JUNKYARDS

§ 11-101. SHORT TITLE. This Ordinance shall be known and may be cited as the "Oakland Township Junkyard Ordinance."

§ 11-102. DEFINITIONS. The following words and phrases when used in this Article shall have the following meanings, unless the context clearly indicates a different meaning:

Abandoned Junkyard — A junkyard which annual permit has not been renewed within sixty (60) days of notice to renew or which has not been used or operated for a period of twelve (12) months.

Board of Supervisors — The governing body of Oakland Township, Butler County, Pennsylvania.

Code Official — The code enforcement official, law enforcement officials or duly authorized representatives or agents who are charged with the administration and enforcement of this Article. The Code Official shall have all authority necessary to enforce the provisions of this Article, including, but not limited to issuing notices, cease and desist orders and instituting summary citation proceedings.

Junk — Scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, tires, waste, iron, steel and other used scrap or salvageable ferrous or nonferrous material, vehicle parts, or abandoned, wrecked, scrapped, stripped, junked or dismantled vehicles.

Junkyard — Any property or portion of property which is established, used, maintained or operated for the collection, storage, processing, *disposal* or sale of junk or **three (3)** or more junked vehicles. Junkyard shall include scrapyard.

Junked Vehicles — Any vehicle which is not operational or is not in condition for being legally used for its intended purpose and which meets at least one of the following conditions:

- (1) Currently unregistered with the Commonwealth of Pennsylvania or any other state, if required.
- (2) Currently without a valid inspection sticker issued by the Commonwealth of Pennsylvania or any other state, if required.
- (3) Broken windshield, mirrors or other glass.
- (4) One (1) or more flat tires.
- (5) Missing tires, rims, doors, windows, hood, trunk, fenders or other body parts.
- (6) Missing or loose upholstery.
- (7) Broken or missing headlamps or tail lamps.
- (8) Disassembled chassis.
- (9) Suspended from the ground in an unsafe manner.
- (10) Missing, leaking or damaged oil pan or gas tank.
- (11) Exposed or missing battery.
- (12) Inoperable or missing locking mechanism for doors or trunk.
- (13) Damaged or missing passenger compartment, bed or trunk floorboards.
- (14) Damaged or missing bumpers or other body parts.
- (15) Broken or missing grill, radiator or firewall.
- (16) Loose, damaged or missing metal trim or clips.

Person — Includes any natural person, firm, partnership, corporation, company, whether business, membership, religious, charitable or otherwise, and any association, club, society, or other unit, organization or entity of any kind.

Premises — A plot, lot or parcel of land, including any structures thereon.

Screening — The use of any natural objects, plantings, embankments, fencing, walls or structures, or a combination of any of these, which will effectively hide any deposit of junk or junked vehicles so as not to be visible from adjacent properties and streets or highways, at all times of the year, from a viewing height of 4 1/2 feet above ground level.

Site — The property within the boundaries described in the permit application on which the junkyard or activity is located or is proposed to be located.

Township — Oakland Township, Butler County, Pennsylvania.

Vehicle — Includes but is not limited to automobile, bus, truck, semi-tractor, trailer, semi-trailer, recreational vehicle, ATV, dune buggy, boat, jet ski, motorcycle, motorized bicycles, scooters and any other motorized vehicle.

§ 11-103. PERMITS REQUIRED.

(A) General Rule. No person shall establish, use, maintain or operate a junkyard within the Township without a valid junkyard permit issued by the Township.

(B) No person shall establish, use, maintain or operate a junkyard within the Township on less than five (5) acres of land.

§ 11-104. PERMIT APPLICATIONS AND FEES.

(A) To apply for a junkyard permit, the applicant shall submit, on a form provided by the Township, a complete permit application package to the Township. The application package shall include, at a minimum, the following:

- (1) The name, address and telephone number of the applicant(s). If the applicant is a business entity, the names, and business addresses and telephone numbers of all officers, directors, partners or natural persons having primary responsibility for the lawful day-to-day operation of the junkyard.
- (2) The name, address and telephone number of the owner(s) of the land on which the junkyard is to be located, along with written consent of the owner(s).
- (3) The mailing address and Butler County Tax Map and Parcel Identification Number of the parcel on which the junkyard will be operated.
- (4) A metes-and-bounds survey of the site, together with a deed reference for the property.
- (5) A complete site plan including specifications of all existing and proposed fencing, screening, water facilities, access driveways, sewage disposal systems, storm water management facilities, structures and off-road parking, property boundaries, deed reference and abutting parcel ownership and tax identification numbers, prepared by an engineer or land surveyor licensed to practice and perform such duties in the Commonwealth of Pennsylvania.
- (6) A permit application fee in an amount as determined, and amended, from time to time by the Board of Supervisors, by resolution, shall be paid, in full, to the Township at the time the application is submitted to the Township.

(7) Any other information or documents in any format and in as many copies, as the Township may from time to time require.

(B) In the event the Township or its designated agent determines that the application package is incomplete or additional information is required, the applicant will be notified, in writing, of the nature of the deficiency and/or the need to provide supplemental information. When the deficiency is corrected, or additional information is received, the Township or its agent shall complete the review of the application package.

(C) Upon receipt of a complete application package, the Township or its designated agent shall visit the site to determine whether the proposed use complies with the requirements of this Article, the Township's Subdivision and Land Development Ordinance and all other applicable laws, ordinances and regulations.

(D) Once the Board of Supervisors approves the site plan and proposed screening, the applicant shall complete the approved screening within six (6) months of the date of approval. Upon notification that screening is complete, the Township or its designated agent shall inspect and verify the effectiveness and compliance of the screening with the plan, the requirements of this Article, the Township's Subdivision and Land Development Ordinance and all other applicable laws, ordinances and regulations.

(E) After inspection and acceptance of the screening, a junkyard permit will be issued for the premises, in the name of the applicant(s), for the balance of the calendar year. The annual permit fee in an amount as determined, and amended from time to time, by the Board of Supervisors, by resolution, shall be paid, in full, to the Township at the time the permit is issued. In the event the permit is issued on or after the first day of July in any year, the fee payable for the permit for the remainder of the year shall be one-half the yearly rate.

(F) In the event that the Township or its designated agent determines that the property is not in compliance with all requirements, the application shall be denied. In the event the application is denied, the applicant shall be notified, in writing, of the reasons for the denial. If the permit is denied, the Township will retain the application fee to cover the costs of reviewing the application.

(G) Upon issuance, the permit shall be continuously displayed in a conspicuous location open to the public upon the premises.

(H) Junkyard permits shall be effective from January 1st to December 31st of each year.

§ 11-105. GENERAL PERMIT REGULATIONS.

(A) The owner or operator shall maintain the junkyard in accordance with the conditions attached to the permit and the following regulations and any subsequent regulations adopted by the Board of Supervisors:

- (1) The property shall be maintained at all times so as not to constitute a nuisance or a menace to the health of the community or to residents nearby or provide a place for breeding or harboring rodents, vermin or insects.
- (2) No garbage, organic waste, paper, rubbish, rags or other flammable articles or materials shall be stored on the property.
- (3) All gasoline, oil, antifreeze, transmission fluid and other fluids shall be completely drained from vehicles before *the* vehicles are stored on the premises.
- (4) No junk, scrap, vehicles, or other materials shall be stored, maintained, situated, placed or otherwise located within fifty (50) feet of any river, stream, run, creek, or other natural water course (named or unnamed). Site maintenance shall be such that any adjacent stream or body of water shall not be polluted or damaged by the drainage or dumping of organic or inorganic waste materials or other waste substances.
- (5) All operations of activity on the property shall be done in such a manner so as to eliminate or minimize, as much as possible, all dust, noxious fumes or noises which might in any manner disturb the peace and quiet of adjacent properties.
- (6) The manner of storage and arrangement of junk and the design and construction of drainage facilities on the property shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for firefighting and emergency response purposes.
- (7) Vehicles shall be spaced in rows with at least fifteen (15) feet of open space between each double row to permit movement of fire equipment, which open space shall be maintained as a stoned or mowed roadway.
- (8) Junk shall not be piled to a height of more than six (6) feet above ground level.
- (9) Combustible materials of any kind shall not be kept or stored in such a way as to become a fire hazard. Junk and other materials shall not be burned or otherwise disposed of in such a way as will result in smoke or pollution.
- (10) No junkyard shall be open to the public or operated between the hours of 8:00 P.M. and 7:00 A.M., except to receive wrecked vehicles being removed from a public highway. An adult attendant shall remain on the premises at all times during business hours.
- (11) The area used for storing junk shall be completely enclosed with a solid board or metal fence, or by a mound of ground covered with plantings, or by a screen of trees with a minimum height of **ten (10)** feet. All fencing or screening must be approved by the Board of Supervisors, which may approve such fencing or screening in view of natural contours and physical features of the land in question. Screening or fencing shall be kept back at least thirty (**30**) feet from any adjoining

property line and at least fifty (50) feet from the nearest edge of the cartway right-of-way. The area between the setback line and the cartway line shall be kept clear and vacant at all times.

- (12) It shall be the responsibility of the owner or operator to maintain established screening, and paint and repair, as necessary, fences, walls, or other structural material. Plant material shall be watered, pruned, cultivated and mulched, treated for insect and disease control, and given any required maintenance to keep all plants in a healthy condition. Dead plants shall be removed immediately and shall be replaced during the next spring or fall planting season. Replacement plants shall be at least as large as the initial plants and of the same species and quality, unless approval for substitution is received from the Board of Supervisors.
- (13) Where approved screening has been constructed or where it exists naturally, no additional junk may be deposited outside the initial screened-off area unless additional screening, approved by the Board of Supervisors, is installed prior to the deposit. All additional screening shall be installed at the expense of the owner.

§ 11-106. PERMIT RENEWAL.

(A) The owner or operator shall file a written application for permit renewal with the Township within sixty (60) days after the date of the Township's written notice of expiration.

(B) Upon receipt of a renewal application, on forms provided by the Township, the Township or its designated agent shall inspect the premises. The renewal application may be denied if the application is incomplete and/or the inspection reveals that the property is not in compliance with the provisions of the permit, this Article and all other applicable laws, ordinances and regulations. The denial shall be in writing and shall contain the reasons for the denial. The applicant shall have a period of thirty (30) days from the date of the notice of denial to cure any deficiencies and renew the permit.

(C) Renewal applications shall be accompanied by the appropriate annual permit renewal fee in the amount determined from time to time by the Board of Supervisors, by resolution.

(D) Renewal applications will be accepted from October 15th through December 15th of the year for which the current permit was issued.

(E) Failure to timely apply for permit renewal for the subsequent calendar year will constitute an abandonment, as defined by this Article, and will subject the owner and/or operator to the applicable penalties and/or to revocation of the right to continue operation of the junkyard.

§ 11-107. PERMIT TRANSFERS.

(A) No permit may be transferred to any other person unless such a transfer is authorized, in advance and in writing, by the Board of Supervisors. Any person desiring to transfer a permit shall notify the Township, in writing, which notification shall be accompanied by the transferee's complete application package and application fee.

(B) No permit shall be transferred by the owner or operator to another property.

(C) Any person desiring to obtain a permit for a second property shall submit a complete permit application package for the second parcel and pay the application fee to the Township. Upon approval of the second permit, subject to **Section 11-104**, above, the owner or operator shall immediately surrender the first permit, pay the annual permit fee for the second permit to the Township, and immediately cease the collection, storage, processing, disposal or sale of junk stored on the first parcel and remove all such inventory from the first parcel within thirty (30) days of the issuance of the permit for the second parcel.

§ 11-108. MUNICIPAL INSPECTIONS.

(A) The Township or its designated agents may, at any reasonable time, enter upon any premises permitted under this Article to conduct inspections to ensure that all provisions of this Article are being complied with. If the inspection discloses that a violation exists, a notice of violations shall be sent to the owner and operator stating the nature of the violation, order corrective actions to be taken within thirty (30) days from the date of the notice and inform the owner and operator that these regulations will be enforced if timely corrective action is not taken.

(B) The notices provided for in this Section may be served personally upon the owner and operator; or may be posted conspicuously upon the property for which the permit has been granted; or may be posted conspicuously at the address of the owner and operator as shown on the application; or may be sent by registered mail to the owner's and operator's address as shown on the application.

§ 11-109. PERMIT SUSPENSIONS. The Township or its designated agents may suspend any permit upon failure of the owner or operator to comply with, or to maintain the property in compliance with any provision or requirement of the permit, this Article and all other applicable laws, ordinances and regulations. The written suspension notice shall notify the owner and operator of any section or sections of this Article which are being violated and shall provide a reasonable period of time within which to complete remedial actions. If the owner or operator fails or refuses to take timely corrective measures, the matter shall be referred to the Board of Supervisors for permit revocation and/or prosecution.

§ 11-110. PERMIT REVOCATIONS. Abandonment or failure to constantly maintain the property in accordance with the provisions of the permit, this Article and all other laws, ordinances or regulations, may result in revocation of the permit. The Board of Supervisors shall notify the owner and operator, in writing, that failure to complete remedial action within thirty (30) days of the date of the notice will constitute cause for revocation of the permit. In the event the owner and operator refuse or fail to take timely remedial action, the Board of Supervisors shall determine the actions necessary to enforce the provisions of this Article.

§ 11-111. ADDITIONAL REGULATIONS. The Board of Supervisors may from time to time adopt such additional regulations, as it deems necessary, to carry out the provisions of this Article upon prior written notice to existing permit holders affected by such additional regulations.

§ 11-112. ENFORCEMENT.

§ 11-112.1. The Code Official is hereby authorized and directed to enforce the provisions of this Article.

§ 11-112.2. Inspections.

(A) The Code Official shall prepare inspection reports or may accept reports of inspections by approved agencies or individuals.

(B) Right of Entry. The Code Official is authorized to enter the premises at reasonable times to inspect or perform the duties imposed by this Article, provided that if such premises is occupied the Code Official shall present credentials to an adult individual and request entry. If such premises is unoccupied, the Code Official shall first make a reasonable effort to locate the owner or operator and request entry. If entry is refused, the Code Official shall have recourse to the remedies provided by law to secure entry.

§ 11-112.3. Notice of Violations and Cease and Desist Orders.

(A) The Code Official shall issue all necessary notices or orders to ensure compliance with this Article.

(B) Whenever the Code Official determines there has been a violation of the permit, this Article or other applicable laws, ordinances and regulations or has grounds to believe that a violation has occurred, notices and orders related to such violations shall be given in the manner prescribed in this Section to the owner and operator of the site.

(C) Form. Notices shall:

- (1) Be in writing.
- (2) Include a description of the site sufficient for identification.
- (3) Include a statement of the violation or violations and why the notice is being issued.
- (4) Allow a reasonable time to make the repairs and improvements (not to exceed thirty (30) days) required to bring the premises into compliance with the provisions of this Article.
- (5) Inform the recipient of their right to file an appeal, in writing, with the Township within the specified period and failure to timely request an appeal in writing will be deemed a waiver of the appeal.
- (6) Include a statement of the Township's right to file a lien upon the premises.

(D) Method of Service. Notices and orders shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally; or
- (2) Sent by certified or first-class mail addressed to the last known address of the owner and operator; or

(3) If the notice or order is returned showing that it was not delivered, a copy thereof shall be posted in a conspicuous place on or about the property affected by such notice or order.

(E) Unauthorized Tampering. Signs, tags or seals posted or affixed by the Code Official shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Official.

(F) Emergencies. Where an emergency exists, the Code Official shall not be required to issue a written notice prior to stopping the illegal or unsafe activity.

(G) Failure to Comply. Any person who shall continue such activity after having been served with a notice or order, except such activity as that person is directed to perform to remove an imminent danger, shall be liable for the penalties provided by this Article.

§ 11-112.4. Transfer of Ownership. It shall be unlawful for the owner of any premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such premises to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and accepting full responsibility, without condition, for making the corrections or repairs required by such compliance order or notice of violation.

§ 11-113. PENALTIES FOR VIOLATIONS.

(A) Enforcement as a Summary Offense. This Article regulates property maintenance, health, fire, public safety, and water, air and noise pollution. As such, enforcement of this Article shall be by action brought before a magisterial district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township solicitor may assume charge of the prosecution without the consent of the District Attorney as permitted under the Pennsylvania Rules of Criminal Procedure No. 83(c) (relating to trial in summary cases).

(B) Fines. Any person who violates any provision of this Article or any amendment thereto, upon conviction thereof in a summary offense proceeding before a magisterial district justice, shall pay a fine of not less than Six Hundred Dollars (\$600) and not more than One Thousand Dollars (\$1,000) per violation. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Article which is found to have been violated. In addition, the court may award the Township its court costs and reasonable attorney fees incurred in the enforcement proceedings.

(C) Enforcement in Equity. In addition to or in lieu of other remedies, the Township, by means of a complaint in equity, may take such other lawful action as is necessary to prevent or remedy any violation, or bring an action to enjoin any violation of this Article in the Court of Common Pleas of Butler County.

(D) Enforcement - Corrective Measures. In addition to or in lieu of other remedies, council may direct that measures to correct or remedy the conditions giving rise to violations of this Article be commenced and/or completed by the Township and the total cost and expense of the measures be certified to the Township secretary. The secretary shall invoice the owner for the total cost and expense of the measures, plus an additional ten percent (10%) of the total cost and expense incurred by the Township, upon completion of the measures. If the owner fails or refuses to pay the full amount of the Township's invoice within thirty (30) days of receipt, the secretary shall turn the matter over to the Township's solicitor. Thereafter, the Board of Supervisors may direct the solicitor to initiate legal action against the owner or file a municipal lien against the property on which the violation occurred or initiate collection procedures as otherwise provided by law in the full amount of the Township's invoice plus reasonable attorneys' fees and costs.

(E) Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy or use of the premises, or to stop an illegal act, conduct, or business or utilization of the premises.

§ 11-114. MUNICIPAL LIABILITY. The Township and its agents, officials, and representatives shall not, under any circumstances be liable or responsible for damages caused to any person, property, or waterway by reason of the provisions of this Article, or by reason of the conduct any activity in compliance or non-compliance with the terms and provisions of this Article. The person or party responsible for any such damages shall be solely responsible for any and all claims, damages and/or pollution caused as a result or consequence of such activity.

§ 11-115. CONFLICTS WITH OTHER LAWS. Any regulations of the Commonwealth of Pennsylvania or the government of the United States of America pertaining to junkyards shall supersede the regulations promulgated by this Article where such regulations are more stringent than the regulations of this Article.

§ 11-116. REPEALER.

(A) Ordinance Number 1-1960 (Chapter 11, Article 1), adopted on September 8, 1960, is hereby repealed.

(B) All other ordinances or regulations, or parts of such ordinances or regulations, in conflict with this Article or inconsistent with its provisions, are hereby repealed to the extent necessary to give this Article full force and effect.

(C) Where a conflict exists between any of the regulations or limitations prescribed in this Article and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

(D) The provisions of this Article, so far as they are common to those regulations in force immediately prior to the enactment of this Article, are intended as a continuation of such prior regulations and not as new enactments.

§ 11-117. SEVERABILITY. The provisions of this Article are severable, and if any clause, sentence, subsection, section, article or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article or part thereof rendered. It is hereby declared to be the intent of the Board of Supervisors that this Article would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article or part thereof had not been included therein.

§ 11-118. EFFECTIVE DATE. This Article shall become effective five (5) days after adoption.

ENACTED AND ORDAINED, this the 5th day of January 2026, by the Board of Supervisors in public session duly assembled.

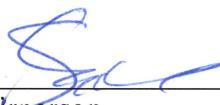
ATTEST:



Diana M. Foehringer
Township Secretary



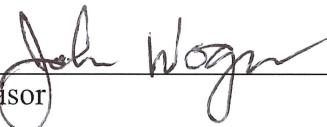
**OAKLAND TOWNSHIP
BOARD OF SUPERVISORS**

By: 

Chairperson

By: 

Vice Chairperson

By: 

Supervisor