

TOWNSHIP OF HARDYSTON

ORDINANCE # 2010-05

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 107,
JUNK DEALERS AND AUTOMOBILE AUCTIONS, SUB-SECTIONS: 107-1
ENTITLED "DEFINITIONS;" 107-6 ENTITLED "REGULATIONS OF JUNKYARDS;"
107-7 ENTITLED "INSPECTION;" AND 107-8 ENTITLED "VIOLATIONS AND
PENALTIES" OF THE REVISED GENERAL ORDINANCES**

WHEREAS, the purpose of this ordinance is to amend the existing junk dealers and automobile auctions ordinance of the Township Code in order to protect the public welfare;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

SECTION 1. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-1 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-1 Definitions.

JUNK DEALER

A person who maintains or operates a junkyard and is synonymous with "junkyard keeper," wherever the term may be used herein.

JUNK MATERIAL

Rope, wire, copper, brass, tin, lead, used lumber, old bottles, unused motor vehicles or automobile bodies and auto parts or materials of similar nature which have been discarded by the prior owners other than the junk dealer or keeper in possession thereof. Junk material shall not include equipment or materials which are kept, stored or disposed of by the occupant or owner of premises other than a junk dealer or junk keeper by reason of their obsolescence in the ordinary course of business or occupancy of the premises or are kept or stored for the use of the owner or occupant other than in the business of buying, selling or storing the same.

JUNKYARD

A parcel of land, with or without buildings or improvements, wherein materials commonly referred to as "junk" are stored for commercial purposes of buying, selling or storing.

MOTOR VEHICLE AUCTIONS

A sale attended by licensed new or used car dealers or the public at which motor vehicles are sold to the highest bidder by a licensed junkyard dealer operating at the licensed location. Such auctions shall not include the sale of automobile bodies, parts or materials of similar nature, or nonautomobile materials.

CODE ENFORCEMENT OFFICER

For purposes of this Chapter, Code Enforcement Officer is defined as follows: the Zoning Officer of Hardyston Township and/or any Officer of the Hardyston Township Police Department.

SECTION 2. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-6 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-6 Regulations for junkyards.

Licensed premises shall be operated in the following manner and in accordance with the following standards and regulations:

- A. The licensed area shall be fenced to screen the junkyard from the abutting roads and surrounding properties. If a chainlink fence is provided for this purpose, the fence shall be provided with slats and a dense evergreen hedge which is not less than the height of the fence. Alternate methods to screen the licensed area shall include solid masonry wall or uniformly painted board fence. Any fencing provided shall not be less than six feet nor more than eight feet in height.
- B. No part of any licensed premises shall be located nearer than 50 feet from any public road or nearer than 100 feet from any adjoining owner nor within 500 feet of a private residence not owned by the applicant.
- C. There shall be no burning of materials on any licensed premises.
- D. No materials of any explosive nature shall be maintained or demolished on any licensed premises.
- E. No materials shall be kept or maintained on the premises which are of such an odorous nature as to affect or be offensive to adjoining property owners or others in the neighborhood.
- F. The licensee shall take all measures to preclude rats or other vermin from the licensed premises.
- G. The business of the licensee shall not be operated in such a manner as to cause noises that are either continuous or so loud, raucous or cacophonous as to be offensive to other owners or persons in the neighborhood.
- H. The licensee shall establish fire protection of a standard recommendation by the National Board of Fire Underwriters.
- I. No processing operations shall be conducted between 5:00 p.m. and 8:00 a.m. the following day on weekdays, Saturdays or at any time on Sundays and holidays. Processing shall include the unloading and/or delivering of any junk material.

J. No licensee shall purchase any goods, articles or other things whatsoever from any person under the age of 16 years.

K. It shall be unlawful to stack, pile or place junk upon the premises in such a manner as to create a fire hazard or to create a place for the harboring or breeding of rats, mice or vermin.

L. It shall be unlawful to stack, pile or place junk upon any licensed premises so that it can be seen from the public road or adjoining owners, and in no event shall any automobile bodies be stacked or piled in any greater manner or height than two levels thereof.

M. Licensees under this section shall at all times be subject to such reasonable rules as may be made from time to time by the Township Council.

N. Motor vehicle auctions shall be conducted:

(1) Use of a sound amplification system will be permitted only at the rear of the property and only if the sound cannot be heard off the licensed premises.

(2) Between the hours of 10:00 a.m. and 4:00 p.m. on the same designated weekday not more than three weeks out of every four weeks.

(3) Auction sales shall be limited to sale of entire motor vehicles and not parts of vehicles, nonmotor vehicles parts or components. For purposes of this section, an "entire motor vehicle" shall be defined to include a chassis, body, four wheels and engine.

(4) All parking for customers or employees shall be located within the enclosed licensed premises and no parking shall be permitted on an adjoining private or public street.

(5) The licensee shall comply with all local ordinances and all state statutes concerning the use, sale or operation of junkyards, motor vehicles or motor vehicle component parts.

(6) Motor vehicles purchased at auctions shall be removed only by flatbed trailer or tow truck or under their own power between the hours of 9:00 a.m. and 4:00 p.m. on weekdays.

(7) A security guard or privately retained police officer shall be at the premises one hour before and until one hour after each auction to direct traffic.

O. The licensee shall place signs meeting all Township requirements discouraging the depositing of junk or abandoned vehicles at the gates or entrance to any licensed premises during Sundays and holidays or at other hours that the junkyard is not open.

P. The licensee shall immediately remove any junk vehicles or other materials left or deposited outside the designated junkyard areas regardless of the means or source by which the vehicles or materials were deposited.

SECTION 3. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-7 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-7 Inspection.

A. All junk dealers shall keep records which shall be available upon the request of the Chief of Police or other law enforcement officer of all motor vehicle component parts as defined by N.J.S.A. 39:10B-1 et seq., as amended from time to time.

B. The licensed premises shall also be open to inspection during normal business hours or at any time the premises are open to the public by the licensee or whenever employees, servants or agents of the licensee are present and conducting license activities upon the property. The Code Enforcement Officer and Chief of Police shall inspect each licensed premises at least once a year and file a report of such inspection with the Township Clerk.

C. The Township Engineer may inspect the licensed premises annually if in the event that he or she may determines that an inspection is in the best interest of the Township. The licensee shall deposit \$1,000 for inspection costs upon filing of the application.

SECTION 4. Chapter 107, Junk Dealers and Automobile Auctions, Section 107-8 of the aforesaid Revised General Ordinances is hereby repealed and replaced to read as follows:

§107-8 Violations and penalties.

Failure of the licensee to comply with the license provisions under § 107-6, or a conviction, fine or imprisonment for a violation of N.J.S.A. 39:10B-1 et seq., or a violation or violations of any other terms and conditions of this chapter or of the special terms of the license so issued shall be a basis for a fine administered by the Code Enforcement Officer and/or revocation or suspension of the junkyard or junkyard with motor vehicle auction license. Any fine administered by the Code Enforcement Officer for a violation of this Chapter shall not exceed \$250 for a first violation, \$500 for a second violation, and \$1,000 for any subsequent violation. The licensee shall pay the Township costs, including attorney's fees and experts' reports of any proceeding in which a suspension or revocation results.

SECTION 5. All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 7. This Ordinance may be renumbered for purposes of codification.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on October 5, 2010. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on October 19, 2010, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.

**JANE BAKALARCZYK, RMC/CMC
TOWNSHIP CLERK**