

ORDINANCE NO. 83-1992

AN ORDINANCE REGULATING JUNK DEALERS AND THE ESTABLISHMENT AND OPERATION OF JUNK YARDS, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE ESTABLISHMENT AND OPERATION OF JUNK YARDS, AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Township of Spring, Perry County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. This Ordinance shall be known and may be cited as "THE JUNK DEALER AND JUNK YARD ORDINANCE OF SPRING TOWNSHIP, PERRY COUNTY, PENNSYLVANIA".

SECTION 2. Definitions

(a) The word "junk", as used in this Ordinance, shall mean discarded materials, articles or things possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste, or farm machinery provided said farm machinery is used in connection with a bona fide farming operation.

(b) The word "junk dealer" as used in this Ordinance shall mean any person who shall engage in the business of selling, buying, or dealing in junk in Spring Township, and/or any person who shall store or keep upon his or another's premises, or more motor vehicles which are unlicensed and inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania.

(c) The word "junk yard" as used in this Ordinance shall mean any place or establishment where junk is stored or accumulated on the outside of any building, edifice or structure that is enclosed on all sides or where the business of selling, buying or dealing in junk is carried on, or where ^{Two} or more motor vehicles are stored which are unlicensed, inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania.

(d) The word "person" as used in this Ordinance shall mean any natural person, association, partnership, firm or corporation.

(e) In This Ordinance the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 3. On and after the effective date of this Ordinance, no person shall engage or continue to engage in business as a junk dealer or establish or operate a junk yard in the Township of Spring except as authorized by the Ordinance and/or without first having obtained a license therefore from the Board of Supervisors of the Township of Spring.

SECTION 4. Application for such license shall be made in writing, under oath and in the form prescribed by the Board of Supervisors of the Township of Spring, and shall contain the name of the applicant, his address, his length of residence at such address, his previous criminal record, if any, the address of the premises upon which such business is to be conducted or upon which such junk yard is to be established or operated, the name of the owner or owners of said property if other than the applicant, and upon any subsequent applications a statement that the applicant, during the preceding term of his license, did comply with and did maintain his premises in full compliance with the provisions of this Ordinance. Each application shall describe the premises upon which the junk yard is to be established or operated, specifying therein set-back lines, structures erected thereon, dwellings erected upon premises adjacent to the premises proposed to be used, and a reference to the place where the Deed is recorded. If the applicant is a partnership or association the application shall furnish the above information for every member thereof. If the applicant is a business corporation, the application shall furnish the above information for each officer and director thereof. The application shall be signed by the applicant, if an individual, by all members if the applicant is a partnership or association, and by the President and Secretary if the applicant is a business corporation. A separate application shall be required for each junk yard conducted by a junk dealer.

SECTION 5. A Bond in the Penal Sum of Two Thousand (\$2,000.00) Dollars shall accompany every application for license. The Bond shall be executed by a surety company authorized by the Laws of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety Bond, accept a Bond executed by the applicant for license if such Bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check or certificates of deposit of a banking institution in the total sum of Two Thousand (\$2,000.00) Dollars. The Bond shall be renewed and refiled annually not later than June 1, of each year. The Bond shall be executed in favor of the Township of Spring and shall be for the use of the Township. The term of the Bond shall be for one (1) year. It shall be the condition of the Bond that if upon and after the issuance of such license the said licensee shall fully and faithfully observe and comply with the provisions of this Ordinance and any rules or regulations promulgated by virtue hereof by the Township Board of Supervisors, then the obligation of said Bond shall be void, otherwise it shall remain in full force, virtue and effect.

SECTION 6. Every junk dealer shall pay an annual license fee of Two Hundred (\$200.00) Dollars for every license or renewal thereof issued hereunder. All licenses shall be issued for a term of one (1) year, beginning January 1 and ending January of the following year. No abatement of the annual license fee shall be made for any cause whatsoever. All licenses must be renewed annually on or before the first day of July of each year. Such license shall be issued upon the condition that the same may be summarily revoked in the event the said licensee be found to have given any false information or in any way misrepresented any material fact upon which the issuing authority has relied in granting such license. No refunds will be given in such case.

SECTION 7. The Board of Supervisors of the Township, upon receipt of an application for license under this Ordinance, shall determine whether or not a license shall be issued or renewal thereof shall be granted after an examination of the application and upon the fullest consideration of the suitability of the premises proposed to be used for the purposes of the license, the character of the property adjacent thereto and the effect of the proposed use, 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 thereon or to the citizens of Spring Township. Upon approval of the application for license the Board of Supervisors of the Township shall issue to the applicant a license, upon which said license shall be designated the name of the junk dealer and the address of the premises approved by use as a junk yard. Such license shall be at all times conspicuously posted upon the premises licensed thereunder. No such license issued by the Board shall be transferrable or assignable by Agreement, Will, intestacy or otherwise.

SECTION 8. No licensee hereunder, nor any person shall operate upon any of the streets, roads, alleys and ways of the Township of Spring, whether from a vehicle or upon foot, as a scavenger or an itinerate buyer or seller of junk. No licensee hereunder shall engage in business as a junk dealer in any place other than the place designated upon his license. PROVIDED: If a junk dealer desires to operate more than one junk yard, a separate license shall be obtained for each additional junk yard by filing therefore a separate application and a separate Bond and paying therefore the license fee provided in Section 6 hereof.

SECTION 9.

(a) No license or renewal thereof shall be issued to any person who has been twice convicted or a violation of any of the terms and provisions of this Ordinance within any one license period year.

(b) No license or renewal of license shall be issued to any person who, within the five years immediately preceding the date of his application shall have been convicted for any felony or misdemeanor or crimen falsi.

SECTION 10. Any applicant whose initial or renewal application for license shall be denied for cause as hereinbefore specified, and every person who shall engage or continue to engage in business as a junk dealer in violation of any of the terms and provisions of this Ordinance, or who shall keep or store upon his or other premises ~~two~~ or more motor vehicles which are unlicensed, inoperable and have no valid current inspection sticker, without first having obtained a license therefore, shall, within fifteen (15) days after registered notice of such event, remove and clear from the premises or junk yard all junk therein as defined in this Ordinance. If within such period of fifteen (15) days such denied applicant or violator fails to fully comply with the provisions of this section and the Township is required to do any work or expend any labor in the place or stead of such person, the cost therefore plus twenty (20%) per centum thereof shall be paid by such denied applicant or violator and the Township may collect such actual cost plus twenty (20%) per centum from the Bond required by Section 5 of this Ordinance. All such property remaining upon such premises after such period of fifteen (15) days shall be presumed to be abandoned and to be of no value and the same may be disposed of by the Township on behalf of said denied applicant.

SECTION 11. Every licensee hereunder shall provide and shall at all times keep and maintain records, in the English language, of the time of his purchase, acquisition or receipt of junk, a full and complete description, including trade names, serial or manufacturer's numbers, if any, of every article or item of junk purchased, acquired or received by him, the date and approximate hour of such purchase, acquisition or receipt, and the name and address of the person from whom such article or item of junk was purchased, acquired or received. Such written records shall at all times be subject to the inspection of the State Police for just cause. Such records shall be retained for a period of five (5) years.

SECTION 12. Every licensee hereunder shall keep and retain upon the licensed premises, for a period of twenty-four (24) hours after the purchase, acquisition or receipt thereof, every item or article of junk so purchased, acquired, or received by him and placed on the licensed premises. The licensee shall not disturb or reduce or alter the original form, shape or condition of the same until such period of twenty-four (24) hours shall have elapsed.

SECTION 13. Every licensee hereunder shall constantly maintain the licensed premises in the manner hereinafter prescribed:

(a) Such premises shall at all times be maintained so as not to constitute a nuisance, or a menace to the health and welfare of the community or to residents nearby, or a place for the breeding of rodents and vermin.

(b) No garbage or other organic waste shall be stored on such premises.

(c) 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 licensed land and to facilitate access for inspection purposes and fire fighting.

(d) No junk shall be stored or accumulated nor shall any structure be erected within twenty-five (25) feet of the side and rear lines of the licensed premises nor within seventy-five (75) feet of any existing dwelling house erected upon premises adjacent to the licensed premises. Nor shall any junk be stored or accumulated or any structure be erected that is used in connection with said junk yard within forty (40) feet of that line of the licensed premises abutting a public street or highway within the Township of Spring, PROVIDED: That in cases where two or more lines of the licensed premises abut public streets or highways within the Township one line only of such premises shall be governed by the above-provided set-back of forty (40) feet. PROVIDED: That nothing contained in this sub-section shall apply to existing structures pertaining to and being used in connection with junk yards presently established and operating.

(e) Every structure erected upon the licensed premises and used in connection therewith shall be of fireproof construction.

(f) The premises shall be enclosed by a metal chainlink fence constructed of good heavy duty steel and supported upon steel posts, or in lieu thereof, a solid masonry or metal wall of a uniform design, texture and structure. The erection of

such fence or wall shall be controlled by the set-back provisions of Sub-section (d) hereof. Such fence or wall shall not be less than six (6) feet in height nor shall or more vehicles or major parts thereof be stacked on top of one another or otherwise as to protrude above it. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

(g) The land area between the above provided chainlike fence or wall and any public highway, street or avenue shall be implanted with shrubbery, bushes and ever-greens at reasonable intervals between each such plant.

SECTION 14. The State Police shall from time to time regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained his premises in full compliance with the provisions of this Ordinance and such rules and regulations which may hereafter be adopted by the Township of Spring regulating and licensing junk dealers and the establishment and maintenance of junk yards. The State Police shall forthwith prosecute any discovered violation of this Ordinance. The State Police shall not less than twice yearly, furnish to the Township Board of Supervisors a report of such inspections, the same to be in writing and in the form prescribed by the Board of Supervisors of the Township of Spring.

SECTION 15. Every junk yard in the Township of Spring shall at all times be subject to inspection during reasonable hours of the day by the State Police. To facilitate such inspection and fire control, all junk therein shall be arranged and maintained in a neat and orderly fashion. All of such junk, vehicles and other junk are to be arranged in rows with a minimum of twenty (20) feet of clear space between each row and each of said rows to be no greater in width than forty (40) feet.

SECTION 16. No burning of junk, rubbish or other material in connection with said junk yards shall be ignited or otherwise commenced except between the hours of 8 A.M. and 4 P.M., Monday through Friday, and at no other times.

SECTION 17. No junk, scrap, or automobile bodies, motors or any other item of junk as defined in this Ordinance shall be sorted, maintained, situated, placed or otherwise located within twenty (20) feet of any river, stream, run, creek, irrigation ditch or any other natural water course within the boundary lines of Spring Township.

SECTION 18. No junk yard as defined in this Ordinance shall be granted a license under the provisions hereof unless off-street parking is provided within the property owner's boundary lines.

SECTION 19. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars, and costs of prosecution, and in default of payment thereof to imprisonment for

not less than ten (10) days nor more than thirty (30) days. PROVIDED: Each day's violation of any of the provisions of the Ordinance shall constitute a separate offense.

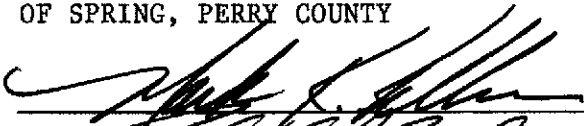
SECTION 20. Notwithstanding any of the previous provisions of this Ordinance, any person who is operating a junk yard and is a junk dealer within the definitions of this Ordinance shall not be required to comply with the provisions of this Ordinance if said person makes a written request for an exemption from complying with the provisions of this Ordinance to the Board of Supervisors of Spring Township, and if the Supervisors of Spring Township, after due consideration of the request for an exemption and an inspection of the junk yard, determine that an exemption is warranted. Said written request for exemption must be made within 30 days of the enactment of this Ordinance. Should ownership of a junk yard which has been granted an exemption under the provisions of this Ordinance be transferred for any reason whatsoever after the date of the enactment of this Ordinance, said exemption shall immediately be revoked, and the new owner of the junk yard shall be required to comply with all provisions of this Ordinance. Further, should a junk yard that has been granted an exemption under the provisions of this Ordinance be expanded beyond the perimeters of the portion or portions of any premises being used for the storage of junk at the time of the enactment of this Ordinance, said exemption shall immediately be revoked, and the owner of the junk yard will be required to comply with all provisions of this Ordinance.

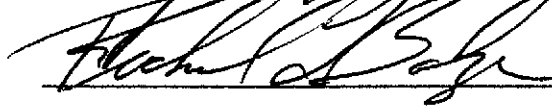
SECTION 21. This Ordinance shall become effective five (5) days after enactment as provided in the Second Class Township Code.

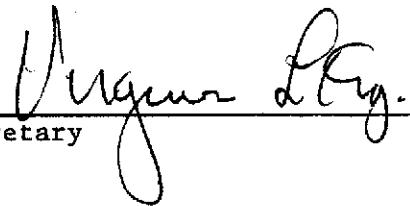
ENACTED AND ORDAINED this 3rd day of August, 1992.

BOARD OF SUPERVISORS OF THE TOWNSHIP
OF SPRING, PERRY COUNTY

ATTEST:







Secretary