

ORDINANCE NO. 56-2002
ADOPTED

AN ORDINANCE OF EAST HUNTINGDON TOWNSHIP
DEFINING, REGULATING AND LICENSING JUNKYARDS; AND
PRESCRIBING REMEDIES AND PENALTIES FOR VIOLATION.
AMENDING ORDINANCE NO. 6-1961, ADOPTED JULY 15, 1961

The Board of Supervisors of East Huntingdon Township hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FARM MACHINERY - All types of machinery and equipment which were originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

JUNK - any discarded or salvageable article or material or thing possessing value in part, gross or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motors, bodies or 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. Scrap metal, paper, rags, glass, rope, containers, scrap wood, motor vehicles, trailers, machinery and equipment, with the exceptions of farm machinery and mobile homes or house trailer which are occupied or are properly placed and planned for occupancy, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material.

JUNK DEALER - any person, partnership, association or corporation that deals in junk; or owns, leases, operates or maintains a junkyard within the municipality.

JUNKYARD - any place or establishment where junk as herein defined is stored or accumulated. Any premises, as herein defined, having two or more unlicensed motor 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 and/or two or more unlicensed trailers thereon shall be deemed to be a junk yard, except that the foregoing shall not apply to duly licensed automobile dealers having operable vehicles on their premises for resale. Such exception shall not apply to inoperable vehicles being stored primarily for salvage purposes.

MOTOR VEHICLE - all types of automobiles, trucks and tractors, including self-propelled machinery of all kinds with the exception of farm machinery.

PERSON - any natural person, association, partnership, firm, company, corporation or other legal entity.

PREMISES - any parcel of land or part thereof situated in East Huntingdon Township having a tax map parcel number for county assessment purposes.

SOLID WASTE - any waste, including but not limited to, municipal, residual or hazardous wastes including solid, liquid, semisolid or contained gaseous material.

TRAILER - any wheeled vehicles not self-propelled, or drawn by a motor vehicle.

In this ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

Section 2. License Required; Fees. No person may operate a junk yard, engage or continue to engage in business as a junk dealer or establish or operate a junkyard as herein defined within East Huntingdon Township without first obtaining a license as herein described.

Any person desiring to operate junkyard in East Huntingdon Township shall first make application to the Township secretary. Application for such license shall be made in writing, under oath 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 the junkyard is to be established or operated, the name of the owner 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 Part. Each application shall describe the premises upon which the junkyard is to be established or operated, specifying therein set-back lines, structures erected thereon, dwelling erected upon premises adjacent to the premises proposed to be used, and a reference to the place where the deed is recorded, the page and deed book volume number shall also be stated. If the applicant is a partnership or association the applicant shall furnish the above information for every member thereof. If the applicant is a business corporation, the applicant 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 junkyard conducted by a junk dealer.

Examination of application.

(a) The Township engineer, upon receipt of an application for license under this Part, shall determine whether or not a license shall be issued or a renewal thereof shall be granted within sixty (60) days of submission thereto 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 East Huntingdon Township. 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.

Denial of License.

(a) No License or renewal of license shall be issued to any person who, within five (5) years immediately preceding the date of his application, shall have been convicted of any felony.

(b) The term of any license issued under this ordinance shall be for one calendar year or portion thereof and shall terminate on December 31st of the year in which issued. Licenses issued under this ordinance must be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing, in form as required by the Supervisors of East Huntingdon Township and accompanied by the license fee. Renewal applications are subject to complete reexamination and consideration by the Township engineer for continued compliance with the terms of this ordinance.

(c) No person licensed under this ordinance shall, by virtue of one license, operate more than one business or junkyard within East Huntingdon Township.

(d) No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are nontransferable, both as to junk dealer and junkyard premises. No such license issued by East Huntingdon Township shall be transferrable or assignable by agreement, will, intestacy or otherwise.

Annual License Fee.

(a) Every junk dealer shall pay an annual fee. The License fee shall consist of two parts: the application fee shall be Two Hundred Fifty Dollars (\$250.00) and it is not returnable in case of refusal of license; the annual license fee shall be Twenty Five Dollars (\$ 25.00) per year. All fees are due, payable to and for the use of East Huntingdon Township at time of application.

(b) Abatement of the aforesaid fees shall not be made for any cause whatsoever.

Section 3. Posting of Junkyard Licenses; Operating Procedures. The License under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

Posting

(a) The name of the licensed junk dealer and the number of the license under which he operates shall be placed in a conspicuous place on the outside of every vehicle used for business purposes by such dealer.

Hours of Operation

(a) Junkyards and businesses licensed under this ordinance may not operate on Sunday, nor between the hours of 9:00 o'clock p.m. and 6:00 o'clock a.m., except to remove any wrecked automobile from any public highway.

Records.

(a) 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 of junk, a full and complete description, including trade names, serial or manufacturer's numbers, if any, of every article or item of junk purchase, 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 articles or item of junk was purchased, acquired or received. Such written records shall at all times be subject to the inspection of the Township Engineer or appointed agent thereof. Such records shall be retained for a period of five (5) years.

Receipt for Article of Junk.

(a) 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, 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 4. Storage Requirements for Junk. All junk in junkyards licensed under this ordinance shall be stored as herein provided.

(a) All junk shall be set back at least one thousand (1000) feet from any adjoining residential premises and at least one thousand (1000) feet from the nearest right-of way of any public street, road or highway.

(b) All junk shall be stored and arranged so as to permit access by fire-fighting equipment. Junked motor vehicles shall be spaced in rows with at least twenty-five (25) feet between double rows; other junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than Fifteen (15) feet.

(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.

(d) All gasoline and oil shall be drained from junked motor vehicles within twenty-four (24) hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than one hundred (100) gallons in the aggregate, in proper containers, may be stored above ground, all of which must be approved by the appropriate state and/or federal agency and be in compliance with such agencies rules and regulations.

(e) Garbage or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvageable materials and shall be promptly separated and properly disposed of. Materials separated as solid waste shall not be accumulated for more than thirty (30) days.

(f) Paper, rags, plastic and similar materials for salvage shall not be accumulated or remain on the junkyard premises, for more than sixty (60) days. Paper, rags, plastic and similar materials for salvage shall be stored indoors.

(g) No junk, scrap, or automobile bodies, motors or any other item of junk as defined shall be stored, 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 East Huntingdon Township.

Section 5. Maintenance of Premises. Every licensee hereunder shall constantly maintain the licensed premises in the manner hereinafter prescribed:

(a) All junkyard premises shall be maintained in such manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body, state law or state regulation or federal law or federal agency regulation.

(b) 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 and such fence or wall shall not be less than six (6') feet in height nor shall two (2) 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 . Entrance gates shall be of similar material, well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.

(c) Junkyard premises which have open-wire fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within one thousand (1000) 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.

(d) The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and not permitted to go to seed.

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

Section 6. Burning Restrictions. No burning of junk, rubbish, or other material in connection with said junkyards shall take place.

Section 7. Right of Entry for Inspection; Additional Regulations Authorized. Every junk dealer and junkyard licensed under this ordinance is subject to inspection and regulation as herein provided:

(a) Any member of the Board of Supervisors of East Huntingdon Township or their designated agent may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.

(b) The Township Engineer or appointed agent thereof 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 and such rules and regulations which may hereafter be adopted by the Township regulating and licensing junk dealers and the establishment and maintenance of junkyards. The Township Chief of Police shall forthwith prosecute any violation discovered during said regular inspections.

(c) The Board of Supervisors of East Huntingdon Township may from time to time pursuant to resolution, adopt regulations to carry out the provisions of this ordinance, upon giving notice to licenses affected by such regulations.

Section 8. Exceptions for Existing Junkyards. Existing junkyards, currently under permit, are exempt from the setback requirements as established by section 4(a), the fencing provisions as established by section 5(b), and the planting requirements as established by section 5(c). However, any expansion of a junkyard beyond permitted areas at the time of the enactment of this ordinance, must comply with the provisions of this ordinance.

Section 9. Time Limit for Existing Establishments to Comply and Obtain License. Junk dealers and junkyards operating and existing without permit in East Huntingdon Township on the effective date of this ordinance shall be required to comply with the provisions of and obtain a license under this ordinance within six (6) months from the effective date.

However, an extension of the time allotted in complying with the terms of this ordinance may be granted at the discretion of the Board of Supervisors. Such extensions shall be for good reason, and shall not exceed six (6) months.

Section 10. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 11. Enforcement Remedies. The Board of Supervisors of East Huntingdon Township may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this ordinance, and this ordinance shall in no way restrict any remedies otherwise provided by law.

Section 12. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 13. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or

parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of East Huntingdon Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 14. Ordinance No. 6-1961. This ordinance amended ordinance No. 6-1961 and repeals any provisions inconsistent herewith, however any other provision remains in each and every other particular.

Section 15. Effective Date. This ordinance shall become effective Five (5) days after adoption.

Ordained into ordinance this 28th day of March 2002.

Board of Supervisors of
East Huntingdon Township

Attest

Cynthia P. Salter
Secretary

Joe B. Suter
Chairman