

JUNKYARD ORDINANCE

Ordinance No. 1-95

AN ORDINANCE OF PLAIN GROVE TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA, REGULATING JUNK DEALERS, THE ESTABLISHMENT AND MAINTENANCE OF JUNKYARDS, INCLUDING, BUT NOT LIMITED TO, AUTOMOBILE JUNK OR GRAVEYARDS, THE STORAGE AND DISPOSAL OF SCRAP, REFUSE AND JUNKED ARTICLES OF ALL KINDS, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE MAINTENANCE AND OPERATION OF JUNKYARDS UNDER PRESCRIBED CONDITIONS, PRESCRIBING REMEDIES FOR THE ABATEMENT OF NUISANCES AND UNLICENSED JUNKYARDS, PRESCRIBING PENALTIES FOR VIOLATORS AND PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NONCOMPLIANCE.

BE IT ENACTED AND ORDAINED

By the Board of Supervisors of Plain Grove Township, Lawrence County, Pennsylvania, and it is hereby enacted and ordained pursuant to and in compliance with the authority of the Second Class Township Code, as amended, as follows:

SECTION I. - Short Title.

This ordinance shall be known and may be cited as the "Plain Grove Township Junkyard Ordinance."

SECTION II. - DEFINITIONS.

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

- a. Board shall mean the Board of Supervisors of Plain Grove Township, Lawrence County, Pennsylvania;
- b. Junk shall mean any worn, cast-off, discarded or salvageable articles, machinery, equipment or materials, including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicle or vehicles of all types, machinery, equipment, paper, glass, containers or structures. The term junk shall include any two (2) or more unlicensed, abandoned, junked, or non-operating vehicles of any kind. It shall not include garbage, organic, hazardous or toxic waste as now or hereafter defined by federal or state laws, rules and regulations nor refuse or garbage produced or generated on the lot and kept enclosed in a

proper container for the purpose of prompt disposal by a garbage or refuse disposal system, nor shall it include farm machinery retained by farmers to provide spare parts for farm equipment.;

c. Junk dealer shall mean any person who buys, sells, salvages, collects, stores, or in any way deals in junk; or owns, leases, operates or maintains a junkyard within the municipality;

d. Junkyard shall mean any place where junk as herein defined is stored, accumulated, disposed of or abandoned. Any premises as herein defined having two or more unlicensed motor vehicles and/or unlicensed trailers thereon shall be deemed to be a junkyard, 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;

e. Person shall mean any natural person, partnership, firm, company, corporation or other legal entity;

f. Premises shall mean any parcel of land situated in the Plain Grove Township, having a separate tax map parcel number and/or a separate Permanent Parcel Identification Number for county assessment purposes; and lastly

g. Licensee shall mean the person to whom a license to operate a junkyard has been issued by the Board in accordance with the provisions of this ordinance, including all persons who sign the application.

SECTION III. - License.

No person shall operate or engage in any business as a junk dealer nor maintain or operate a junkyard without first having obtained a license from the Board, and paying the required fees to the Township Treasurer for the use of the Township. The annual license fee shall consist of an initial or amended application fee of One Hundred (\$100.00) Dollars, which shall not be refundable in the event of refusal of the license, and an annual license fee of One Hundred (\$100.00) Dollars. The application and License fees may be amended, from time to time, by the Board by resolution. All fees are due and payable to and for the use of the Township at the time of application.

SECTION IV.. Application .for License.

1. Any person desiring to be a licensed junk dealer in Plain Grove Township shall first make written application to the board. Such application shall be in the form established by the Board and shall set forth the applicant's name and address, include an accurate description of the premises on which the junkyard is to be located including the Lawrence County tax map parcel number(s) and Permanent Parcel Identification Number(s), and a statement that the applicant will comply with this ordinance and any regulations adopted pursuant to this ordinance, and such other

information as the Board may require. All landowners of record must sign the application.

2. An application for license under this ordinance shall be examined by the Board or duly authorized agent thereof and license issued or refused within sixty (60) days of submission to the Board. Examination of the application shall include consideration of the suitability of the property proposed to be used for location of the property lines, structures erected or to be erected thereon, dwellings erected upon premises adjacent to the premises proposed to be used and the areas to be used as a junk yard. Said application shall also include the proposed means of ingress, egress and access to the junkyard and junk, the names of the landowners adjacent to the premises to be licensed and the uses being made of said adjacent lands. The applicant shall also submit in writing such other information as the Board may request or require.

7. After issuance, the license shall be posted conspicuously upon the licensed premises.

8. In the event the Board shall issue a license, it may impose upon the license and the licensee, such reasonable terms and conditions, in addition to the regulations herein contained and adopted pursuant to this ordinance, that may be necessary to carry out the spirit and intent of this ordinance.

SECTION V. - Regulations.

Every person licensed under this ordinance shall at all times maintain the licensed premises in strict accordance with any special provisions imposed by the Board and in the manner prescribed by this Section and any subsequent regulations adopted by the Board, OR the license may be revoked:

a. Such premises shall at all times be used, operated and maintained so as not to constitute a nuisance, a place for the harboring or the purpose of the license, the character of nearby properties, the effect of the proposed use upon Plain Grove Township, and public health, safety and welfare. When the application is found in compliance with the provisions herein given, the Board or its agent shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application.

3. The period 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.

4. Licenses issued under this ordinance are required to 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 such form as may be required by the Board and accompanied by the license fee. Renewal applications are subject to complete reexamination and consideration by the Board or its agents for continued compliance with the terms of this ordinance.

5. Licenses are nontransferable, both as to junk dealer and junkyard premises. The permitted size of a junkyard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and properties.

6. Applicant shall submit with each application a plot of the premises used or to be used in connection with such permit, which plot shall contain the breeding of rodents and vermin, a menace, or otherwise adversely affect the safety, health and welfare of the community or of the nearby residents;

b. Such premises shall at all times be used, operated and maintained so as not to create any unreasonable risks of harm or adversely affect the health, safety or welfare of the children, residents, motor vehicle and pedestrian traffic in the area. No exterior lighting shall be erected or maintained which casts light on adjoining roads or property;

c. Such premises shall at all times be used, operated and maintained so as not to cause any offensive, excessive or noxious odors, vibrations or sounds, or to be in violation of any health, sanitation or other applicable laws, ordinances and regulations;

d. Such premises shall at all times be used, operated and maintained in such a manner so as to minimize, to the greatest extent possible, all dangers and hazards from fire and explosion, and the elimination of contamination of land and waters in the area;

e. No junk yard or scrap yard shall be established or maintained closer than one hundred (100) feet to any street or side property line and, when deemed necessary and desirable by the Board in order to effectuate the purposes of this ordinance, must be entirely enclosed within a solid wall or fence no less than six (6) feet high;

f. All junk shall be stored and arranged so as to permit access by firefighting equipment or other emergency vehicles. Junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than ten (10) feet. All aisles or roadways must be kept clear of weeds and brush at all times;

g. Junk shall be arranged so as to prevent the accumulation of stagnant water. The manner of storage and arrangement of junk and materials and the drainage facilities of the premises shall be such as to prevent the accumulation of liquids or water upon the premises and to prevent their unreasonable or unlawful discharge onto or into adjoining lands or waters;

h. 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 three hundred (300) gallons in the aggregate, in proper containers, may be stored above ground.

i. All rags, bottles, and scrap paper must be kept within the walls of a building constructed of fire resistant material, and no garbage or other organic waste shall be stored in such premises;

j. No junk herein defined shall be stored closer than one hundred (100) feet landward from the top of the bank of any river, stream, spring or natural water course;

k. No garbage, organic, hazardous or toxic waste as defined now or hereafter by the federal and/or state environmental or other laws, rules and regulations, shall be received, abandoned, accumulated, stored or disposed of in any junkyard;

l. All junk kept, stored or arranged on the licensed premises shall, at all times, be kept, stored and arranged within the junkyard as described in the application for license hereunder and as approved and limited by the Board, this ordinance and in accordance with all applicable laws, rules and regulations;

m. No inflammable liquid shall be permitted to remain in any junked container, whether the container is a separate item or is an integral part of another item, at any time;

n. No use or activity shall cause or emit any dangerous radioactivity or electrical disturbance adversely affecting the use of adjoining lands, the operation of any radios, televisions, or other equipment on adjoining lands, or otherwise adversely affecting the health, safety and welfare of nearby residents or the community;

o. No pollution of air by dust, vapors or any other substances shall be permitted which is harmful or injurious to the health, safety or welfare of the adjoining property owners or the community or to animals, vegetation or other property, or which can cause spoiling of the property;

p. All doors of refrigerators, freezers and similar type appliances and containers shall be removed within twenty-four (24) hours of being placed on the premises;

q. All local, state and federal permits, licenses and authorizations, now or hereafter required to operate a junkyard, shall at all times be maintained and conspicuously displayed throughout the duration of all junkyard operations. Any suspension or revocation of any required local, state or federal permits,

licenses or authorizations shall constitute a violation of this ordinance, and will result in immediate revocation of the license, and enforcement of the penalty and

remedy provisions of the ordinance; and lastly

r. The junkyard and every part thereof shall, at all times, be operated

and maintained in strict and full compliance with all applicable ordinances, laws,

rules and regulations. Prior to commencing any part of the proposed use on the

premises, the licensee shall obtain all of the required licenses, permits and

authorizations from all governments and agencies thereof, and give to the

Township a certified true and correct copy of each such license, permit and

authorization.

Section VI- Time Limit for Existing Establishments to Comply and Obtain

License. Junk dealers and all persons operating junkyards, as herein defined.

and existing in the 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.

SECTION VII. - Revocation of License. If the Board or its authorized

representative finds that any of the provisions of this ordinance or any applicable

law, rule or regulation is being violated by any person, written notice of the

violation shall be given to the licensee at the licensed premises indicating the

nature of the violation and ordering the necessary action to be taken to correct

the violation and the maximum number of days within which the violation must be

corrected. If the violation is not corrected within the number of days set forth in

the notice, then the Board shall hold a hearing and send written notice of the

hearing to the licensee at the licensed premises, and if the Board finds that a

violation has occurred, the license issued to the person shall be revoked and the

use of the premises described in the license as a junkyard shall be terminated. In

the event of the revocation of a license, there shall not be any refund of any part

of the required license fee paid by such person to the Township.

SECTION VIII. - Burning Restricted. Not more than one motor vehicle or its

equivalent may be burned at any one time. Gasoline, grease, oil, tires or similar

materials which could be dangerous or tend to produce obnoxious smoke or

odors shall not be burned at any time. Any and all burning or melting on junkyard

premises shall be properly attended and controlled at all times.

SECTION IX - 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:

1. Any member of the Board or agent of the Board may at any

reasonable time enter upon the premises currently licensed or for which a license

application is pending.

2. The Board may, from time to time pursuant to resolution, adopt

regulations to carry out the provisions of this ordinance, upon giving notice to

licensees affected by such regulations.

SECTION X. - Penalties Any person who shall violate any provision of this

ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more

than Three Hundred (\$300.00) Dollars, and/or serve a period of incarceration

not to exceed ninety (90) days. Each day that a violation of this ordinance

continues shall constitute a separate offense.

SECTION XI. - Enforcement Remedies. The Board 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 XII. - Repealer. All ordinances or parts of ordinances which are

inconsistent herewith are hereby repealed. The following ordinances or parts

thereof are specifically repealed:

Ordinance No. 3-82 known as the "Junk dealer, Junkyard, and Scrapyard

Ordinance" which was ordained and enacted the sixth day of December, 1982.

SECTION XIII. - 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 that this ordinance would have been

adopted had such unconstitutional, illegal or Invalid sentence, clause, section or

part thereof not been included herein.

SECTION XIY. - Municipal Liability. The granting or issuance of a license or

other approval under this ordinance shall not constitute a representation,

guarantee or warranty of any kind of the Township or any official, agent,

employee or representative thereof of the practicability or safety of the proposed

use and/or junkyard and shall create no liability upon the Township, its officials,

agents, employees or representatives. The issuance of any license or approval

shall not mean nor shall it be construed to mean that the operation of any

junkyard may not constitute a nuisance in fact, menace or otherwise adversely

affect the health, safety and/or welfare of the community or nearby residents.

SECTION XV. - Effective Date. This ordinance shall become effective five

(5) days after its enactment.

ORDAINED AND ENACTED this 7th day of August, 1995.

ATTEST:
SUPERVISORS OF

BOARD OF

PLAIN GROVE TOWNSHIP,

LAWRENCE COUNTY PENNSYLVANIA

Township Secretary

Supervisor

Supervisor

Supervisor