

Rec. 10/30/97
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ORDINANCE NO. _____

AN ORDINANCE OF THE SUPERVISORS OF ARARAT TOWNSHIP, SUSQUEHANNA COUNTY, PENNSYLVANIA PROVIDING FOR THE LICENSING OF JUNKYARDS AND JUNK DEALERS WITHIN THE TOWNSHIP; SETTING STANDARDS AND PROCEDURES FOR THE ISSUANCE, SUSPENSION AND REVOCATION OF LICENSES; PROVIDING FOR INSPECTIONS AND GENERAL OPERATING REQUIREMENTS; PROHIBITING THE TRANSFER OF LICENSES; AND FIXING PENALTIES FOR VIOLATION.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Ararat as follows:

SECTION 1. Title: This ordinance shall be known as the Ararat Township Junkyard and Junk Dealer Licensing Ordinance.

SECTION 2. Definitions: For the purposes of this ordinance, the following terms, phrases and words and their derivations shall have the meaning given herein. When not inconsistent with the context, the present tense includes the future, the singular includes the plural, the masculine includes the feminine and neuter and the word "shall" is always mandatory.

"Junk" means any iron, steel, brass, copper, tin, lead, other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; bones; waste paper or other waste or discarded material which might be prepared to be used again in some form; motor vehicles and machines of any sort no longer used as such and to be used for scrap metal or stripping of parts. There is excluded, however, from this definition all materials or objects accumulated as by-products, waste or scraps, held

and used by a manufacturer as an integral part of his own manufacturing process.

"Business Premises" or "Premises" means the area of a junkyard as described in a junk dealer's license or application for license as provided for in this ordinance.

"Junk Dealer" is a person who operates a junkyard as defined herein.

"Junkyard" means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined herein, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose.

"Person" means any person, firm, partnership, association, corporation company or organization of any kind.

SECTION 3. License required: It shall be unlawful for any person to act as a junk dealer in the Township without first having obtained a license therefor in accordance with the provisions of this ordinance, and a person who operates more than one junkyard within the Township shall have in effect a separate license for each junkyard.

SECTION 4. Enforcement: The Code Officer for Ararat Township is hereby given the power and it shall be his duty to enforce all the provisions of this ordinance. For this purpose, he or his duly authorized designee shall have the right to enter upon any junkyard as defined herein, and to inspect the same during normal business hours, or during any hour outside of normal business hours when any buying, dismantling, processing, selling or offering for sale of any junk is being conducted. The Code Officer is further empowered to issue orders granting, renewing, or revoking any license to operate a junkyard.

SECTION 5. Application: Any person desiring to operate a junkyard as provided for by this ordinance shall file with the Township secretary a written application. The application shall include the following information:

- a) Name, resident address and telephone number of each individual owner, partner, or if a corporation or other organization, or each officer or director;
- b) Trade names and business addresses used during the previous five (5) years by the applicant and each person signing the application.
- c) Names and addresses of employers of each person signing the application for the previous five (5) years
- d) The trade name, address and telephone number of the business on behalf of which application in made.
- e) A completed Land Development application.
- f) A description and set of drawings of buildings, showing floor plans and elevations, exits, windows, ventilators, sprinkler systems if required and walls, and setting forth measured heights, distances and materials of which they are made.
- g) Such other information as the Code Officer shall find reasonably necessary to effectuate the purposes of this Ordinance and to arrive at a determination of compliance with its terms.

SECTION 6. ISSUANCE OF LICENSE: Upon receipt of an application for a junk dealer's license as provided herein, the Code Officer shall make the following investigation:

- a) The Code Officer shall furnish copies of the application to the local Fire

Chief who shall comment on whether the proposed and existing premises and equipment conform with applicable fire prevention laws.

b) The Code Officer shall furnish a copy of the list of owners, officers and trade names to the applicable agency of the Department of Environmental Protection to determine whether any of them have outstanding environmental violations.

c) The Code Officer shall approve the application and issue a license within 30 days of determination of compliance with all applicable laws and regulations of the Commonwealth, the Subdivision and Development Ordinance of the Township and the Township Building Code.

d) If the Code Officer determines that the proposed junkyard does not comply with applicable laws and regulations, he shall deny the application and notify the applicant of the reasons for the denial.

SECTION 7. LICENSE FEE: The applicant shall submit an initial fee of \$200.00, or whatever reasonable fee which the Township Supervisors shall from time to time adopt by resolution, together with the application. If the application is denied, the fee shall be returned, less the applicable charges in connection with the Subdivision and Development Ordinance and any applicable fees required for the investigations by DEP, the fire department, and Building Code inspections.

The fee shall cover a license period of one calendar year.

Fee for renewal of the license shall be \$100.00 or whatever reasonable fee which the Township Supervisors shall from time to time adopt by resolution. Renewal shall require conformity with all the requirements of this ordinance.

SECTION 8. TRANSFERABILITY: No license issued under this ordinance shall be transferred or assigned or used by any other person other than the one to whom it was issued, and no junk dealer's license shall be issued at any location other than the one prescribed in the application upon which it was issued.

SECTION 9. GENERAL OPERATING REQUIREMENTS: The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this ordinance:

a) The license issued pursuant to this ordinance shall be plainly displayed on the business premises.

b) The junkyard, together with materials kept therein shall at all times be maintained in a sanitary condition.

c) No space not covered by the license shall be used as a junkyard.

d) No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.

e) Weeds and vegetation within the licensed area, other than trees, shall be kept at a height of not more than six inches.

f) No garbage or other waste that may give off a foul odor or attract vermin shall be kept on the premises, nor shall refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is part of the licensed business.

g) The licensee shall at all times confine the junk so that it does not rest upon or protrude over any public street, curb or walkway nor become scattered nor blown beyond the confines of the junkyard.

h) Junk shall be stored in piles not exceeding six feet (6') in height and shall be arranged so as to permit access to said junk and egress from any part of the junkyard.

i) No combustible of any kind not necessary nor beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.

j) Junk vehicles shall be drained of gasoline, oil, antifreeze, CFC's and any other material which may pollute air, water or soil.

k) No junkyard activity producing noise or dust beyond the confines of the junkyard shall be carried on between the hours of seven pm and seven am.

l) Junk shall be stored indoors or within an area enclosed, except for entrances and exits, with a solid vertical wall or fence at least six feet (6') in height, measured from ground level. Entrances and exits shall not be wider nor more numerous than reasonably necessary for the conduct of the licensed business.

m) No junkyard shall be allowed to become a public nuisance, nor shall any junkyard operate in such manner as to become injurious to the health, safety or welfare of the community.

n) Junkyard licensees are responsible to remain in compliance with all applicable state and federal law.

SECTION 10. SUSPENSION AND REVOCATION OF LICENSE, APPEALS AND PENALTIES:

a) The Code Officer has the power and it is his duty to suspend any license

issued hereunder for failure of the licensee to comply with, or for violation of, any provision, standard or requirement of this ordinance. The Code Officer may suspend the said license for a maximum of three days. Suspension may occur only after written notice detailing the violation and after opportunity for licensee to refute or explain any alleged violation of this ordinance.

b) The Code Officer may bring a civil action to require compliance, and the magistrate may, after hearing, suspend the license for additional time or may revoke the said license.

c) If during the period of suspension the licensee fails to comply with the ordinance or to correct the violation thereof, and if the said offense has public health or safety ramifications the Code Officer shall institute summary proceedings in accord with the Pennsylvania Code of Criminal Procedure and the Township Code as amended.

d) This action shall be brought in the name of the Township. Upon conviction the licensee shall be fined not less than \$ 50.00 nor more than \$ 600.00 and costs of prosecution, and required to perform community service, and in default thereof, the licensee may be sentenced to a jail term of not more than thirty days. Each day that the offense occurs or continues may be considered a separate offense.

e) Summary proceedings may be conducted in addition to suspension or revocation of the license.

f) Continued junkyard activity without a valid license is a violation of this ordinance as a matter of law.

SECTION 11. SEVERABILITY: The provisions of this ordinance shall be severable and if any provision hereof shall be held void, unconstitutional or otherwise unenforceable, such shall not affect the validity of the remaining provisions of the ordinance.

SECTION 12. REPEALER: All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed insofar as the same are inconsistent with this ordinance. This ordinance does not repeal any state or federal law nor the Subdivision and Development Ordinance.

SECTION 13. EFFECTIVE DATE: This ordinance shall become effective immediately upon final passage.

ORDAINED AND ENACTED at a duly assembled public meeting by the Ararat Township Board of Supervisors this _____ day of _____, 19__.

By: _____

Board of Supervisors

ATTEST:

Secretary