

**PERRY TOWNSHIP JUNKYARD AND JUNK DEALER
LICENSING ORDINANCE NUMBER 5- 9-02**

An Ordinance of the Township of Perry, County of Lawrence, Commonwealth of Pennsylvania, providing for the licensing of junkyards and junk dealers within the Township of Perry; setting standards and procedures for the issuance, and revocation of licenses; providing for inspections and general operating requirements; providing for enforcement, inspection and application procedures and setting penalties for violation of licensing requirements.

THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Perry, County of Lawrence, Commonwealth of Pennsylvania, that by the authority of the same as follows:

SECTION I. TITLE

This Ordinance shall be known as the Perry Township Junkyard and Junk Dealer Licensing Ordinance.

SECTION II. DEFINITIONS

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

- a. **"Person"** - shall mean any person, firm, partnership, association, corporation, company, or entity of any kind.
- b. **"Township"** - shall mean the Township of Perry, Lawrence County, Commonwealth of Pennsylvania.
- c. **"Board of Supervisors"** - shall mean the Township of Perry, Lawrence County, Commonwealth of Pennsylvania, Board of Supervisors.
- d. **"License"** - shall mean the permit granted to a "person" who operates a "junkyard" or is a "junk dealer".
- e. **"Junk"** - shall include but not be limited to scrap metal, used building materials, scrapped, abandoned or junked vehicles, machinery, motor vehicle parts, accumulated paper, and glass.
- f. **"Junkyard"** - shall mean any location containing "junk" as defined herein, upon which occurs one or more acts of buying, storing, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, whether individually, for a business or for commercial purpose.
- g. **"Junk Dealer"** - shall mean a "person" who operates a junkyard as defined herein within the "Township" limits.
- h. **"Business Premises" or "Premises"** - shall mean the area of a "junkyard" as described in a "junk dealer's" license or application for license as provided for in this ordinance.

SECTION III. LICENSE REQUIRED

It shall be unlawful for any person to act as a junk dealer in the "Township" whether personally, by agents or employees, singly or along with some other business or enterprise, without first having obtained a license therefore from the "Township" in accordance with the provisions of this ordinance. A "junk dealer" who operates more than one "junkyard" within the "Township" shall be required to have in effect a separate license for each said "junkyard".

**PERRY TOWNSHIP JUNKYARD AND JUNK DEALER
LICENSING ORDINANCE NUMBER 5- 9-02**

SECTION V. APPLICATION

An applicant for a license under this ordinance shall file with the "township" secretary a written application provided by the "township" for that purpose, together with a license fee as hereinafter prescribed. Said application shall be signed by himself (if an individual), by all partners, (if for a partnership), and by the president or chief operating officer of a corporation or other organization for said "junkyard." The "townships" receipt of the signed application (whether the original application or renewal) shall be acknowledgment from the applicant of the ordinance, rules, provisions and requirements and thereby agrees to adhere by said ordinance. Said application shall include the following information and requirements:

- a. Name, resident address, and telephone number of each individual owner, partner, or if a corporation or other organization, of each officer or director.
- b. The trade name, address and telephone number of the business on behalf of which application is made.
- c. The name, resident address, and telephone number of each person employed or intended to be employed in the business at the time of filing the application.
- d. The exact address and location where the "business premises" is or is proposed to be carried on, plus a sketch of the actual "premises" to be used in connection with the business: property size information is to be included, (acres and square feet), distances in feet from roadways, right-of ways, property lines, buildings, water sources, and descriptions and size of any building to be used in connection with business.

SECTION VI. INVESTIGATION, APPROVAL AND ISSUANCE OF LICENSE

- a. Upon receipt of an application for a junkyard or junk dealer's license as provided herein, the "Board of Supervisors" shall furnish copies of the same to the township Chief of Police and Fire Department Chief.
- b. The Chief of Police shall review the application and upon his findings, provide the "Board of Supervisors" with a written statement that confirms the application is or is not capable of operating the business in a manner consistent with the public health and safety.
- c. The Fire Department Chief shall review the application and upon his findings, whether favorable or unfavorable, provide a written statement to the "Board of Supervisors" as to whether the said premises of proposed or present business, buildings, etc. are conforming with the requirements of this ordinance and all applicable fire prevention laws.
- d. The "Board of Supervisors" shall review the application to determine if the proposed or existing buildings or equipment with which the business is being or is to be operated conform to the requirements of any township building permits and the provisions of this ordinance.

PERRY TOWNSHIP JUNKYARD AND JUNK DEALER

LICENSING ORDINANCE NUMBER 5- 9-02

- e. If any of the findings provided for in the previous sub-paragraphs are unfavorable to the applicant, the "Board of Supervisors" shall, within thirty (30) days after filing of the application, notify the applicant that his application is disapproved and that no license will be issued. Upon request, they shall furnish the applicant with a brief written statement of the grounds upon which the application was disapproved. If the findings in the above subparagraphs are favorable to the applicant, the supervisors shall, within 30 days after the filing of the application, issue a junk dealer's license to the applicant.
- f. If the applicant corrects the unfavorable findings, said applicant may re-apply for said license within a thirty (30) day time period, one (1) additional time with no additional fees. In the event of an unfavorable finding, a reimbursement of one half of the application fee shall be returned to the applicant.

SECTION VII. LICENSE FEE

There shall be submitted to the Perry Township Secretary with the application for a new or renewal license, a fee of \$200.00 (two hundred dollars) or the fee as set by resolution by the Board of Supervisors. If said application for license is denied, one half of the application fee shall be returned in full unless the applicant reapplies as per Section VI (f).

SECTION VIII. LICENSE PERIOD

Each license shall be effective as of the date of its issuance and shall expire on the last day of the 12th (twelfth) month thereafter.

SECTION IX. TRANSFERABILITY

No license issued under this ordinance shall be transferred, assigned, or used by any other person other than the one to whom it was issued. Nor shall a junk dealer's license be issued for any location other than the one described in the application upon which it was issued.

- a. If in the event of a transfer of said "Junkyard" business by means of estate settlement, said license will be transferred only upon completion of a new application and completion of the required approval process. The said "transfer" shall only be effective for the time remaining until the original license expires. At such time, a renewal application must be completed and the required fee paid before a renewal license will be issued.
- b. In the event the licensee should desire to transfer said license to another "person," said transfer must be authorized by the Board of Supervisors after the following guidelines have been completed:
 - 1. The completion of the standard process of submitting an application for a "New or Renewal License."
 - 2. A review of the application and requirements as per the ordinance.
 - 3. Payment of the \$ 200.00 (two hundred dollars) fee or other fee set by future resolution is to be submitted with the completed transfer application.

**PERRY TOWNSHIP JUNKYARD AND JUNK DEALER
LICENSING ORDINANCE NUMBER 5- 9-02**

4. In the event the year has not expired for the current license, the balance of the permit fee is non-refundable.
5. The transfer will not extend the expiration date of the original license, nor can any remaining time on the original license be transferred to the new application.
6. In the event that said transfer application is denied, one half of the application fee shall be returned to the applicant.

SECTION X. GENERAL OPERATING REQUIREMENTS

The following general operating requirements shall apply to all junkyard and junk dealers within the Township of Perry, 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. Only spaces covered by the license shall be used in the licensed business.
- c. The storage and arrangement of "junk" shall be kept so as to prevent the accumulation of water to stand in any place on the premises in such a manner as to afford a breeding place for mosquitoes.
- d. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is "junk" as defined herein and is used in the licensed business.
- e. No "junk" shall be allowed to rest upon or protrude over any public street, right of way, walkway, or curb or become scattered or blown off the business premises.
- f. "Junk" shall be stored in piles not exceeding 6 (six) feet in height and shall be arranged so as to permit easy access to all such junk for fire fighting purposes.
- g. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
- h. All fluids and batteries removed from said "junk" shall be properly stored and disposed of.
- i. The licensed premises shall be set back a minimum distance of twenty-five (25) feet from township and state road right of ways and property lines.
- j. The business premises shall not exceed 400,000 square feet or be less than 80,000 square feet.
- k. The business premises shall not exceed 50 per cent of the total land owned, rented, or leased, etc. by the person upon which the junkyard is located.
- l. The "junk yards" shall have the licensed "premises" enclosed by a solid fence that shall be a minimum of five (5) feet in height and of substance as to support a required rigid top rail. Said fence shall encompass the entire licensed "premises."
- m. The licensee shall permit inspection, at any reasonable time, of the business premises by the Board of Supervisors or their duly appointed

PERRY TOWNSHIP JUNKYARD AND JUNK DEALER

LICENSING ORDINANCE NUMBER 5- 9-02

agent, the Perry Township Chief of Police or any Perry Township Police Officer, the Fire Department Chief or any officer of the Fire Department serving the township.

- n. No "junkyard" shall operate in such a manner as to become injurious to the health, safety or welfare of the community.
- o. Only subparagraphs a, b, c, d, e, f, g, h, m, and n shall apply to junkyards currently issued a junkyard permit under the township's prior ordinance. All subparagraphs in this section will apply to junkyard licenses issued after the effective date of this ordinance.

SECTION XI. ORDINANCE VIOLATIONS AND REVOCATION OF LICENSE, APPEALS AND PENALTIES

- a. If the Chief of Police finds failure of the licensee to comply with, or to maintain compliance with, or for violation of any provision, standard, or requirement of this ordinance, he shall contact the Board of Supervisors in writing with his findings and confirmation of necessary action. The Chief of Police shall notify the licensee of the violation who shall be granted a period of seven days to comply with the ordinance before penalties are imposed.
- b. The Chief of Police may petition the Board of Supervisors to "revoke" said license for failure of the licensee to comply with, or to maintain compliance with, or for a licensee's violation of any provision, standard or requirement of this ordinance, if the licensee has not corrected same during the period of seven (7) days, exclusive of Saturdays and Sundays. The Board of Supervisors shall notify the licensee of the licensing officer's petition. Said notice to the licensee shall contain an itemization of the section or sections of this ordinance alleged to have been violated, along with a sufficient summary of the alleged violation to put the licensee on notice of the allegations made. The notice herein required shall be personally delivered to the licensee, or shall be sent to the licensee by certified or registered mail, at the licensee's last known address, as contained on the application for license. The notice to the licensee shall, in addition to the requirements set forth above, contain a hearing date, which date shall not be less than seven (7) nor more than thirty (30) days from the date of the notice, and shall further advise licensee of his right to be represented by counsel. The Board of Supervisors shall have the right and are hereby empowered to enter on any "premises" on which any business subject to the provisions of this ordinance is located, or about to be located, and to inspect the same at any reasonable time. The "Board of Supervisors" are further empowered to issue orders granting, renewing, or revoking any license provided for in accordance with the provisions of this ordinance.
- c. Decisions of the Board of Supervisors shall be adjudications under the Pennsylvania Local Agency Law.
- d. Penalties.
 - 1. Enforcement of this ordinance shall be by an action brought before a District Justice in the same manner provided for the enforcement

**PERRY TOWNSHIP JUNKYARD AND JUNK DEALER
LICENSING ORDINANCE NUMBER 5- 9-02**

of summary offenses under the Pennsylvania Rules of Criminal Procedure.

2. Upon conviction of a violation of this ordinance, criminal fines not to exceed one thousand (\$1,000) dollars per violation may be imposed as well as incarceration to the extent allowed by law for the punishment of summary offenses.
 3. Each day's continuance of a violation shall constitute a separate violation.
 4. This ordinance may also be enforced through an action in equity brought in the Court of Common Pleas of Lawrence County. In addition to the fines prescribed in this ordinance, the Court of Common Pleas may direct the defendant to pay the court costs and attorney's fees incurred by the Township.
- e. A violation includes any of the following:
1. Operated a "junkyard" in Perry Township without a current valid license.
 2. Operated under a license which is suspended or revoked.
 3. Violated any other provision of this ordinance.
- f. In the event of revocation of said "license," said "person" shall have one hundred and eighty (180) days following final determination of revocation to have "premises" cleared of junkyard items.
- g. In the event of revocation of said "license," all functions of "premises" shall cease until revocation is lifted, corrected, or further action of revocation taken.

SECTION XII. RENEWAL OF LICENSE

Renewal of any junkyard license upon the expiration of same, or after revocation, shall require conformity with all the requirements of the original licensing. Should the applicant wish to change any part of the original application, applicant shall be required to submit a new application in full.

SECTION XIII. SEVERABILITY

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

SECTION XIV. REPEALER

All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed insofar as the same affects this ordinance, including but not limited to any prior ordinances.

SECTION XV. EFFECTIVE DATE

This ordinance shall become effective ten (10) days after final passage and enactment by the Board of Supervisors.