

CH 13, Part 2
Licensing of Junk Yards

§201. Short Title. This Part 2 shall be known and may be cited as "Township Junk Yard and Refuse Ordinance." (Ord. 4-1967, 11/30/1967, §1)

§202. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Part 2 to have the meanings herein indicated:

ABANDONED MOTOR VEHICLE. Any vehicle not bearing a valid registration license or a valid inspection certificate, excluding, however, officially registered "antique motor vehicles".

JUNK. Any discarded material or articles and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, or parts thereof, machinery equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNK DEALER. Any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, dealing in junk and who maintains and operates a junk yard with the Township of West Nottingham.

JUNK YARD. Any place where any junk as hereinbefore defined, is stored, disposed of, or accumulated.

LICENSE. The permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

PERSON. Any partnership, association, firm or corporation.
(Ord. 4-1967, 11/30/1967, §2)

§203. License. No person shall engage in business as a junk dealer, or maintain a junk yard without first having obtained a license from the Board of Supervisors of West Nottingham Township for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the Township for the use of the Township. The license shall be issued for the twelve (12) month period beginning January 1, and ending December 31 of the same year, and each license must be renewed annually on or before the first day of January of each year. (Ord. 4-1967, 11/30/1967, §3)

§204. Application for License. The license provided for in this Part 2 shall be issued by the Board after written application shall have been made therefor by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junk yard is to be maintained. Such license shall be posted conspicuously upon the premises licensed thereunder. The written application for license hereinabove mentioned shall be accompanied by a form, every question of which must be answered, which form will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license. (Ord. 4-1967, 11/30/1967, §4)

§205. Issuance of License. Upon receipt of an application by the Board, the Board shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the license, the character both economic and aesthetic. In the event the Board shall issue a license it may impose upon the license and person applying therefor such terms and conditions in addition to the regulations therein contained and adopted pursuant to this Part 2 as may be deemed necessary to carry out the spirit and intent of this Part 2. (Ord. 4-1967, 11/30/1967, §5)

§206. License Fee. The license fee shall be paid immediately upon the issuance of or renewal of a license. The amount of the license fee shall be set, from time to time, by resolution of the Board of Supervisors. (Ord. 4-1967, 11/30/1967, §6; as amended by Ord. 3-1991, 12/30/1991)

§207. License Limitation. No person licensed under this Part 2 shall, by virtue of one (1) license, keep more than one place of business within the Township or maintain more than one (1) junk yard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his license, or maintain a junk yard in any place other than the place designated upon his license. (Ord. 4-1967, 11/30/1967, §7)

§208. Transfer of License. No license issued by the Board shall be transferrable by the licensee to any other person unless such a transfer is authorized by the Board. Any person desiring to transfer his license shall notify the Board in writing, which notification shall be accompanied by an application for a license, as described in §204 of this Part 2, by the transferee. (Ord. 4-1967, 11/30/1967, §8)

§209. Transfer Fee. In the event the Board shall approve the transfer of a license the transferee shall immediately pay to the Township a transfer fee as established and set, from time to time, by resolution of the Board of Supervisors. (Ord. 4-1967, 11/30/1967, §9; as amended by Ord. 3-1991, 12/30/1991)

§210. Records. Every person, licensed under this Part 2, shall provide and shall constantly keep a book, in which shall be fairly written down in the English language at the time of the purchase of any junk, a description of every article or material purchased or received by him, the date and hour of such purchase and person from whom such article or material was purchased, received or handled by such person shall be at all times subject to the inspection of any official of the Township. (Ord. 4-1967, 11/30/1967, §10)

§211. Delay in Disposal. Every person, licensed under this Part 2, shall keep and retain upon the licensed premises, for a period of forty-eight (48) hours after the purchase or receipt thereof, all junk received or purchased by him, and he shall not disturb or reduce the same or alter the original form, shape or condition until such period of forty-eight (48) hours shall have elapsed. (Ord. 4-1967, 11/30/1967, §11)

§212. Regulations. Every person licensed under this Part 2 shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board and in the manner prescribed by this section, the Township zoning ordinance, and any subsequent regulations adopted by the Board:

1. Such premises shall at all times be maintained as follows:
 - a. So as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
 - b. Materials should be stored to minimize the pooling of water such as in tires or other materials to reduce the potential for mosquitoes and other insects and pests.
 - c. No garbage or other organic waste, liable to give off foul odors or attract vermin or insects, shall be kept on the premises.
2. 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 premises.
3. The manner of storage and arrangement of junk upon the premises shall facilitate access for fire-fighting purposes.
4. Access to the site of the junkyard shall be limited to those posted times when an attendant is on duty.
5. No vehicles shall be staged or parked at the entrance of the junkyard during non-operating hours.
6. No burning of materials on the premises shall be permitted.
7. Removal of fluids and/or hazardous materials.
 - a. Fluids (including but not limited to gasoline, oil, antifreeze, freon, and similar), and other toxic or flammable materials, shall be removed from any junk or other items prior to storage on the

- premises and shall be properly containerized, stored, or removed. Such materials shall not be released into the air, ground, or watercourse, and shall be handled, transported, and disposed of or recycled in accordance with applicable state and federal regulations.
- b. Removal of such materials shall take place on an impervious surface and/or within a structure where they can be properly contained, stored, and removed without danger of being spilled onto the ground or a pervious surface, or drained into or onto the ground or a watercourse or drain.
8. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored and arranged within the junk yard as described in the application for license hereunder, and as limited under §212(4) above.
 9. Junkyards shall be enclosed by a fence of type and style to be determined by the Board and screened from adjacent uses in accordance with the Township zoning ordinance. The Board may review the fence and planting requirement at the time of the issuance of a license or at the time of renewal of a license or transfer of a license.
 - a. Gates shall be used to provide access to junkyard and shall be closed and locked except during operating hours.
 - b. All barricades, fencing, gates, and locks shall be kept in good repair.

§213. Prohibited Acts of Unlicensed Junk Yard. Any person, either as owner or tenant of real estate, excepting, however, those persons properly licensed hereunder, who permits any abandoned motor vehicle to be located on premises shall be considered in violation of this Part 2 and shall be subject to the penalties as herein provided for violations of this Part 2.

1. All existing junk yards shall have one hundred and twenty (120) days to comply with said junk yard ordinance. (Ord. 4-1967, 11/30/1967, §13)

§214. Violations. Any person who shall violate any of the provisions of this Part 2 shall upon conviction thereof, by summary proceeding, be sentenced to pay of not more than three hundred (\$300.00) dollars and costs of prosecution, provided that each day's violation of any of the provisions of this Part 2 shall constitute a separate offense. (Ord. 4-1967, 11/30/1967, §14; as amended by Ord. 3-1991, 12/30/1991)

§215. Abatement of Nuisances. In addition to the remedies provided in §213, above, any continued violations of this Part 2 shall constitute a nuisance in fact or which shall in the opinion of the Board constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief. (Ord. 4-1967, 11/30/1967, §15)