

ORDINANCE NO. 4-65

AN ORDINANCE REGULATING JUNK DEALERS, THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS, INCLUDING, BUT NOT LIMITED TO AUTOMOBILE JUNK OR GRAVE YARDS, THE STORAGE AND DISPOSAL OF SCRAP, REFUSE, AND JUNKED ARTICLES, PROVIDING FOR THE ISSUANCE OF LICENSES FOR JUNK DEALERS AND FOR THE MAINTENANCE AND OPERATION OF JUNK YARDS UNDER PRESCRIBED CONDITIONS, PRESCRIBING REMEDIES FOR THE ABATEMENT OF NUISANCES AND UNLICENSED JUNK YARDS AND SCRAP YARDS, PRESCRIBING PENALTIES FOR VIOLATORS, AND PROVIDING FOR THE REVOCATION OF LICENSES IN THE EVENT OF NON-COMPLIANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors, Middlesex Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by authority of the same and pursuant to the authority granted by the Act of the Legislature approved May 1, 1933, P.L. 103, as amended, as follows:

SECTION 1: SHORT TITLE. This ordinance shall be known and may be cited as "Middlesex Township Junkyard and Refuse Ordinance."

SECTION 2: DEFINITIONS. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meanings herein indicated:

A. PERSON. Shall include any partnership, association, firm and corporation.

B. TOWNSHIP. Shall mean Middlesex Township, Cumberland County, Pennsylvania.

C. BOARD. Shall mean the Board of Supervisors of Middlesex Township.

D. JUNKYARD. Shall mean any place where any junk as hereinafter defined, is stored, disposed of, or accumulated.

E. JUNK. Shall mean any discarded material or article and shall include, but not be limited to, scrap metal, scrapped, abandoned or junked motor vehicles, 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.

F. JUNK DEALER. Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk and who allows unreasonable amounts of such articles to accumulate and who maintains and operates a junk yard within the Township of Middlesex. Any person, corporation, partnership or firm that permits three or more vehicles or automobiles to remain on any premises while the same are partially dismantled and cannot be operated or have not been titled for a period of more than 60 days.

G. LICENSE. Shall mean the permit granted to a person who accumulates, stores or disposes of junk as hereinbefore defined.

SECTION 3: 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 Middlesex 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 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.

SECTION 4. APPLICATION FOR LICENSE. The license provided for in this ordinance 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 junkyard 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 of Supervisors of Middlesex Township. Applicant shall also submit therewith a plot of the premises used or to be used in connection with such license.

SECTION 5. ISSUANCE OF LICENSE. Upon receipt of an application by the Board of Supervisors of Middlesex Township, the Board of Supervisors of Middlesex Township 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 of the properties located nearby, and the effect of the proposed use upon the township, both economic and aesthetic. In the event the Board of Supervisors of Middlesex Township shall issue a license, it may impose upon the license and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this ordinance as may be deemed necessary to carry out the spirit and intent of this ordinance.

SECTION 6. LICENSE FEE. The license fee shall be paid immediately upon the issuance or renewal of a license. The amount of the license fee shall be \$50.00 per year payable in advance before the issuance of any license after proper application to the Township in accordance with the terms of this ordinance.

No license shall be issued for the use of a tract of land in excess of ten (10) acres, excluding set-back areas.

SECTION 7: LICENSE LIMITATION. No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the Township or maintain more than one junkyard, 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 junkyard in any place other than the place designated upon his license.

SECTION 8: TRANSFER OF LICENSE. No license issued by the Board of Supervisors of Middlesex Township shall be transferrable by the licensor to any other person unless such a transfer is authorized by the Board of Supervisors of Middlesex Township. Any person desiring to transfer his license shall notify the Board of Supervisors of Middlesex Township in writing, which notification shall be accompanied by an application for a license, as described in Section 4 of this ordinance, by the transferee.

SECTION 9: TRANSFER FEE. In the event the Board of Supervisors of Middlesex Township shall approve of a license the transferee shall immediately pay to the Township a transfer fee of Ten (\$10.00) Dollars.

SECTION 10: REGULATIONS. Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board of Supervisors of Middlesex Township and in the manner prescribed by this section and any subsequent regulations adopted by the Board:

(a) Such premises shall at all times be maintained 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) No garbage or other organic waste shall be stored in such premises.

(c) Whenever any motor vehicle shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junk yards provided the same be placed in containers approved by the Board of Supervisors of Middlesex Township. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board of Supervisors of Middlesex Township.

(d) 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, and to facilitate access for fire-fighting purposes.

(e) All junk kept, 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 paragraph (d) above.

(f) A person licensed under this ordinance shall not burn more than one motor vehicle or its equivalent at any one time. No oil, grease, tires, gasoline or other similar material that might be dangerous or tend to produce obnoxious smoke or odors shall be burned within a junk yard at any time. Burning of vehicles must be attended and controlled at all times.

(g) The premises to be licensed shall be set back a

minimum distance of fifteen (15) feet from the right-of-way lines on all streets or roads and a minimum distance of five (5) feet from all other property lines. The area between the set back line and the right-of-way line and all streets and roads and all other property lines, shall be at all times, kept clear and vacant.

(h) When the Board of Supervisors of Middlesex Township shall deem it necessary and desirable, the premises to be licensed shall at the set back lines be enclosed by a fence of type and style to be determined by the Board of Supervisors of Middlesex Township or by evergreen screen plantings, or both. The Board of Supervisors of Middlesex Township may set forth the fence and planting requirement at the time of the issuance of a license or at the time of renewal or transfer of a license.

SECTION 11: Any person, partnership, association, firm or a corporation that permits three or more vehicles on any premises while the same are partially dismantled and cannot be operated or which shall not be titled shall also constitute the operation of a junk yard within the meaning of this ordinance if such vehicles remain on any premises for a period exceeding sixty (60) days.

SECTION 12: VIOLATIONS. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof, by a summary proceeding, be sentenced to pay a fine of not more than One Hundred (\$100.00) Dollars and the costs of prosecution, and in default of the payment of said fine shall be imprisoned in the Cumberland County Prison for a period not exceeding thirty (30) days. Each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

SECTION 13: ABATEMENT OF NUISANCES. In addition to the remedies provided in Section 12, above, any continued violations of this ordinance which shall constitute a nuisance in fact or which shall in the opinion of the Board of Supervisors of Middlesex Township constitute a nuisance may be abated by proceeding against the violator in a court of equity for relief.

SECTION 14: SEVERABILITY. If any section of this ordinance shall be found to be invalid the other section of the ordinance shall not be affected thereby.

SECTION 15: REPEAL. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

APPROVED, ADOPTED AND ENACTED into an ordinance this 7th day of April, 1965, to become effective the 1st day of June, 1965.

BOARD OF SUPERVISORS OF MIDDLESEX
TOWNSHIP

Albert M. Shover

ATTEST:

Lee S. Smith

W. B. Ruston
Secretary

Robert M. Spade
President