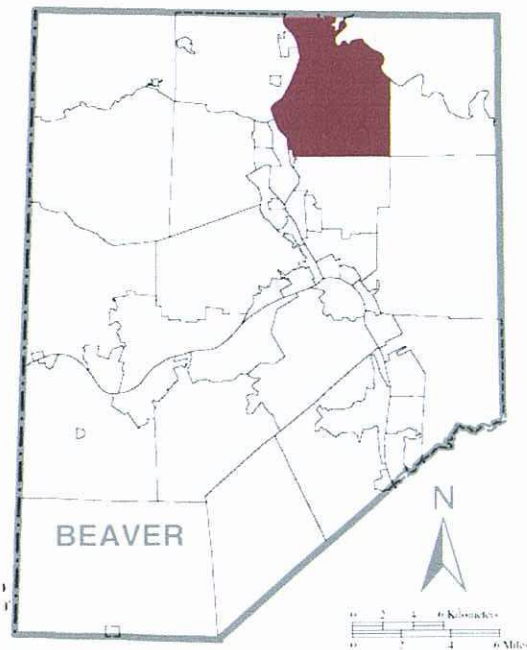


North Sewickley Township Beaver County, PA

Chapter 11 Junk Dealers and Junkyards



CODIFICATION
OF
ORDINANCES

CHAPTER 11

JUNK DEALERS AND JUNKYARDS

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CHAPTER 11 JUNK DEALERS AND JUNKYARDS

History: Ordinance No. 4, April 10, 1952; as amended by Ordinance No. 19, January 7, 1957; as superseded by Ordinance No. 37, August 10, 1976, as amended by Ordinance No. 45, June 13, 1978, and further amended by Ordinance No. 60, August 14, 1984.

Junk Dealers and Junkyards

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PART 1

Junk Dealers and Junkyards

§11-101 SHORT TITLE

This Chapter shall be known and may be cited as the "North Sewickley Township Junk Dealer and Junkyard Ordinance of 1976."

§11-102 DEFINITIONS

- A. JUNK: Discarded materials, articles or things possessing value in part, gross or aggregate, and including, but not limited to scrapped motor vehicles and parts thereof, including motors, bodies of motor vehicles, and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, but not including garbage or other organic waste, or farm machinery provided said farm machinery is used in connection with a bona fide farming operation.
- B. JUNK DEALER: Any person, partnership, association or corporation, engaged in the business of selling, buying or dealing in junk, including, but not limited to buying, selling and dealing in junked or scrapped motor vehicles, or parts removed from scrapped motor vehicles, or parts removed from scrapped motor vehicles, or otherwise engaged in the operation of an automobile graveyard as provided in the Act of May 1, 1933, P.L. 103, Article VII, Section 702, c, LVIII, as amended; 53 P.S. 65758..
- C. JUNKYARD: Any place or establishment where junk is stored or accumulated other than inside any building, edifice, or structure that is enclosed on all sides; or where the business of selling, buying or dealing in junk is carried on, or where two (2) or more motor vehicles are stored which are unlicensed or in operable and do not have current and valid inspection stickers as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.¹
- D. PERSON: Any natural person or persons, partnership, association, corporation, firm, fictitious name or any other individual or business entity or their agents.

¹ Amended by Ordinance No. 60, August 14, 1984.

§11-103 COMPLIANCE WITH REGULATIONS

On and after the effective date of this ordinance, no person shall engage in or continue to engage in business as a junk dealer or establish or operate a junkyard in North Sewickley Township except as authorized by this ordinance and without first having obtained a license therefore from the Board of Supervisors of North Sewickley Township or its duly designated and authorized agent or representative.

§11-104 APPLICATION FOR LICENSE

Application for said license shall be in writing, under Oath and in a form prescribed by the Board of Supervisors of North Sewickley Township, or its duly designated and authorized agent or representative, and shall contain the following information: full and complete name of the applicant; applicant's address; length of residence or said applicant at such address; applicant's previous criminal record, if any; the address of the premises upon which such business is to be conducted or upon which such junkyard is to be established or operated; the name of the owner or owners of said property if other than the applicant. Upon any subsequent application, the applicant shall make a statement that the applicant, during the preceding term of the license, did comply with and did maintain said premises in full compliance with the provisions of this Chapter. Each application shall describe the premises upon which the junkyard is to be established or operated, specifying therein setback lines, structures erected thereon, dwellings erected upon premises adjacent to the premises proposed to be used, and a reference to the place where the deed is recorded in the Beaver County Recorder of Deeds office. If the applicant is a partnership or association, the application shall furnish the above information for every member of said entity. If the applicant is a business corporation, the application shall furnish the above information for each officer, director and shareholder. If the applicant is a firm, fictitious name or any other individual or business entity or an agent, the application shall furnish the true and correct identity of the actual owner of said firm, fictitious name registration or any other individual or business entity in the manner set forth herein. The application shall be signed by the applicant, if an individual, by all members of the applicant if a partnership, association, firm, fictitious name registration or any other individual or business entity, and by the president and secretary if the applicant is a business corporation and, further, shall be accompanied by a properly executed corporate resolution authorizing the making of the application. A separate application shall be required for each junkyard conducted by a junk dealer.

§11-105 BOND REQUIREMENTS

Every junk dealer shall pay an annual license fee of two hundred dollars (\$200.00) for every license or renewal thereof issued hereunder. All licenses shall be issued for a term of one (1) year, beginning July 1 and ending June 30 of the following year. No abatement of the annual license fee shall be made for any cause whatsoever. All licenses must be renewed annually on or before the first day of July of each year. Such license shall be issued upon the condition that the same may be summarily revoked in the event the said licensee be found to have given any false information or in any way misrepresented any material fact upon which the issuing authority has relied in granting such license. No refunds will be given in such case.

§11-106 LICENSE FEES

The Board, upon receipt of an application for a license under this Chapter, shall determine whether or not a license shall be issued or a renewal thereof shall be granted after an examination of the application and upon the fullest consideration of the suitability of the premises proposed to be used for the purposes of the license, the character of the property adjacent thereto and the effect of the proposed use, taking into consideration the health, welfare and safety of the residents of the Township and any potential hazard which may result to adjacent properties and structures thereon or to the citizens of the Township. Upon approval of the application for license the Board shall issue to the applicant a license, upon which said license shall be designated the name of the junk dealer and the address of the premises approved for use as a junkyard. Such license shall be at all times conspicuously posted upon the premises licensed thereunder. No such license issued by the Board shall be transferable or assignable by agreement, will, intestacy or otherwise.

§11-107 BASIS FOR DENIAL OF LICENSE OR RENEWAL OF LICENSE

No license or renewal of license shall be issued to any person, who, within the five (5) years immediately preceding the date of his application, shall have been convicted for any felony or misdemeanor crimen falsi.

§11-108 MAINTENANCE OF RECORDS

Every licensee hereunder shall provide and shall at all times keep and maintain records, in the English language, of the time of his purchase, acquisition or receipt of junk, a full and complete description, including trade names, serial or manufacturer's numbers, if any, of every article or item of junk purchased, acquired or received by him, the date and approximate hour of such purchase, acquisition or receipt, and the name and address of the person from whom such article or item of junk was purchased, acquired or received. Such written records shall, at all times, be subject to the inspection of any Township Police Officer or any member of the Township Board of Supervisors, for just cause. Such records shall be retained for a period of five (5) years.²

§11-109 REQUIREMENT OF MAINTENANCE

Every licensee hereunder shall keep and retain upon the licensed premises, for a period of twenty-four (24) hours after the purchase, acquisition or receipt thereof, every item or article of junk so purchased, acquired or received and placed on the licensed premises. The licensee shall not disturb or reduce or alter the original form, shape or condition of the same until such period of twenty-four (24) hours shall have elapsed.

§11-110 MAINTENANCE OF JUNKYARDS

Every licensee hereunder shall, at all times, maintain the licensed premises in the manner hereinafter prescribed:

- A. Said premises shall be, at all times, maintained so as not to constitute a nuisance, or a menace to the health and welfare of the community or to residents hereby, or a place for the breeding of rodents or vermin.
- B. No garbage or other organic waste shall be stored on such premises.
- C. 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 licensed land and to facilitate access for inspection purposes and fire fighting.
- D. No junk shall be stored or accumulated nor shall any structure be erected within twenty-five feet (25') of the side and rear lines of the licensed premises nor within seventy-five (75) feet of any existing dwelling house erected upon premises adjacent to the licensed premises. Nor shall any junk be stored or accumulated or any structure erected that is used in connection with said junkyard within forty feet (40') of that line of the licensed premises abutting a public street or highway within the Township. Nothing contained in this subsection shall apply to existing structures pertaining to and being used in connection with junkyards presently established and operating.
- E. Every structure erected upon the licensed premises and used in connection therewith shall be of fireproof construction.
- F. The premises shall be enclosed by a metal chainlink fence constructed of good heavy duty steel and supported upon steel posts, or in lieu thereof, a solid masonry or metal wall of a uniform design, texture and structure. The erection of such fence or wall shall be controlled by the setback provisions of Section 11-110, Subsection D herein. Such fence or wall shall not be less than six feet (6') in height, nor shall two (2) or more vehicles or major parts thereof be stacked on top of one another or otherwise as to protrude above it. If a chain link fence is utilized, it shall be constructed so as to make it sight-tight. The erection of said fence shall be completed within six (6) months after the effective date of this Chapter. If in the sole and

² Amended by Ordinance No. 63, May 14, 1985.

exclusive opinion of a majority of the Board of Supervisors of North Sewickley Township, it should appear that the owner and/or operator of a junkyard situate within the Township has clearly demonstrated that they are making a continuing bona fide effort to comply with the fencing provisions of this sub-section, then and in such event the Board may, in its sole discretion, grant an extension of time to such owner or operator of a junkyard for the completion of the erection of said fence, upon receipt of a written letter from said junkyard owner or operator requesting such an extension of time. It is further provided that the foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junkyard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Chapter.

- G. The land area between the above-provided chainlink fence or wall and any public highway, street or avenue shall be implanted with shrubbery, bushes and evergreens at reasonable intervals between each such plant.
- H. The Board shall have the authority to grant modifications³ to dealers properly licensed under this Chapter from the provisions set forth in this Part, as the circumstances, in the Board's sole judgment, may require in order to avoid an undue hardship or an unrealistic application of the provisions of this Part. The decision of the Board in granting or refusing to grant a modification shall be exclusive and final.

§11-111 INSPECTION⁴

Any Township Police Officer or any member of the Board of Supervisors shall from time to time regularly inspect the premises of every licensee hereunder for the purpose of determining whether said licensee has established and maintained his premises in full compliance with the provisions of this Chapter and such rules and regulations which may hereafter be adopted by the Township of North Sewickley regulating and licensing junk dealers and the establishment and maintenance of junkyards. Any Township Police Officer shall forthwith prosecute any discovered violation of this Chapter and shall report his action and the reasons therefore to the Board of Supervisors.⁵

Every junkyard in the Township of North Sewickley shall at all times be subject to inspection during reasonable hours of the day by any Township Police Officer or by any member of the Township Board of Supervisors. To facilitate such inspection, all junk therein shall be arranged and maintained in a neat and orderly fashion. All of such junk, vehicles and other junk are to be arranged in rows with a minimum of twenty feet (20') of clear space between each row and each of said rows to be no greater in width than forty feet (40').⁶

§11-112 PROHIBITIONS⁷

- A. No burning of junk, rubbish or other material in connection with said junkyards shall be ignited or otherwise commenced except between the hours of 8:00 A.M. and 12:00 Noon, Tuesdays through Saturdays and at no other times. Any burning must be in strict compliance with smoke control or air pollution regulations.
- B. No junk, scrap, or automobile bodies, motors, or any other item of junk as defined in this Chapter shall be stored, maintained, situate, placed or otherwise located within twenty (20) feet of any river, stream, run, creek, irrigation ditch or any other natural water course within the boundary lines of North Sewickley Township.
- C. No junkyard as defined in this Chapter shall be granted a license under the provisions hereof unless off-street parking is provided within the property owner's boundary lines.

³ Note: Replaced the word "variances" with the word "modifications."

⁴ Sections 11 and Section 12 of Ordinance No. 37, August 10, 1976, as amended by Ordinance No. 63, May 14, 1985, have been combined to create new Section 11-111, Inspection.

⁵ Amended by Ordinance No. 63, May 14, 1985

⁶ Amended by Ordinance No. 63, May 14, 1985

⁷ Sections 13, 14, and 15 of Ordinance No. 37, August 10, 1976, as amended by Ordinance No. 63, May 14, 1985, have been combined to create new Section 11-112, Prohibitions.

§11-113 VIOLATIONS AND PENALTIES

Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than one Hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), and costs of prosecution, and in default of payment thereof to imprisonment for not less than ten (10) days nor more than thirty (30) days. PROVIDED: Each day's violation of any of the provisions of this Chapter shall constitute a separate offense.

A continued operation of a junkyard in violation of the provisions of this Chapter shall constitute a nuisance. In addition to the remedies provided herein, the Supervisors may proceed against a continued violator in an action in a Court of Equity for relief.⁸

⁸ Amended by Ordinance No. 45, June 13, 1978.