

ORDINANCE NO. 124

AN ORDINANCE OF THE TOWNSHIP OF WHITE COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA, REGULATING AND LICENSING OF JUNK DEALERS AND THE ESTABLISHMENT AND MAINTENANCE OF JUNK YARDS AND INCLUDING BUT NOT LIMITED TO AUTOMOBILE JUNK OR SCRAP YARDS IN SAID TOWNSHIP AND PRESCRIBING FINES AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of White under and by virtue of the authority contained in Second Class Township Code, and it is hereby enacted and ordained by the authority the same as follows:

SECTION 1. DEFINITIONS:

(a) Junk. - Shall mean any discarded material or article and shall include, but not be limited to scrap metal scrapped, abandoned or junked motor vehicles, motor vehicle parts, machinery, machinery parts, equipment, paper, glass, containers, and abandoned, dilapidated or partially dismantled structures. It shall also include a partially dismantled motor vehicle not bearing current registration license plates and which is not in the process of immediate repair. However, it shall not include abandoned motor vehicles towed on the premises at the request of the authorities of a Municipality unless said motor vehicles shall remain upon the said premises for a period of more than ninety (90) days. Also, it shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

(b) Junk Dealer. - Any person who buys, sells, salvages, stores, or in any way deals in junk or owns, leases, operates, or maintains a junk yard within the Township or engages in the business of selling, buying or dealing in junk.

(c) Person. - The word "person", as used in this Ordinance, shall mean any natural person, partnership, firm or corporation.

(d) Township. - The Township of White, Beaver County, Pennsylvania.

(e) Board. - The Board of Supervisors of White Township, Beaver County, Pennsylvania.

(f) Junk Yard. - Shall mean any place where any junk, as herein defined, is stored, allowed to remain, disposed of, or accumulated.

(g) In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. No person shall engage in business as a junk dealer or own, lease, operate or maintain a junk yard as herein defined within the Township without first obtaining a license to operate a junk yard as a junk dealer. The initial fee for such a license shall be the sum of One Thousand (\$1,000.00) Dollars and said initial license shall be effective for one calendar year only, and each such license shall terminate on December 31st of the year for which it was issued, subject to renewal upon application and payment of an annual renewal fee of Five Hundred (\$500.00) Dollars per annum. Application for a license or any renewal thereof shall be filed in writing with the Secretary of the Board and shall contain the applicant's sworn statement

setting forth the applicant's name and address, together with the names and addresses of all persons interested in the business, an accurate description of the premises upon which the business is to be conducted and the junk yard located, including the Beaver County Tax Map Parcel Number, and a statement that the applicant will comply with this Ordinance and any regulations adopted pursuant to this Ordinance. Upon receipt of the application and the appropriate fee by the Township, the Board shall issue a license or renewal or shall refuse to issue a license or renewal to the person applying therefor after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purpose of a license, and the character of the properties located nearby, the compliance of the applicant with the terms and conditions of this Ordinance, and the effect of the proposed use upon the Township, both economic and aesthetic. Such license shall at all times be conspicuously displayed upon the junk yard premises. The license shall not be transferable both as to the junk yard premises and the junk dealer except as provided in Section 4 hereof.

SECTION 3. No Person licensed under this Ordinance shall, by virtue of one license, keep more than one place of business within the Township for the purpose of buying, selling or dealing in junk; nor shall any such person engage in any business as a junk dealer in any place other than in the place designed in his license. Nor shall any such person, or any other person, operate upon any of the streets of the Township, whether from a vehicle or upon foot, as a scavenger or an itinerant buyer or seller of junk.

SECTION 4. No license issued under this Ordinance shall be transferable from one person to another person except to another person except when the ownership of a licensed premises shall change. In such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee of Five Hundred (\$500.00) Dollars.

SECTION 5. Every junk dealer shall provide and shall constantly keep a book, in which shall be clearly and legibly 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 or receipt, and the person from whom such article or material was purchased or received. Such book and all junk purchased, received or handled by any junk dealer shall at all times be subject to inspection of any Police Officer or Constable of the Township, or any other official of the Township.

SECTION 6. REGULATIONS:

Every junk dealer licensed under this Ordinance shall constantly maintain the licensed premises in the manner herein prescribed by this section, as follows:

(a) Such premises shall at all times be maintained so as to not constitute a nuisance or a menace to the health of the community or of the residents nearby or a place for the breeding of rodents or vermin.

(b) No garbage or other organic waste, and no paper, rubbish, rags or other flammable articles of materials shall be stored in 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 premises, and to facilitate access for firefighting purposes.

(d) Such premises shall not be open for business nor

shall any work be done therein in connection with the storage, processing, transporting or removal of junk at any time on the first day of the week, commonly called Sunday, except for a sale in an emergency.

(e) The premises to be licensed shall be set back a minimum distance of twenty-five (25') feet from the right-of-way lines on all streets or roads and a minimum of twenty-five (25') 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 other property lines shall at all times be kept clear and vacant.

(f) All junk shall be stored behind a stockade type of fencing having a minimum of six (6') feet in height and also surrounding the outside of the fencing a screening of landscaped trees and/or shrubs of varieties capable of obtaining a continuous height of six (6') feet within two (2) years, which shall be planted along the property line of the premises occupied by the junk yard and shall be maintained continuously in good order.

SECTION 7. Any member of the Board or a duly authorized agent thereof may at any time enter upon and inspect any premises for which there is a pending application for a junk yard license or which holds a current junk yard license.

SECTION 8. The Board may, from time to time, adopt regulations to carry out the provisions of this Ordinance upon giving ten (10) days' written notice to the licensees affected by such regulations.

SECTION 9. Junk dealers and junk yards operating and existing in this Township on the effective date of this Ordinance shall have sixty (60) days from the effective date of this Ordinance in which to place their Junk yard premises in such condition as will comply with the requirements of this Ordinance. However, all junk dealers and junk yards operating and existing on the effective date of this Ordinance are required to immediately make application for a license, accompanying said license application with a license fee in the sum of One Thousand (\$1,000.00) Dollars and in all other respects comply with the terms and provisions relating to the applying for and securing of licenses herein contained.

SECTION 10. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars and the costs of prosecution, in the manner provided by the Second Class Township Code for the enforcement of Ordinances, and upon failure to pay said fine and costs shall be committed to jail as provided by the Second Class Township Code. It is further hereby provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 11. All sections, paragraphs, or parts of this Ordinance are severable, and if a section, paragraph, or portion shall be declared invalid or unconstitutional, the same shall not affect the validity of any or all other sections, paragraphs and portions of parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted as if such unconstitutional, illegal or invalid sentence, clause, or section or part hereof had not been included herein.

SECTION 12. Any ordinance or part of any ordinance conflicting with this ordinance is hereby repealed insofar as the same is inconsistent herewith.

SECTION 13. This Ordinance shall become effective ten (10) days after the adoption and notice of adoption as provided by law.

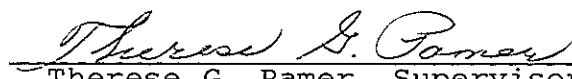
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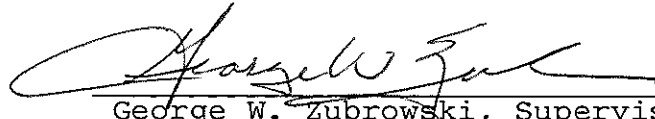
this 7<sup>th</sup> day December, 2004,

by the Board of Supervisors of the Township of White, County of Beaver, in the Commonwealth of Pennsylvania.

SIGNED:

  
Thomas A. Bozic, Chairperson

  
Therese G. Pamer, Supervisor

  
George W. Zubrowski, Supervisor

ATTEST:

  
Deborah L. Kaszer, Secretary