

## ORDINANCE NO # 6

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 OR 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, Marlon Township, Centre 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 "Marlon 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 Marion Township, Centre County, Pennsylvania.
- c. Board. Shall mean the Board of Supervisors of Marlon 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 maintains and operates a junk yard within the Township of Marlon.
- g. Any person having more than one vehicle over five (5) years old, and not licensed for two (2) consecutive years are subject to compliance with the terms of this ordinance.

- h. Any disabled machinery with no usable parts that has not been used for two (2) consecutive years shall be classified as junk and the owner shall be required to comply with the terms of this ordinance.
- i. License. Shall mean the permit granted to a person who accumulates, stores or disposes of junk 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, 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 such license must be renewed annually on or before the first day of January of each year. Provided, however, that the owner of any disabled machinery shall have a period of 90-days to remove usable parts and to store them in a structure and then to remove the remaining portions of the machinery which shall be classified as junk, or be required to obtain a license for the same.

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. 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, 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 of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board 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 calculated in accordance with the following schedule as determined by the actual land to be used by the person to whom the license is issued, excluding all set-back areas

- a. Less than 15,000 square feet - \$50.00
- b. More than 15,000 square feet but less than 40,000 square feet - \$100.00
- c. More than 40,000 square feet - \$200.00

No license shall be issued for the use of a tract of land in excess of twenty (20) 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 shall be transferable by the licenser 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 Section 4 of this ordinance, by the transferee.

SECTION 9. 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 of ten (\$10.00) dollars.

SECTION 10. Records. Every person, licensed under this ordinance, 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, or receipt, and the person from whom such article or material was purchased, received or handled by such person shall at all times be subject to the inspection of any official of the Township,

SECTION 11. Delay in disposal. Every person, licensed under this ordinance, shall keep and retain upon the licensed premises, for a period of forty eight (43) 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.

SECTION 12. Regulations. Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the Board 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 premise\*,
- c. Whenever any motor vehicles 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. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by the Board.

- d. The manner of storage and arrangement of Junk, amid 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, 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 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 one hundred (100) feet from the right of way lines on all streets or roads and a minimum distance of fifty (50) 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 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 or by evergreen screen plantings, or both. The Board may set forth the fence and planting requirements at the time of the issuance of a license or at the time of renewal or transfer of a license.

SECTION 13. 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 of not more than One Hundred (\$100. 00) Dollars and the cost of prosecution, provided that each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

SECTION 14. Abatement of Nuisances. In addition to the remedies provided in Section 13, above, any continued violation of this ordinance which 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 violater in a court of equity for relief.

SECTION 15. Severability. If any action of this ordinance shall be found to be invalid the other section of the ordinance shall not be affected thereby.

Approved, adopted and enacted into an ordinance this 10 day of  
June, 1974, to become effective the ???? day of ?????, 1974.