

ORDINANCE NO. 140

An Ordinance of the Township Supervisors of Washington Township, Northampton County, Pennsylvania, regulating and licensing junk dealers and the establishment and maintenance of junk yards and scrap yards including, but not limited to, automobile junk or grave yards within the Township, prescribing penalties for the violation of the provisions thereof, and providing for the revocation of licenses in the event of non-compliance.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Northampton 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 "Washington Township Junkyard Ordinance".

Section 2. Definitions. The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(a) "Person" - every natural person, association, partnership or corporation. Whenever used in any clause prescribing or imposing a fine, or penalty of imprisonment in default thereof, the term as applied to association shall mean any member thereof; as applied to partnerships shall mean any partner thereof; and as

applied to corporations shall mean the President, Treasurer or Secretary thereof.

(b) "Township" - shall mean Washington Township, Northampton County, Pennsylvania.

(c) "Board" - shall mean the Board of Supervisors of Washington Township.

(d) "Junkyard" - shall mean any place where any junk or abandoned or junked motor vehicles, as hereinafter defined, are 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) "Abandoned or Junked Motor Vehicle" - any motor vehicle outside of a fully enclosed building (i) stored for resale as junk metal; or (ii) stored for selling parts therefrom.

(g) "Junk Dealer" - shall mean any person, as hereinabove 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 Washington.

(h) "License" - shall mean the permit granted to a junk dealer as hereinbefore defined.

Section 3. License. No person shall engage in business as a junk dealer in the Township without first having obtained a license from the Supervisors, for which license the fee shall be Fifty Dollars (\$50.00) for each and every calendar year, such fee to be for the use of the Township. Such license shall be renewed annually on or before the first day of January of each year. Provided: In any case where a person begins to engage in business as a junk dealer in the Township on or after the first day of July in any year, the license fee payable for the remainder of such year shall be at one-half the yearly rate.

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. 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 6. No license issued under this ordinance shall be transferrable from one person to another person except when the ownership of a licensed premises shall change. In any such case the new owner shall apply for a transfer of such license to him and shall pay a transfer fee of Ten Dollars (\$10.00).

Section 7. 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 articles or material was purchased or received. Such book and all articles or materials purchased, received or handled by such person shall at all times be subject to the inspection of the township police or any other official of the township.

Section 8. Delay in Disposal. Every person, licensed under this ordinance, who shall receive junk in the first instance, 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 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 9. 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 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. 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, 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, 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 twenty-five (25) feet from the right-of-way lines on all streets or roads and a minimum distance 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 all other property lines shall be at all times, kept clear and vacant.

(h) The premises to be licensed shall at the set back lines be enclosed by a fence not less than eight (8) feet in height, 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. There shall be no posting or advertising permitted on said fence, other than for the advertising of said licensed business, and this is not to exceed 9 square feet.

Section 10. Violations. Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this ordinance shall, upon conviction thereof before a Justice of the Peace in a summary proceeding, be sentenced to pay a fine of not less than \$25.00 nor more than \$100.00 for the first offense, and to pay a fine of not less than \$50.00 nor more than \$200.00 for every subsequent offense, and, in default of the payment of such fine and the costs of prosecution, shall undergo imprisonment, for either a first or subsequent offense, in the Northampton County Prison for a period of not more than thirty days. Each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

Section 11. Severability. It is the intention of the Township Supervisors that each separate provision of this Ordinance

shall be independent of all other provisions thereof and that the provisions of this Ordinance shall be severable. If any of the provisions of this Ordinance shall be held to be unconstitutional, invalid or illegal, by a Court of competent jurisdiction, the decision of said Court shall not affect or impair any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared as the legislative intent of the Board of Supervisors of the Township of Washington that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part, or provision thereof had not been included therein.

Section 12. Repeal. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 13. This Ordinance shall become effective five days after enactment hereof.

ENACTED AND ORDAINED this
1964.

9th day of January

Earl R. Jennings
Chairman
Gaul Wagner
Le Roy Bester
Board of Supervisors of the
Township of Washington

ATTEST:

Gloria L. Clark
Secretary