

ORDINANCE NO. 01-2007A
TITLE:
JUNKYARD ORDINANCE
NORTH NEWTON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

The Board of Supervisors of the Township of North Newton, Cumberland County, Pennsylvania, pursuant to 53 P.S. Section 66532(a)(4), enacts and ordains the following:

SECTION 1: PURPOSE

The North Newton Township Board of Supervisors enacts this ordinance in order to promote and protect the health, cleanliness, sanitation, and general welfare of the residents of North Newton Township, Cumberland County, Pennsylvania.

SECTION 2: DEFINITIONS

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this document to have the meanings herein indicated:

BOARD – The Board of Supervisors of North Newton Township.

JUNK – Any and all forms of waste, scrap, discarded materials or articles or parts thereof and shall include, but not be limited to, scrap metal, used, scrapped, or abandoned building materials, inoperable, scrapped, abandoned or junked motor vehicles or parts thereof, machinery, appliances, furniture, farm machinery, or other non-functional equipment.

JUNK DEALER – Any person who shall engage in the business of selling, buying, salvaging or dealing in junk or who maintains or operates a junkyard within the Township of North Newton.

JUNKYARD – A lot, land, or structure, or part thereof, used for the collection, dismantling, storage or salvaging of junk or for the sale of parts thereof.

LICENSE – The permit granted to a person who operates a junkyard.

PERSON – Includes an individual, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association or any other group or legal entity.

TOWNSHIP – North Newton Township, Cumberland County, Pennsylvania.

SECTION 3: LICENSE

No person shall engage in business as a junk dealer or maintain a junkyard without first having obtained a license from the Board, for which license a fee, as 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 each calendar year. Each license must be renewed annually prior to 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 therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license issued and the premises on which such business is to be conducted or 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, which will be supplied by the Board. Applicant shall also submit therewith a plot of the premises used or to be used in connection with the license. The Board shall furnish successful applicants a renewal form to be completed annually to obtain a license renewal.

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 or entity applying therefore after an examination of the application and shall issue if in compliance with this ordinance. In the event the Board shall issue a license, it may impose upon the person applying therefore 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. Decisions to initially issue, renew, or deny licenses and any conditions attached thereto will be made during the Board's monthly public meeting.

SECTION 6: LICENSE FEE

The license fee as of the date of enactment of this ordinance shall be \$1,000.00 and shall be paid immediately upon the issuance or renewal of the license. This fee may be changed from time to time by resolution of the Board. The renewal fee shall be \$250.00, annually.

SECTION 7: LICENSE LIMITATION

No person licensed under this chapter shall, by virtue of one license, operate more than one junkyard 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 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 licensee 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 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. As of the date of enactment of this ordinance, the transfer fee shall be \$100.00. This fee may be changed from time to time by resolution of the Board. No person shall be required to pay a transfer fee and a license fee.

SECTION 10: RECORDS

Every person licensed under this chapter shall provide and shall constantly keep a written record in the English language of the acquisition of any junk, a description of every article or material acquired, the date of such acquisition, and the name, address, and telephone number of the person from whom such article or material was obtained. This written record shall at all times be subject to the inspection of any official of the Township.

SECTION 11: 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 by the Board:

- A. No premises applying for a license following the enactment date of this ordinance shall be less than five (5) acres in size.
- B. No licensed premises shall be maintained within 1,000 feet from any school or church premises.
- C. The licensed 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 breeding of rodents or vermin.
- D. No garbage or other organic waste shall be stored on such premises.
- E. No weeds shall be permitted to grow on the site and the same shall be kept mowed so that they do not go to seed.

- F. Whenever any motor vehicle shall be received at the junkyard facility, all liquids, including, but not limited to, gasoline, antifreeze and motor oil, shall be drained and removed therefrom. All gasoline and used motor oil which is kept on the premises shall be stored in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
- G. 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.
- H. Unless the facility is staffed by a technician certified by the state to remove Freon (chlorofluorocarbons) from appliances, facilities are responsible to verify the proper evacuation of Freon (chlorofluorocarbons) from all Freon appliances prior to accepting any appliance. Facilities shall not accept appliances, such as refrigerators, freezers, air conditioners, dehumidifiers, etc.; unless the appliance has a sticker verifying that the Freon has been removed by a state-certified technician.
- I. It shall be unlawful for any person licensed under this ordinance to burn junk or waste within the junkyard at any time.
- J. No materials causing an offensive odor or unsanitary conditions shall be stored on said licensed premises.
- K. No dismantling or salvaging operations shall be carried on at the licensed premises on Sunday or during the hours from 8:00 p.m. until 7:00 a.m., except in the case of an emergency to remove any wrecked vehicle from a public highway and provided that this provision shall not be applicable to the sale of parts and merchandise of said business.
- L. All junk kept, stored, or arranged on the licensed premises shall at all times be kept, stored, and arranged with the facility as described in the application for license hereunder and as limited below.
1. All junk shall be maintained, kept, stored, or arranged within the perimeter of a fenced area. Fencing may include tight board fencing that shall enclose the view of junk, free from advertising except as it shall apply to the owner's business, six and one-half (6 ½) feet in height, and all junk shall be stored inside of said fence and at no greater height than the height of the fence. The entrances to the fenced area must be kept securely locked except during hours of operation. The fencing may not infringe upon the following setback requirements: Front yard – 100 ft.; Rear yard – 100 ft.; Side yard 100 ft. each. The front, rear, and side setback areas shall not be used for any type of material, junk, vehicle, or equipment storage.

2. The side and rear setback areas may be used for customer and employee parking; driveways, utilities, and storm water management facilities as long as they comply with Sections L.1. and L.5. of this ordinance.
3. A twenty (20) foot wide strip along the side and rear property lines shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/driveways.
4. A ten (10) foot wide strip beyond the reserved or dedicated right-of-way of any road or street shall be landscaped with ground cover and plant material and shall not contain impervious cover except for the crossing of necessary entrance/exit driveways.
5. Where a side or rear property line will be within 500 feet of an existing residential dwelling or is common with a previously subdivided residential lot, an evergreen screen shall be planted within the building setback area along that property line. The evergreen screen shall be created by planting trees (a minimum of six (6) feet tall at planting that will grow a minimum of fifteen (15) feet tall at maturity on ten (10) foot centers maximum. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
6. Maximum impervious coverage allowed on the premises is seventy percent (70%).
7. Proposed driveway entrances within the Township road right-of-way shall be improved, in accordance with the applicable Township road construction specifications, to their full width from the edge of the pavement to the dedicated right-of-way line prior to issuance of the license.

SECTION 12: VIOLATIONS AND PENALTIES

Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof, in a civil enforcement proceeding in accordance with the Second Class Township Code, be sentenced to pay a fine of not more than \$600 and the costs of prosecution, provided that each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

SECTION 13: ABATEMENT OF NUISANCE

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, constitute a nuisance may be abated by proceeding against the violator in a

court of equity for relief.

SECTION 14: SEVERABILITY CLAUSE

If any Section or part thereof or any part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts of this ordinance, and to that end, the provisions of this ordinance are severable.

SECTION 15: REPEAL, SAVINGS CLAUSE

All ordinances or parts thereof in conflict with the provisions of this ordinance are repealed, providing, however, any proceedings pending, including prosecutions for violations under any previous ordinance being repealed hereby, shall not be affected by this ordinance and may be continued pursuant to said previous ordinance.

SECTION 16. EFFECTIVE DATE This ordinance shall become effective upon its enactment, ordainment, and approval.

ENACTED AND ORDAINED AND APPROVED this 2nd day of January 2007.

ATTEST:

BOARD OF SUPERVISORS
North Newton Township
Cumberland County, Pennsylvania

David R. Parthemore, Chairman

J. Glenn Glesner, Vice-Chairman

Bradley W. Spahr, Supervisor